

Country Report Latvia

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The INTEC project:

*Integration and Naturalisation tests: the new way to
European Citizenship*

This report is part of a comparative study in nine Member States on the national policies concerning integration and naturalisation tests and their effects on integration.

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Introduction

The Latvian study is specific when compared to other EU Member States. In the 'old' EU Member States, the integration debate concentrates on the need to integrate immigrants or refugees. In Latvia their number is insignificant. In many of the 'new' EU Member States the integration policy discourse has not focused on new arrivals, but on the indigenous minorities, including the Roma population (Muižnieks 2010: 10). Although a Roma community exists in Latvia, its number is insignificant and a specific integration programme exists for the Roma. The biggest concern in the context of the Latvian integration policy is the group of those people who have arrived or were born in Latvia during the Soviet occupation.

This situation pre-determines that the main part of the study will be devoted to naturalisation examinations. Those examinations are aimed at providing access to citizenship and also to ensuring that new citizens are sufficiently integrated, i.e., they have some knowledge of the Latvian language and history, as well as being loyal to Latvia. The Long Term Resident (LTR) examination will be discussed briefly because it was thought that non-citizens might find the status attractive.¹

The sources used are different. The study has taken into account the extensive research that has been conducted so far. The most recent study auditing the integration of society contains consolidated references to dozens of different studies related to integration and naturalisation.² One set of studies was initiated by the Integration secretariat section of the Special Assignment Minister's Office,³ another group by the Society for Integration Foundation,⁴

1 A similar test also has to be taken by certain categories of persons applying for permanent resident status. However, non-citizens are not required to obtain permanent residence.

2 Muižnieks N. (ed.), *How Integrated is Latvian Society? An Audit of Achievements, Failures and Challenges*, University of Latvia Press, 2010, pp. 8-9. Subsequent footnotes will reflect on references by excluding research that is irrelevant to this study and including new research that has been published since the referenced publication.

3 See, for instance, Kruks S., Šulmane I., *Pilsoniskās sabiedrības attīstība un sabiedrības integrācija*, Rīga: Komunikācijas studiju nodaļa, 2002; LU FSI and ĪUMSILS, *Mazākumtautības Latvijā. Vēsture un tagadne*, Rīga: LU FSI, 2007; Muižnieks N. (ed.), *Nacionālo minoritāšu konvencija – diskriminācijas novēršana un identitātes saglabāšana Latvijā*, Rīga: LU SPPI, 2007; Rīgas Stradiņa universitāte, *Pilsoniskās vērtības latviešu un mazākumtautību izglītības programmās: salīdzinājums*. Rīga: RSU. Recent opinion surveys identified are: SKDS, *Sabiedrības integrācijas aktuālākie aspekti*, Rīga: SKDS, 2006; SKDS, *Sabiedrības integrācijas aktuālākie aspekti*, Rīga: SKDS, 2007; SIA „AC Konsultācijas”, *Kvantitatīvs un kvalitatīvs pētījums par sabiedrības integrācijas un pilsonības aktuālajiem aspektiem*, 2008. Latvijas Uni-

yet another by NGOs and foreign research institutes.⁵ Studies on immigration and integration have also been conducted, as well as on specific issues related to integration.⁶ An internal survey by the Naturalisation Board has been made available to the researchers working on the project.⁷

The interviews were conducted with five naturalisation officials.⁸ The specifics of the Latvian situation required flexibility because the Naturalisa-

versitātes Filozofijas un socioloģijas institūts, ĪUMSILS, *Pretestība sabiedrības integrācijai: cēloņi un sekas*, Rīga: LU FSI and ĪUMSILS, 2007.

- 4 For instance, Baltic Institute of Social Sciences, *Integration practice and perspectives*, Rīga: BISS, 2006.
- 5 New Baltic Barometer Surveys, available online at www.balticvoices.org; Open Society Institute EU Accession Monitoring Programme (2002), *Monitoring the EU Accession Process: Minority Protection*, Vol. 1, An Assessment of Selected Policies in Candidate States. Budapest: OSI/EU Accession Monitoring Programme. Zepa B. , Šūpule I. , *Imigranti Latvijā: iekļaušanās iespējas un nosacījumi*, Baltic Institute of Social Sciences, 2009.
- 6 Studies of *integration* include: Kruma, K., *Stocktaking of EU Pre-Accession Monitoring Process, Citizenship Issues and Non-Citizens in Estonia and Latvia: a Litmus Test for European Union Human Rights Policy*, *Baltic Yearbook of International Law*, Kluwer Law International, Vol. 4, 2004, pp.33-53; Apine, I., Boldāne, I., Dribins, L., Gaugere, K., Šnitņikovs, A., Vēbers, E., *Pretestība sabiedrības integrācijai: cēloņi un pārvarēšanas iespējas (etnicitātes, valsts un pilsoniskās sabiedrības mijiedarbības analīze)*, Latvijas universitātes Filozofijas un socioloģijas institūts, LU aģentūra, 2006; Muižnieks, N. (ed.), *Latvian-Russian Relations: Domestic and International Dimensions*, Rīga: LU Apgāds and Baltijas Sociālo zinātņu institūts, Integrācijas prakse un perspektīvas, Rīga: BSZI, 2006; Rožukalne, A. (2009) *Sarunas ar spoguļattēlu*, available at public policy portal <http://www.politika.lv/index.php?id=17047>, 28 January 2009. Golubeva M. (ed.), *Inclusion unaffordable? The Uncertain Fate of Integration Policies in Europe*, Centre for Public Policy PROVIDUS, 2010. *Studies of the education system*: Dedze, I., Heyneman, S., Austers, I., Lune E., *Education Reforms in Latvia: Underpinning Integration and Prosperity. Annual Report on Education. 2003/2004*. Providus Centre for Public Policy, Rīga: 2004. *Research into language*: Djačkova, S. (2008), 'Latvian language proficiency and the integration of society', available at <http://www.politika.lv/print.php?id=3989>, 2 February 2008. *Research into immigration*: Indāns, I., *Effects of the Immigration on Ethnic Relations in Latvia*, Rīga, Institute of International Affairs and Fr. Ebert Foundation: 2004; Indāns I., Krūma K., *Vienoti daudzveidībā: imigrācija un integrācija*, in *Savējie un Svešie. Sabiedrības Radikalizācijas Tendences Latvijā, Eiropā un Pasaulē*, Zinātniski pētnieciskie raksti 6(16), Zinātne: 2007, pp. 149-176.
- 7 Questionnaire to the candidates for citizenship 2007-2010. The survey includes responses from 511 respondents. On the personal file with authors. Received from the OCMA on 1 April 2010.
- 8 Eiženija Aldermane, former Head of the Naturalisation Board (1995-2008, interviewed on 29 March 2010), Jānis Citskovskis (Deputy Head of Naturalisation Board, interviewed on 1 April 2010.), Baiba Jakovļeva (Former Head of Naturalisation Boards Information Centre, interviewed on 1 April 2010), Lilita Danga (Former Head of Naturalisation Boards Examination Centre, interviewed on 6 April 2010), Solveiga Ļaksa (Head of Naturalisation Boards Examination Centre, interviewed on 9 April 2010.), Irēna Ķuse →

tion Board, under the auspices of the Ministry of Justice, was reformed after 1 March 2010. It was decided that the Board would be merged with the Office of Citizenship and Migration Affairs (OCMA). Therefore, many of the officials who had worked for the Board for many years lost their jobs. The researchers chose to interview some of them because of their experience and knowledge of the topics that are relevant to the research.

In addition, former Member of Parliament (MP), Mr. Andrejs Pantelējevs, of the one-time ruling party, Latvia's Way, was interviewed.⁹ He was closely involved in the political processes when the Citizenship Law was drafted and when it was amended in 1998. He provided useful insights into the political debate and the general political situation during those times. The Head of the Legal Bureau of the *Saeima* (Parliament), Mr. Gunārs Kusiņš, was also interviewed.¹⁰ He was the key drafter of amendments in 1998. Before this, he was a member and elected MP of the ruling party, Latvia's Way.

Very few NGOs are involved in assisting applicants for naturalisation. Therefore, only the four that are the most relevant have been chosen: the Latvian Human Rights Centre, the Human Rights Committee, the Union of Latvian citizens and non-citizens, and the Latvian Russian community. These organisations have been the most visible and active in public policy. Their activities are related to the monitoring, analysis, reporting, informing and claim submission processes regarding non-citizens' interests.

According to the requirements of the project, thirteen non-citizens who are not applying for naturalisation were interviewed, and fifteen people who have naturalised answered the questions posed. The interviews were conducted at the examination centre, by distributing the questionnaire among non-governmental organisations as well as by meeting non-citizens using a random approach.

The number of teachers interviewed exceeded the number required. They all were representatives of one school.¹¹ This school is a major institution that has been providing language and integration courses since 1998 throughout the whole country.

The information on naturalisation examinations is empirical and based on both interviews and legal acts. The interpretation of the effects of the integration examinations is both based on information received during interviews as well as systemic, by reflecting on other surveys and analysis made

(Senior Officer of Naturalisation Boards Examination Centre, interviewed on 9 April 2010).

9 Interview took place on 1 July 2010.

10 Interview took place on 5 July 2010.

11 The other schools were contacted but without success. The Latvian Folk School has been in operation since 1989 and has trained 133 Latvian language teachers, published teaching material and taught 29 000 people. Interview conducted on 12 May 2010 with Gaida Masaļska, Ārija Liepa, Aina Arnte, Mirdza Kārklīņa, Vera Seļivanova, Eleonora Meldere, Biruta Kubuliņa, Skaidrīte Vigule, Viktorija Tetere.

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so far. In addition to interviews conducted by researchers for the current project, the other research results will be referred to.

Chapter 1: History of Tests to Acquire Status

This chapter will address both tests – naturalisation and LTR tests. The debate in the *Saeima* (Parliament) will be outlined. At the end of the section, comments on the interaction between the two tests will be provided.

1.1 Naturalisation Tests

Citizenship and migration are sensitive issues in Latvia which, after a period of Soviet occupation in 1940, restored its independence and citizen body in 1991. During the Soviet occupation, a large group of immigrants from the former Soviet republics arrived in Latvia. Latvia was also subjected to Sovietisation policies. Russian was declared an official language alongside Latvian. A dual-stream education system existed, i.e. Latvian and Russian. Russian was part of the curricula of Latvian schools. In addition, the media were controlled by Moscow and aimed at indoctrination and the imposition of Soviet values. As noted by Latvian political scientist Juris Rozenvalds,

‘in the final decades of Soviet rule, a situation developed in which two numerically similar groups had formed – a Latvian language group and Russian speakers – which differed in their sources of information, their attitudes towards the situation in Latvia and their value orientations’ (Rozenvalds 2010: 34).

When Latvia regained its independence, politicians opted for the claim that the Soviet occupation was illegal and that Latvia had never been part of the Union of Soviet Socialist Republics (USSR) *de jure*. This option was based on the principle of State continuity, i.e. the continuity or identity of states as legal entities under international law, and required the articulation of a set of claims in accordance with the applicable international law rules or procedures when referring to statehood (Ziemele 2005: 118). Latvia’s claim was accepted by the international community.¹²

State continuity implied that fundamental laws and the Constitution of the pre-occupation period had to be revived. Decision makers renewed the Citizenship law of 1919, as amended in 1927, and reconstituted the body of citizens on the basis of the *ius sanguinis* principle.¹³ Thus, only those who

12 See the collection of documents of recognition in *Dokumenti par Latvijas valsts starptautisko atzīšanu, neatkarības atjaunošanu un diplomātiskajiem sakariem, 1918-1998*, Latvijas arhivistu biedrība, LR Ārlietu ministrija, Latvijas valsts vēstures arhīvs, NORDIK, 1999.

13 Two resolutions were adopted: the Resolution of 15 October 1991 on the Renewal of the Republic of Latvia’s Citizens’ Rights and the Fundamental Principles of Naturalisation

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were citizens at the time of the occupation and their descendants were recognised as Latvian citizens (Kruma 2007: 63-64, Thiele 1999:12). It was claimed that the automatic conferral of Soviet nationality on the population of Latvia as a consequence of the annexation in 1940 was unlawful under international law, provided Latvia was presumed to exist (Ziemele 2001: 233). Accordingly, politicians argued that only a restored body of citizens would be entitled to elect the *Saeima*, which would then be entrusted with drafting a new citizenship law. This approach led to the situation where the status of Soviet-era immigrants was left in legal limbo.¹⁴

In the early 1990s Citizenship Law was the main topic of political discussion (Rozenvalds 2010: 43). Society was divided, not only into citizens and persons of undetermined status, but also among citizens themselves. The so-called Citizens' Committees argued that the *Saeima* is illegitimate because it was elected in the presence of the Soviet army. The army's influence was substantial and it had supporters in the *Saeima*.¹⁵ G. Kusiņš has argued that nationalist parties were very active and tried to preserve 1919 Law. At the same time, difficulties arose also among members of the ruling centre parties whose membership was diverse and included Latvians from exile as well as former members of the communist party.¹⁶ The political process was difficult, taking into account that independence was not evident in practice. In addition, pressure came from outside because Latvia was willing to join the Council of Europe and other international organisations and to secure independence in relation to Russia.

The drafting of a new citizenship law was advocated by international experts, most notably those of the Organisation for Security and Cooperation in Europe (OSCE) and the Council of Europe. Latvian membership of the Council of Europe was postponed until the adoption of a new citizenship law. The OSCE High Commissioner on National Minorities wrote a lengthy letter, in which he pointed not only to the need to adopt a new citizenship law but also gave detailed recommendations on its content. With regard to examinations, he suggested:

by the Supreme Council, and the Resolution of 27 November 1991 on the application of the Resolution of 15 October 1991 to citizens of the Republic of Latvia residing outside Latvia.

14 The Law on the Entry and Residence of Foreigners and Stateless Persons did not enter into force until 2 July 1992. It imposed conditions for visas and residence permits. Until that date, governmental instructions were in force which prohibited the permanent registration of persons arriving between 4 May 1990 and 2 July 1992. The 1992 Law was not applied in a uniform manner and, in certain cases, even applied retroactively. Therefore, the status and residence rights of Soviet-era settlers were confusing at the time.

15 Interview with A. Panteļejevs, 1 July 2010.

16 Interview with G. Kusiņš, 5 July 2010.

'If the new citizenship law were to include a requirement that the basic elements of the Constitution should be known, the requirement should be formulated in such a way that different interpretations are not possible. Generally speaking, the requirement that basic elements of the Constitution should be known should not be a major obstacle to the acquisition of citizenship.

Whatever language requirements are chosen, they should not exceed the level of 'conversational knowledge', which was required by the Supreme Council Resolution of 15 October 1991. The Government, administrative authorities and courts should be lenient in the application of this requirement as far as citizenship is concerned.

A clause exempting elderly persons (60 years and over) and disabled persons from language requirements when they apply for citizenship should be introduced.¹⁷

The debate on Citizenship Law in the *Saeima* was lengthy.¹⁸ The main debate related to three issues:

- Adoption of a new Citizenship Law as such. There was a question about the legitimacy of the *Saeima* and the need to replace the 1919 Law;
- The census, i.e., the required time of permanent residence before a person can apply for citizenship;
- The quota system for naturalisation, i.e., whether everyone resident in Latvia after regaining independence should be eligible for naturalisation, or whether a specific system should be introduced in which persons are grouped on an age basis determining when they can apply for citizenship.¹⁹

Altogether, five drafts of the Law were submitted to the *Saeima*.²⁰ MPs debated which one of the drafts should be taken as a basis for further discussion.²¹ The right-wing parties proposed sticking to 1919 law.²² The Chairman

17 Letter from OSCE Commissioner to the Minister for Foreign Affairs of Latvia, Georgs Andrejevs, 6 April 1993, Reference 238/93/L/Rev. Available at <http://www.minelres.lv/count/latvia/930406r.htm>, accessed 3 June 2008. Concerning different citizenship policy strategies and the most preferable from the OSCE's point of view, see letter from the Commissioner to the Minister of 10 December 1993. Available at <http://www.minelres.lv/count/latvia/931210r.htm>, accessed 3 June 2008.

18 See protocols dated 23 September 1993, 9 June 1994 and 21 June 1994. All protocols of proceedings are available via http://www.saeima.lv/Likumdosana/likumdosana_steno5.html, accessed 11 February 2010.

19 Interview with A. Panteļejevs.

20 See Aivars Endziņš, 25 November 1993.

21 See debate in the *Saeima* of 23 September 1993.

22 See Aleksandrs Kiršteins, 23 September 1993. The draft was submitted on 10 September 1993. However, procedurally this draft could be left without further consideration until the draft of the ruling parties was submitted. According to G. Kusiņš, it was politically important which draft was taken as a basis. In accordance with the draft, applicants

of the Legal Commission proposed to take as a basis the draft prepared by the minority governmental coalition (Latvia's Way and the Farmers' Union/centre-right) and to accommodate some of the provisions from other drafts (LNNK – right; People's Harmony Party – centre/left).²³ The Commission excluded the proposal submitted by the Equal Rights party (left) because it proposed a zero option, i.e. that everyone resident in Latvia at the time of regaining independence should be entitled to citizenship, and it was the only draft that did not require a command of the Latvian language.²⁴ The main differences were in relation to the naturalisation quota system. Latvia's Way proposed that there should be a quota but that it be set primarily by the Cabinet of Ministers. LNNK proposed fixing a quota in law, while Harmony for Latvia was against a quota. The version of the Citizenship Law of 1994 was the result of a compromise, in which the proposals from LNNK in relation to the quota were taken into account. This was achieved in order to find political equilibrium by taking into account the role of the Citizens' Committees and to acquire more legitimacy and trust for the *Saeima*. The general public's support was important.²⁵

The first draft adopted was extremely restrictive, allowing for a minimal quota for naturalisation.²⁶ President Guntis Ulmanis, under international pressure, refused to sign the law. On July 22 1994, 58 out of 100 MPs supported the Law without quotas, but with a timetable that allows naturalisation to start with the youngest applicants for citizenship, denying this right to the most motivated group of middle-aged persons (Rozenvalds 2010: 43).

The Citizenship Law that was finally adopted introduced naturalisation requirements, including the naturalisation tests. Article 12 included general requirements that have to be met when a person applies for naturalisation. Paragraph 1 of Article 12 provided, for instance, that a person should have a command of the Latvian language, be familiar with the *Satversme* (Constitution) and know the national anthem and history of Latvia. According to paragraph 4 of Article 12, procedures for the knowledge examinations had to be established by the Cabinet of Ministers. In relation to the language examination, a separate section in the Law consisted of three Articles. Article 19

would have to master Latvian at a basic level and know the rights and duties of Latvian citizens. The draft is on personal file with authors.

23 The draft by Latvia's Way was submitted to the parliament on 20 September 1993. The draft was quite liberal. However, it stipulated the requirement of knowledge of the language except for persons over 65 and knowledge of the *Satversme* (Constitution) (Article 10).

24 Report by the Chairman of the Commission, A. Endziņš, 25 November 1993.

25 Interview with A. Panteļejevs and G. Kusiņš.

26 According to the model adopted by the *Saeima*, the first applications for naturalisation were to be accepted in 2000 and then only at a rate of 0.1 per cent of the previous year's total number of nationals. This would have resulted in approximately a thousand new nationals annually.

stated that the language examination should be conducted by the commission established by the Cabinet of Ministers. It further stated, in Article 20, that a person has a command of Latvian if he or she:

- fully understands everyday as well as official information;
- can freely hold a conversation and answer questions on matters of everyday life;
- reads fluently and understands everyday instructions and texts as well as laws and other normative acts;
- is capable of writing an essay (account) of a typical everyday topic.

Article 21 provided that the following persons should be exempted from the language examination: persons who have acquired an education at a Latvian school and severely disabled persons.²⁷

Since it was presumed that many people would apply for Latvian citizenship, the legislature provided for an expedient procedure in relation to several groups of applicants. One of the groups introduced was those people who have an outstanding command of Latvian. The procedure for the evaluation of 'outstanding command' had to be introduced by the Cabinet of Ministers (Article 13, para. 8).²⁸

The main arguments and issues mentioned during the parliamentary debate are as follows:

- Demographic situation, i.e. many immigrants arrived during the occupation and many Latvians have either left or were deported.²⁹ Moreover, the birth rate among Latvians was lower compared to the birth rate of other nationalities;
- Security concerns, especially the presence of the Soviet army on the territory of Latvia. It was argued that Latvian independence is still not secure;

27 See the interventions of those who were against: Ivars Silārs, Eduards Berklavs, Dzin-tars Ābiķis, Pēteris Elferts, Pēteris Tabūns, Jānis Ā.Tupesis. All MPs expressed the view that any person of whatever age should have a basic knowledge of Latvian. The People's Harmony party proposed making exceptions for those who have reached the age of retirement. The Legal Commission suggested being more specific and stipulating the age of 60. The proposal was debated and a conservative approach dominated.

28 It was submitted by A. Pantelējevs (Latvia's Way) in the final reading. The Legal Commission did not support the proposal. The proposal was debated by Dz. Ābiķis (against), J.Ā. Tupesis (in favour). E. Kide (in favour), E. Kide (partially against), D. Stalts, 21 June 1994. The proponents argued that this emphasises the Latvian language as a fundamental value and promotes nationhood based on the Latvian language. It was argued that this could be the best measurement of loyalty to the State. In turn, the opponents said that 'outstanding' is very difficult to define or measure. The norm was adopted as proposed. However, the following practice proved that it has little applica-tion.

29 See specifically speech by Dz. Ābiķis, 25 November 1993.

- The widespread practice of Russian. It was much easier to live in Latvia if one could speak Russian rather than Latvian. In numerous cases Latvians could not communicate in Latvian in order to receive services;
- The presence of international organisations, especially the OSCE mission, which was closely monitoring the adoption of the Citizenship Law. Other organisations that featured in the debate were Council of Europe and the EU, which were prioritised by Latvian foreign policy.

In general, the need for examinations did not attract much debate because there was consensus that knowledge of the language should be required. The main debate was about the details of the language requirements.³⁰ Language had become an important issue since Latvia regained independence. The MPs said that naturalisation examinations could ensure that only those who have a knowledge of Latvian, the *Satversme* (Constitution), anthem, flag, and basic historical facts are naturalised. They implied that knowledge of the language would ensure further integration into society.³¹ A knowledge of Latvian was supported by those who were both in favour and against the quota.³² Thus, naturalisation examinations have been supported by an absolute majority of political parties, except one left-wing party. Most of the specific formulations were agreed upon during the second reading of the Law.

As already argued by A. Pantelējevs at the time of adoption, it was clear that the timetable for naturalisation was temporary. However, it could not be avoided because of the political situation. The zero option was not acceptable, while many citizens favoured an even stricter approach to naturalisa-

30 For instance, during the third and final reading of the Law on 21 June 1994, MPs were engaged in an almost linguistic debate about whether persons should have general command of Latvian or they should know Latvian. See the interventions by Māris Budovskis, Inese Birzniece and Aivars Endziņš. No debates took place on introducing the knowledge test or the test on the anthem and the flag. According to G. Kusiņš, the main issue was the language examination. This is the reason why the law is specific on the language requirements, while the knowledge examination is only mentioned.

31 See in particular Jānis Jurkāns, Jānis Tupesis, Egils Levits and Pēteris Elferts, 25 November 1993. The proposal by MP Elferts was debated on its second reading, 9 June 1994, and accepted. This is the occasion when specific requirements for the language and knowledge examinations were introduced. The proposal was adopted by modifications suggested by Latvia's Way and LNNK. Furthermore, requirements for knowledge were specified and J. Tupesis suggested including knowledge of the anthem and the flag. Proposals were also made to include the general integration requirement. See M.Ā. Kalniņš, 21 June 1994. It was not supported because the others (for instance I. Birzniece) argued that the general requirement is too general and vague. As suggested by A. Pantelējevs, the knowledge examination was introduced at the initiative of MPs from exile. They had strong feelings about history and the constitution. For Latvians who resided in Latvia this was different because the younger generation had little knowledge of the constitution and a weak knowledge of historical facts.

32 See, for instance, Māris Grīnblats on 25 November 1993.

tion as adopted by the *Saeima*. Compromises also had to be found because there was a minority government. Pantelējevs agrees that a different solution could have been adopted by making use of the possibility of granting citizenship for special service to those who actively supported Latvian independence. G. Kusiņš said that, if the zero option had been adopted, it would be the breaking point in relation to the claim to State continuity, because this zero option is used in cases when new States are established and citizens identified. Therefore, it could not be an option.

Since naturalisation rates were low, the international community became worried about the divisions in society.³³ International organisations have played a major role in liberalising citizenship policy. Neither NATO nor the EU was willing to admit a member with a large number of foreigners or persons without citizenship. The adoption of the Citizenship Law was a landmark for Latvian membership of the EU and NATO.

The liberalisation of the Law in 1998 was politically difficult because Latvia was in the process of adopting a new Language Law and Education Law. A debate was also ongoing about the need to amend the Constitution, i.e. to include an article stating that Latvian is the official language. The amendments to the Citizenship Law were required to be confirmed by referendum. According to G. Kusiņš, this has made the adoption of amendments politically difficult. If people did not support the amendments, the Citizenship Law would be closed for a long time and thus membership of the EU and NATO endangered. The amendments adopted in 1998 abolished the age groups entitled to apply for citizenship and granted citizenship to children born in Latvia after 21 August 1991 to stateless persons or non-citizens.

The main arguments for the amendments were the deterioration of the relationship with Russia and the requirements set by the OSCE, especially the Commissioner for the Protection of Minorities.³⁴ Discussion of naturalisation examinations was limited. The debate took place mostly at the level of political rhetoric. The MPs focused on the requirement that naturalisation should be made available to persons who have become integrated.³⁵ The third reading was introduced by speeches by the President and Prime Minister. The President referred to the importance of language and education. He argued for abolition of the system establishing age groups for naturalisation.

33 On 8 January 1997, the total population of Latvia numbered 2,452,352. 686,027 of them, more than 28% were non-citizens of Latvia. An unknown number of them may have become citizens of Russia. Letter from OSCE High Commissioner for National Minorities to the Minister for Foreign Affairs, Valdis Birkavs, 23 May 1997, 376/97/L, available at <http://www.minelres.lv/count/latvia/970523r.htm>, accessed 3 June 2008.

34 See debate on 23 April 1998, 20 May 1998 and 22 June 1998. See specifically intervention by I. Bērziņš, during 2nd reading, 4 June 1998.

35 See intervention by M. Grīnblats during 2nd reading on 4 June 1998. See also intervention by Indulis Bērziņš on 4 June 1998.

He noted that emphasis should be placed on education and learning Latvian, rather than on a restrictive citizenship policy.

MPs debated whether children should have to prove their knowledge of language when their parents apply for their naturalisation. A proposal was made that citizenship be granted to children born in Latvia after 21 August 1991, only if they have reached the age of 16 and have mastered Latvian.³⁶ It was emphasised that provision providing that parents should confirm that they will assist their children in learning Latvian is not sufficient.³⁷ The importance of knowledge of the language was motivated by an argument that only those who know Latvian are integrated in Latvia.³⁸ Opponents to this proposal argued that knowledge of Latvian should be left to educational reform rather than made a requirement in Citizenship Law.³⁹ They also argued that the requirement of a parental promise is inadequate because, in certain cases, the only assistance given might amount to hiring private teacher.⁴⁰ MPs supporting this view considered that those who are required to prove knowledge of the language are in a way discriminated against, when compared to those whose citizenship was reinstated without the language requirement.⁴¹ It was argued that only 18,000 children would become entitled to be registered as citizens while 133,000 citizens have been born since 21 August 1991.

The opening of the Citizenship Law for amendments provoked the debate on further amendments, including naturalisation requirements and examinations.⁴² This came in as a response to suggestions by international ex-

36 Leopolds Ozoliņš, 3rd reading on 22 June 1998.

37 Intervention by Uldis Veldre, during 2nd reading on 4 June 1998.

38 Debates also took place concerning the kind of education in Latvian and for how long in order to testify that children have been integrated. See intervention by Dz. Ābiķis, J. Lagzdiņš, during 1st reading of the Law on 20 May 1998, Juris Sinka, Andris Rubins during 2nd reading on 4 June 1998.

39 See intervention by K. Leiškalns during 1st reading of the Law on 20 May 1998 and K.J. Druva during the 3rd reading on 22 June 1998. Druva argued that there should be educational reform and that everyone should study all subjects in Latvian. The problem of knowledge of Latvian should also be addressed by the Language Law. MP A. Tomašūns mentioned that the Language Law and Education Law will provide for a compulsory examination in Latvian for all graduates. Thus, there would be no concerns about children not mastering Latvian.

40 Ilga Kreituse on 4 June 1998. Others said that it is irrelevant how language knowledge is acquired. Instead, de facto knowledge is important; Ilmārs Bišers on 4 June 1998. The uniform system of examinations was also emphasised, see A. Kiršteins, 4 June 1998.

41 A. Panteļejevs, 3rd reading, on 22 June 1998.

42 See, for instance, intervention by I. Kreituse, 3rd reading of the Law on 22 June 1998. She said that examinations are stressful for elderly persons. This especially applies to the written examination. She argued that the requirement of the ability to read fluently and understand every-day instructions should be lowered. For instance, persons over the age of 65 or 75 should only give a general summary of instructions, rather than re-

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perts. For instance, the OSCE High Commissioner on National Minorities made the following suggestions:

'A change is desirable in the procedure for the language test. At present applicants must score sufficient marks both for the written (writing and reading) section and the oral section of the language test. In conformity with the opinion of the experts on the subject I would recommend that the total score for the written and the oral sections of the test ought to determine whether a candidate has passed the test.

A change is also desirable in the history and constitutional tests. Several of the questions which could potentially be asked in this field require a detailed knowledge of the history and constitution of Latvia. I would recommend a reduction of these requirements to the basic facts of Latvian history and the main elements of the constitutional system.'⁴³

Slight amendments were made to Article 12 of the Citizenship law in relation to the general requirements for naturalisation. Article 13 on naturalisation under a special procedure was substantially amended and the paragraph on outstanding knowledge of Latvian abolished. The examination section of the Law was made more detailed. It now included references not only to language but also knowledge examinations. During the debate, MPs required more specific regulation of the language examination, including listing the institutions conducting the examination.⁴⁴

The Citizenship Law, in the version in force since 1998, provides for general principles in relation to naturalisation examinations. The details according to Article 19 are left with the Cabinet of Ministers. Article 20 had been slightly modified to make the language examination easier. A proposal was made that candidates should be required to write an essay in 'grammatically correct Latvian'. However, the majority did not support this proposal and agreed with the Commission that even MPs and officials are not able always to write according to grammar rules.⁴⁵ The requirement of the ability to read and understand laws and normative acts was also not accepted.

During the debate, a proposal was made that parts of the language examination should not be applied to the elderly or disabled people. The proposal was linked to a debate on the Language Law, which had already been adopted for a second reading.⁴⁶ Article 21, as adopted, provides that persons

quiring persons aged 80 to know every detail of the official information on how to use technical kitchen devices.

43 Letter from the OSCE Commissioner to the Minister for Foreign Affairs, Valdis Birkavs, 14 March 1996, HC/5/96, available at <http://www.minelres.lv/count/latvia/960314r.htm>, accessed on 3 June 2008.

44 See intervention by J. Lagzdīņš during 1st reading of the Law on 20 May 1998.

45 M. Grīnblats, A. Seile, during 2nd reading on 4 June 1998.

46 See intervention by A. Seile during 1st reading of the Law on 20 May 1998. See also I. Kreituse during 2nd reading on 4 June 1998.

who have acquired basic, secondary or higher education in Latvian should be exempted from the language test. The Cabinet of Ministers was entrusted with adopting a special procedure in relation to disabled persons. In addition, para. 3 of the same Article provides that persons who have reached 65 years of age should be exempted from the written part of the language examination.⁴⁷

The amendments were well received by international organisations. The Parliamentary Assembly of the Council of Europe said that the simplification of the language tests for persons aged over 65 and the reduced number of questions about history and other knowledge tests were welcome.⁴⁸ The tests have been further simplified by the Cabinet of Ministers. The *Saeima* has been involved in the process by establishing a special Commission on the Implementation of the Citizenship Law on 19 January 1995. As noted in the Report by the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe, 'the co-rapporteurs are heartened to learn that several measures to simplify the procedures have already been taken, including making the history test easier (90 questions instead of 300). The pass rates continue to be around 95%'.⁴⁹

1.2 Tests to Acquire LTR Status

Committed to preserving State continuity, Latvia had to respect international law requirements, including the obligations to reduce statelessness and to integrate 'non-Latvians'. In order to solve the problem of statelessness, Latvia introduced the status of non-citizens. Former Soviet citizens who did not qualify for Latvian citizenship because they or their predecessors were not Latvian citizens or residents of Latvia in 1940 could apply for the special status of non-citizen.⁵⁰ This status was intended to be temporary since it was

47 The age limit was a subject of debate. The proposal was to replace the age of 65 with 75. See A. Jürgens, I. Kreituse, Dz. Ābiķis, N. Pēterkops, R. Jurdzs, V. Boka and Z. Čevērs during the 3rd reading, 22 June 1998. Those who favoured the higher age limit thought that elderly people should have to prove their ability to write in Latvian, while opponents argued that one should look at reality, given that many people, such as farmers in the East of Latvia, are not able to satisfy the requirements. Proponents also argued that persons who have reached 75 years of age and have lived in Latvia for a long time (40-50 years) should be able to prove their language knowledge. In their view, 65 was too low because those people are still capable of passing all the tests.

48 Resolution 1236 (2001), Honouring obligations and commitments by Latvia, Parliamentary Assembly of the Council of Europe, 23 January 2001.

49 Parliamentary Assembly of the Council of Europe, Doc. 8924, 10 January 2001, Honouring obligations and commitments by Latvia.

50 Non-citizens are those who were USSR nationals but who, after 1991, did not qualify for Latvian nationality and did not acquire Russian or any other nationality. They had to be

envisaged that non-citizens would naturalise or eventually apply for citizenship of another State. The Former USSR Citizens Act was adopted in 1995 and the distribution of non-citizen passports did not begin until 1997 (Rozenvalds 2010: 42). In the EU context, these individuals are granted visa-free travel (Regulation 1932/2006/EC) and they can apply for Long Term Resident (LTR) status, in the same way as other more recent immigrants (Directive 2003/109/EC). It was in 2003 before an agreement was reached between Latvia and the EU that non-citizens will be classified as LTR.⁵¹

Directive 2003/109/EC was transposed by adopting the law. The debate in the *Saeima* was mainly on whether non-citizens should be entitled to EU citizenship and on the conditions allowing non-citizens to acquire the status. The implementation of the Directive involved an initiative to amend the Former USSR Citizens Act. According to the amendments, non-citizens would lose their status if they acquired LTR status in another EU Member State. The amendments were challenged in the Constitutional Court, which declared them unconstitutional.⁵²

The Law on Long Term Resident Status of the EC in the Republic of Latvia (referred to as the LTR Law) was adopted on 22 May 2006 (OG no. 107, 7 July 2006). However, the President refused to sign the law because non-citizens were not singled out as a specific group.⁵³ The *Saeima* reviewed the law repeatedly but did not accept the proposals made by the President and the left-wing parties.⁵⁴ The law was signed by the Chairperson of the *Saeima* acting for the President on 7 July 2006. According to Article 3 of the LTR Law, everyone applying for this status had to prove continuous and legal residence in Latvia, sufficient legal income to support himself and his family, and pass the language test.⁵⁵

registered on 1 July 1992 as being resident in Latvia, not holding Latvian nationality, and not holding the nationality of any other state.

51 The Commission of the European Union, when interpreting the scope of application of the LTR Directive, stated that, 'the term 'third-country national' refers to all persons who are not citizens of the Union in the sense of Article 17 paragraph 1 of the EC Treaty, that is to say those who do not hold the nationality of an EU Member State. This indicates that those with undetermined citizenship fall within the scope of the Directive'. Letter from the Directorate-General of Justice and Home Affairs of the European Commission to the Permanent Delegation of Latvia in the EU institutions, 23 June 2003.

52 Judgment in case no. 2004-15-0106, 7 March 2005.

53 See letter from the President no. 216 dated 30 May 2006. She objected to the regulation stating that non-citizens have to prove continuous residence and knowledge of Latvian.

54 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, 22 June 2006.

55 See *Prezidente liek pārskatīt EK pastāvīgā iedzīvotāja statusa likumu* [President requests review of EC long-term resident status law] www.apollo.lv, 31 May 2006.

During the first reading, the MPs from left-wing parties argued that they were protesting firstly against the requirement that non-citizens apply for the status; and, secondly, against the need to prove residence in Latvia for five years and, thirdly, the requirement that they prove legal income. Both the language requirement and the fee requirement were harshly criticised and referred to as humiliating.⁵⁶ Those on the left argued that all differences between citizens and non-citizens should be abolished and that non-citizens should be recognised as EU citizens.⁵⁷ They said that the LTR Directive provides for equal rights irrespective of the State where the status has been acquired. Thus, there is no reason to impose higher requirements for those who apply for the status in Latvia rather than elsewhere.⁵⁸ The argument was that those who applied for LTR status intended to move to other EU Member State and thus knowledge of the Latvian language is irrelevant.⁵⁹ Opponents argued that, even if a person is willing to apply for LTR status, he should be able to prove knowledge of any EU language, including Latvian.⁶⁰

The language test is also a requirement for certain groups of persons who apply for a permanent residence permit. According to Article 24 of the Immigration Law, the language test applies to the following groups of persons:

- spouses of Latvian citizen, non-citizens or permanent residence holders as well as the minor children of a spouse;
- parents of a Latvian citizen or non-citizen, as well as their spouses;
- foreigners who were Latvian citizens on 17 June 1940 or whose parents were Latvian citizens and who move to Latvia for permanent residence;
- foreigners who have continuously resided in Latvia for at least five years on a temporary residence permit.

The other groups of applicants are exempted from the test. For instance, former citizens, refugees, children of Latvian citizens and non-citizens are exempted from the test.

56 See Vladimirs Buzajevs, during the reading on 9 February 2006, 23 March 2006 and 25 May 2006.

57 See V. Buzajevs, during the reading on 23 March 2006. The right wing politicians argued that this is a consequence of the occupation and thus non-citizens will not be entitled to the rights claimed. Aleksandrs Kiršteins, 23 March 2006. On the left, Valērijs Agešins argued that Estonia does not require any examinations. Thus, an identical procedure should be established in Latvia, 25 May 2006.

58 Boriss Cilēvičs on 25 May 2006.

59 V. Buzajevs on 25 May 2006.

60 A. Kiršteins, on 25 May 2006; supported by Juris Dobelis.

1.3 Interaction between the Tests

Currently, no direct interaction occurs between the two tests. In summer 2010 the Cabinet of Ministers took a decision that the systems should be linked, i.e. the results of tests passed at school in order to acquire LTR status and to obtain a certificate for the exercise of professional duties should be taken into account when a person applies for naturalisation tests. A detailed system for merging the systems should be prepared by the Ministry of the Interior in co-operation with the Ministry of Education and Science by 15 January 2011.⁶¹

For the time being, the examination system is not well organised. For instance, the State Language Agency, under the Ministry of Justice, organises courses for specific groups at A1 level, the Centre for State Education Curricula conducts language examinations for LTR status and for practising different professions at A2 level under the auspices of the Ministry of Education and Science, while the Naturalisation Board, now part of the OCMA under the Ministry of the Interior, organises naturalisation examinations at B1 level. In addition, language courses have been offered by the State Employment Agency under the auspices of the Ministry of Welfare for the unemployed, with the support of different embassies.⁶²

The levels required for both tests are also different, i.e. B1 for naturalisation and A2 for LTR status. It can be argued that the naturalisation tests are more elaborate. They serve as a barrier to ensure that non-citizens do not acquire citizenship without knowing Latvian. Naturalisation can be regarded as a social contract between the State and people whose loyalty is in doubt.

Although the content of the examinations is set largely by the Cabinet of Ministers, strong parliamentary control has always been exercised, as well as the involvement of international experts. Meetings of the parliamentary commission on the implementation of the citizenship law take place at least once every two weeks. Shortly after adoption of the law, meetings were held at least once a week.

The language examination for persons applying for LTR status was inserted spontaneously and seen within the context of the knowledge of language required to practise different professions. The number of persons applying for the LTR is low. Several reasons can be mentioned. Firstly, apart

61 Although general guidelines are available, the proposals can change substantially or no changes will be adopted at all, taking into account the long-range deadline. This is especially so because parliamentary elections will be held in October. See *Naturalizācijas pretendentiem nākotnē nebūs jākārtο vairāki valodas eksāmeni* [Candidates for naturalisation will not be obliged to take several language examinations in the future] www.DELFI.lv, 10 August 2010.

62 See <http://www.nva.lv/rezekne/2.php?menu=projekti>, apart from the EU, the embassies of the Netherlands and the UK are mentioned, accessed on 12 July 2010.

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from the fact that applicants for citizenship should take the knowledge examination, no major difference exists between the language examination for LTR status and the naturalisation examination. Therefore, persons prefer to apply for citizenship. Secondly, LTR status is attractive only for those non-citizens who are willing to go abroad. In this case, they can still choose whether to apply for the status in Latvia or in another EU Member State. Thirdly, the number of immigrants from third-party States to Latvia is low and it is declining as a result of the economic crisis.

Chapter 2: Integration Test in the Naturalisation Procedure

2.1 Tests in Detail

Although the language tests for LTR and naturalisation are quite similar in nature and requirements, they are administered by different institutions under different procedures. In addition, applicants for naturalisation have to take a knowledge examination. Therefore, both tests will be described separately.

2.1.1 Naturalisation test

According to *Regulation no. 234 on the Fee for the Submission of Applications for Naturalisation* (OG no. 97, 22 June 2001 with amendments up to 2008), the fee for naturalisation is 20 LVL (EUR 28). A fee of 3 LVL (EUR 4.30) is set for the poor and unemployed, family members from families including three or more minor children, pensioners, severely and moderately disabled persons⁶³ and persons attending duly accredited educational establishments. Persons exempted from fees are the politically repressed (victims of Soviet repression), the very severely disabled, orphans and children who are not cared for by their parents, as well as those registered in social care facilities. Fees have gradually been reduced over the years. According to studies carried out, a significant proportion of applicants paid a lower fee or no fee at all. In 2009, for the first time, the number of persons paying the full fee was less than half (Brands-Kehris 2010: 103).

The general procedure for naturalisation, including the list of documents to be submitted, is set forth in *Regulation no. 34 on the Procedure for the Acceptance and Review of Naturalisation Applications* (OG no. 32/33, 4 February 1999, with amendments up to 2010). According to the Naturalisation Board, the naturalisation procedure usually takes about 7-8 months. The Regulation provides that persons who become naturalised can request the granting of citizenship to their children aged under 15 by filling in the form. The problem in practice concerns so-called 'forgotten children', i.e. cases where parents acquire citizenship but do not request that their children be registered as citizens. If children are not registered by their parents, when they reach the age of majority they can become naturalised according to the regular procedures.

63 The system in Latvia stipulates that disabled persons are grouped into three categories: very severely disabled persons, severely disabled persons and moderately disabled persons. The category for each person is established by the Commission that evaluates to what extent a person has lost his or her ability to work.

The procedure for examinations is envisaged in *Regulation no. 353 on the Examination of knowledge of the Latvian Language and basic provisions of the Constitution, text of the national anthem and history of the Republic of Latvia as provided by the Citizenship Law* (OG of 29 May 2007 with amendments, which entered into force on 1 March 2010). The examination is set by the OCMA (Office of Citizenship and Migration Affairs) within two months of submission of the application. Persons who have graduated from a school (elementary, secondary or higher education), where the language of instruction is not Latvian and who have passed the centralised examination in Latvian are exempted from the language test, but only if they apply within 2 years of taking the examination. Exemption is not time-limited, only for those who have attended elementary or secondary school or an institution of higher education in Latvian. In both cases, they have to pass the knowledge examination.

If a person is unable to take the examination for a valid reason, he should inform the OCMA. In such cases, officials offer another date for the examination (Section 8). If a person does not sit the examination, or fails or refuses to answer, the next language examination can take place no sooner than 6 months from the previous examination, but the knowledge examination can be retaken after 3 months. According to Section 9 of Regulation no. 353, a person is allowed three attempts to pass the examinations. If he fails all three attempts, the naturalisation application has to be submitted anew. However, only the part of the examination that was failed has to be retaken (i.e. only the written or oral part of the language examination; only the constitution, anthem or history part of knowledge examination). The knowledge examination can be taken only after language examination has been passed.

The first and second models of the naturalisation test (1995 and 1996) were drafted in close co-operation with experts from the Council of Europe and the Dutch institute for on examination materials. The third model, introduced in 1999, was drafted in close co-operation with experts from the Council of Europe and Cambridge University. The level of proficiency required corresponds to the Common European Reference Framework for Languages rating B1, basic knowledge (Brands-Kehris 2010: 102).

The language examination takes place in two parts. During the examination, the applicant's ability to listen and understand, to read, write and communicate on everyday topics is examined. No books, dictionaries or other supporting materials are allowed. The reading, listening and writing part takes 90 minutes. The second part – the interview - takes up to 15 minutes. Applicants over 65 years old only have to take the second part. Exemptions from both the language and knowledge examinations are granted to the very severely disabled, severely disabled persons with a progressive mental illness and disabled persons who are deaf or deaf and dumb. Regulation no. 353 sets forth in great detail the specific groups of severely and moderately disabled persons who, because of their illness, cannot take either the written

or oral part of the examinations (Sections 28-33). For instance, deaf persons are exempt from the interview, the blind are exempt from written examinations and so on. Other disabled persons not mentioned in the Regulation can be exempted from the examination following a decision by the official, authorised by the Head of the OCMA. The reason for the detailed regulation regarding the exemption of disabled persons is the heated political debates on the subject. Right-wing politicians in particular supported a restrictive exemption policy.

The examination of knowledge takes place in Latvian in writing or orally, as the applicant wishes. Supporting materials are not allowed. If an applicant chooses an oral examination, he must demonstrate knowledge of the national anthem and answer a number of questions. The time allocated for preparing answer is 30 minutes and answering itself takes 15 minutes. The answers are recorded. If answers are provided in writing, a test must be completed. In this case, knowledge of the national anthem is demonstrated either orally or in writing. The time allocated for written answers is 45 minutes.

Since most of the questions included in the examination contain multiple choice questions, the discretion of the Commission is limited. The only exception relates to the written essay. The Commission adopts its decisions on basis of the Regulation of Internal Procedures adopted by the Head of the Naturalisation Board. The Regulation establishes detailed guidelines for the evaluation of examinations. However, this document is not publicly available. The decision of the Commission can be appealed within one month to the Head of OCMA. This decision can be appealed to the Ministry of Interior and then further to the administrative court. According to information provided by OCMA, no complaints are brought before the court.

Sample language and knowledge examinations are available on the internet.⁶⁴ The questions appear to be simple. The task for the reading examination consists of simple statements and multiple choice answers.⁶⁵ The writing

64 Samples of the language examination are available at http://www.pmlp.gov.lv/lv/pakalpojumi/Naturalizacija/Uzdevumu_paraugs_lv.pdf. Samples of the knowledge examination are available at http://www.pmlp.gov.lv/lv/pakalpojumi/Naturalizacija/Uzdevumu_paraugs_vesture.pdf, accessed on 18 June 2010.

65 Statement, 'The post office is closed on holidays'. Multiple choice answers: 'The post office is open every day', 'The post office is open on working days', 'The post office is open on holidays'. Another example: 'Shop Solo is the low price leader': answers, 'Goods are more expensive than elsewhere', 'Goods are the same price as elsewhere', 'Goods are lower in price than elsewhere'. Another task involves the text of an email and five multiple choice answers. The respondent is requested to tick the right answer (picture) that corresponds to the text. This task is followed by an essay and again the respondent is requested to answer five questions in the test by choosing one of the multiple choice answers. Finally, in the task five persons are briefly described and the respondent has to decide which of the advert examples given would be relevant in each case. For instance, Peter is professional driver and works as car mechanic. He is looking →

part consists of two tasks. The respondent is asked to fill in a form about himself and to briefly explain his hobbies. Relevant questions are mentioned. Finally, the respondent is invited to write an essay about a situation in which he goes to another city on business.⁶⁶

The knowledge examination consists of mixed multiple choice and open questions. It contains 10 general questions on the history of Latvia and 8 questions on the Constitution. The open questions on history are, for instance, when Latvian independence was proclaimed and who is the President of Latvia. The multiple choice questions are more complicated. For instance, what was the result of the German crusaders' attack on Latvia in the 13th century; and how Latvia explored the development of industry during Soviet times. At the same time, there are also questions such as what are the neighbouring countries of Latvia and what happened on 17 June 1940. The questions on the *Satversme* contain two open questions: what are the colours of the Latvian flag and who holds the highest executive power. Two questions concern the human rights standards of the *Satversme*.⁶⁷ Other questions are related to the constitutional structure of Latvia, for instance: who holds sovereign power in Latvia, what is the voting age for elections, what is the term in office of the President and similar.

In order to prepare for the examinations, applicants can study a book on the Latvian language examination (LVL 1.82, EUR 2.60), a book of basic questions on Latvian history and the Constitution (LVL 3.39, EUR 4.80) and methodological recommendations for applicants preparing for the examination on the *Satversme*, the national anthem and history (LVL 1.45, EUR 2). These can be obtained from the territorial offices of the OCMA. The examinations are held in examination centres in Riga, Liepaja and Daugavpils.⁶⁸

In 2009, 11 meetings of the appellate commission were held, which reviewed 13 complaints about the evaluation of the examination commission. In 4 cases, the complaints have been upheld, but 9 were rejected. Since 1995 the appellate commission has reviewed 52 complaints of which 22 were upheld, while 30 were rejected.⁶⁹ According to the OCMA, most of the complaints are about the writing part and the use of correct grammar. Complaints are also made about the history questions. For instance, applicants

for a job. Text of advert 'Company specialising in repairing cars is looking for car mechanic'.

66 The questions to be answered are: where have you been, for how long, what have you done, whom did you meet, and why?.

67 What freedom of expression means and who has the right to an attorney.

68 Before 1 June 2009 the tests could also be taken in Jelgava. Each commission consists of a chairman and two other members.

69 Annual Report of Naturalisation Board, 2009. Available at http://www.pmlp.gov.lv/lv/documents/publikacijas/NP_GADA_PARSKATS_2009.pdf, accessed on 30 May 2010.

disagree on the answer to the question, 'What happened on 17 June 1940?', i.e. Latvia was occupied by the Soviet Union.

2.1.2 LTR Language Test

Language tests are conducted according to the *Cabinet of Ministers Regulation no. 733 on the level of knowledge of the official language and the procedure for examination of official language proficiency for the exercise of professional and official obligations, for the permanent residence permit and for obtaining the status of EU long-term resident and the fee for the official language examination* (OG no. 110, 14 July 2009). General information about the test is available on the internet.⁷⁰ Since September 2009 a book has also been available, which contains all the information about the test. The examinations take place in accordance with a schedule published on the internet and they are held in the biggest cities in Latvia.⁷¹ In addition, a consultation office and a phone line are available, which people can call to ask questions free of charge.

The test is organised by the Centre for State Education Curricula. It has established contacts with a several teachers who have been awarded certificates for the quality of their teaching methods and programmes. Their names and contact details are published on the internet.⁷² Otherwise, no courses are offered by the State.

The required level of knowledge for LTR status is A2 (Section 10 of Regulation no. 733). If a person has passed the centralised examination when graduating from school and obtained at least grade E, the results of the test will be taken in to account. Section 12 of the Regulation no. 733 lists those who are exempted from the test:

- those who have graduated from schools where the language of instruction is Latvian;
- those who have attended minority schools but have passed the centralised examination in Latvian;
- those who have health problems, as mentioned in Annex 3 to the Regulation.⁷³

70 See <http://visc.gov.lv/eksameni/valval/info.shtml>, accessed on 18 June 2010.

71 See http://visc.gov.lv/eksameni/valval/dokumenti/parbauzu_vietas.pdf, accessed on 30 May 2010.

72 See <http://visc.gov.lv/eksameni/valval/pedagogi.shtml>, accessed on 30 May 2010.

73 Annex 3 contains a table covering 12 pages, which includes different diagnosis, the indicated seriousness of the condition and notes whether a person with the respective diagnosis should be exempted from the examination or only from part of the examination. For instance, a person who has been diagnosed with eye muscle functional disorder at a moderate or highest level is exempted from the reading part of the examination.

Applications are to be submitted one week before the examination. If a person cannot attend the examination, he is to give notification at least one day before the examination. If the person does not appear for the examination without a valid reason, he has to re-register and pay the fee – 10 LVL (EUR 14) in accordance with Section 63 of Regulation no. 733. The examination is supervised by a commission of experts chosen by the Centre. The commission's members should hold a degree in philology or other science and have at least 5 years' experience in teaching Latvian.

The examination consists of two parts – written and oral. The written part for the A2 level examination takes 60 minutes (Section 33 of Regulation no. 733). The oral part lasts for about 10-15 minutes. The respondent has to earn at least 50 points (50%). In order to pass the examination, at least 5 points (20%) have to be obtained in each part of the examination (listening, reading, writing and speaking). If the level is not reached, a repeat examination cannot take place within three months.

The sample examination is available on the internet and in book format.⁷⁴ The listening examination starts by introducing the task. Candidates have to listen to conversations and tick the picture which shows the answer to the question posed in the context of a conversation. Under each question are three answers. Each conversation is read twice.⁷⁵ The text is read twice, slowly and clearly. The aim is to verify whether the person can understand short, simple texts, written information and simple questions. The topics are on everyday issues: home and surroundings, daily timetable, education, work, hobbies and relations between people.

The results are announced within 15 days. A person can appeal the result and within ten days he will receive the decision of the appellate commission.

2.2 Purpose of the Test

The Latvian language was considered a basis for building a civil society and defining a shared system of values since Latvia regained its independence. It has been commonly assumed that the language is 'threatened' by Soviet Russification policies.

74 See <http://visc.gov.lv/eksameni/valval/uzdevumi.shtml>, accessed on 30 May 2010.

75 An example will be provided. Conversation: 'What is the weather forecast for tomorrow? The sun will be shining. How do you know that? I saw the weather forecast.' The question is: what will the weather be tomorrow? The correct answer is given by ticking the picture of the sun. The other conversations concern situations such as asking for directions to an office, a conversation in the post office, agreeing on a salary for a specific job. The next task is similar in methodology and requires answering questions on specific dialogues.

Naturalisation examinations were introduced to facilitate integration into society. The debates in the *Saeima* reveal the dominant view that only those who master Latvian and have a basic knowledge of the history of Latvia are entitled to citizenship. According to MPs, without naturalisation examinations society would have continued to exist as two-community State, divided on the basis of language. According to A. Pantelējevs, at the time of the adoption of the Citizenship Law, no alternative existed because Latvians were bilingual, speaking both Latvian and Russian, while the Russian-speaking population spoke only Russian. Therefore, in order to ensure that Latvia continued its existence with its own identity, the language requirement was a must.

G. Kusiņš has raised the point that naturalisation examinations were needed because citizenship could not be granted without requiring any effort. This was very important because of the Latvian continuity thesis. The State had to be restored. The approach would have been different if Latvia were a new State and all those living on its territory would agree with that.

Although citizenship was topical during the pre-election campaign, the naturalisation tests themselves were not discussed. This was instead regarded as a self-explanatory requirement. The main focus was on the quota system to be introduced. NGOs at that time were very sparse and they did not play an active role drafting the Citizenship Law. As confirmed by A. Pantelējevs and G. Kusiņš, the main role was played by international organisations.

The facilitation of naturalisation has continuously been on the political agenda, with varying degrees of importance. The overall problem has been correctly formulated by the authors of the Integration Programme, who state that:

‘For many non-citizens who came to Latvia from Russia, Ukraine, Belarus and other countries, creating a sense of belonging to the Latvian State involves quite a difficult choice. They have to find an answer to many vitally important questions: about their future place of residence, loyalty, the future of their children, etc.. The Soviet lifestyle has left a strong and invincible imprint, especially in the minds of elderly people. [...] The modern world has become alien to them, since they have not found their place in it.’⁷⁶

Naturalisation examinations are primarily aimed at Soviet-era settlers because immigrants are not present in large numbers and they do not represent problems for a consolidated society. Most immigrants arrive as a result of

76 National Programme, ‘Sabiedrības integrācija Latvijā’ [The Integration of Society in Latvia]. Riga, 2001, pp.8-11. Available at http://www.np.gov.lv/index.php?lv=fjas_lv&saite=integracija.htm, 15 July 2007.

family reunification and have become well integrated either into the Russian-speaking community or Latvian-speaking community.

According to the website for the LTR language test, the aim of the test is to verify language knowledge and the ability to use the language. Similar to the naturalisation examination, knowledge of language is seen by the ruling centre-right wing coalition as a tool for integration into society and the ability to communicate in social situations.

2.3 Effect of the Test

2.3.1 *Naturalisation Examination*

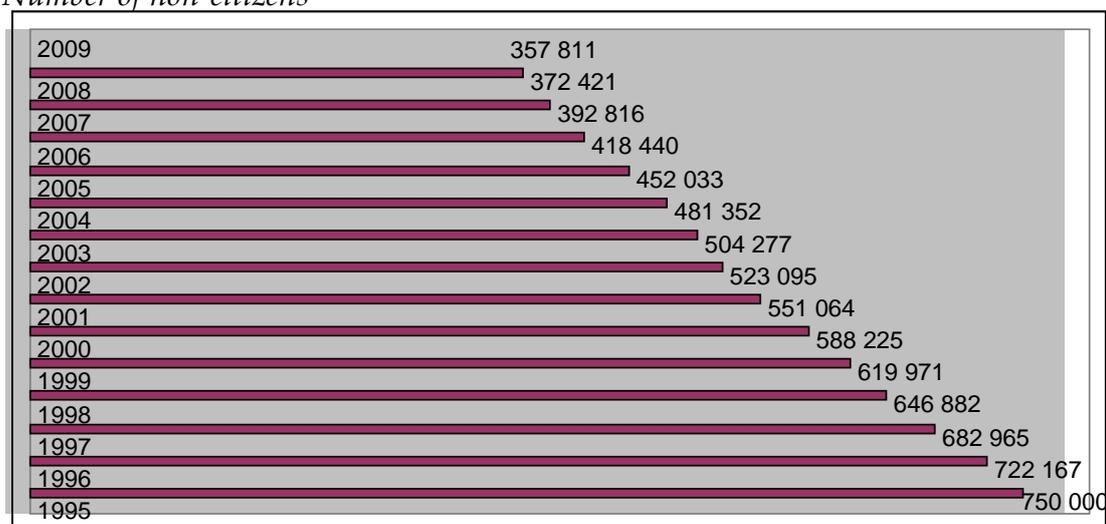
The Citizenship Law was adopted under severe international pressure and the political elite has proved very reluctant to revisit the law, even though compelling reasons existed for amending them to reflect new circumstances (Muižnieks 2010: 8). The authors commenting on citizenship have expressed different views. The comments most recently expressed have been critical of integration policy as such, including certain aspects of naturalisation. At the same time, a political response to those critical comments is noticeably lacking. For instance, while analysts have criticised the abolition of the Ministry of Integration, there was no reaction from the politicians. As a result of the severe economic crisis after 2008, social integration has fallen towards the bottom of the government's list of funding priorities (Muižnieks 2010: 8). Critical comments are expressed about the lack of integration policy. For instance, A. Pantelējevs has stated that there has been no integration policy. Politicians have avoided the issue because it was not considered a priority. There is no problem with the Citizenship Law, but rather with the long-term integration policy. The value trends of the two communities are still different for different reasons – information sources, Russian influence, value perception, etc.. For Pantelējevs, the problem is the fact that naturalisation and integration have been merged or that integration has been reduced to naturalisation. Integration cannot be solved by naturalisation. As he correctly stated: 'While naturalisation is single act, integration is the process'.

G. Kusiņš has similar views. He said that Latvia has no identity. There are two different information spaces that are both self-sufficient. In this respect, the Citizenship Law is of remote importance. The major problem is the lack of vision about the future of the State. Abolishing the age group system for naturalisation was a step forward but the liberalisation of the Law cannot go too far because citizenship has to be earned and a person should make an effort to demonstrate his willingness to become a citizen.

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The ethnic composition of the Latvian population has changed over the years. However, Russian is the most widely-spoken language, along with Latvian.⁷⁷ The statistics on the number of non-citizens have also stagnated in recent years. As noted by human rights expert, Ilze Brands-Kehre, although the number of non-citizens has significantly declined since the early 1990s, the largest decrease has come from emigration in the initial years after independence, by people with weak links to Latvia and through a natural decline because of death, not from naturalisation (Brands-Kehre 2010: 100). As of 1 January 2009, Latvia had 357 811 non-citizens, which constitutes 15.8% of the total population.

Number of non-citizens



Source: *Annual Report of the Naturalisation Board, 2009*, available at http://www.pmlp.gov.lv/lv/documents/publikacijas/NP_GADA_PARSKATS_2009.pdf, accessed 11 May 2010.

When examining remaining number of non-citizens, it should be kept in mind that some non-citizens are barred from applying for Latvian citizenship because they fall into those groups of persons who cannot apply for citizenship according to Article 11 of Citizenship Law. The groups excluded are, for instance, persons who have served in the USSR army or the KGB, or have been punished for a crime which was considered a crime at the time when the Citizenship Law was adopted, and similar. Altogether, the Law mentions 8 groups of persons. Therefore, some will have to remain non-citizens if they choose to stay in Latvia and do not opt for another citizenship.

⁷⁷ According to data from the Central Statistical Office, the proportion of Latvians is 59.3%, Russians 27.8%, Ukrainians 2.5% and Belarusians 3.6%. These are the biggest groups and three of them – Russians, Ukrainians and Belarusians – usually speak Russian. Data are available at http://www.csb.lv/images/modules/items/item_file_11136_2_22.pdf, accessed on 21 June 2010.

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According to the Annual Report by the Naturalisation Board of 2009, in total numbers between 1995 and 31 December 2009, Latvian citizenship was granted to 150 369 persons, including:

- by naturalisation, 132 870 persons;
- by registration, 9 364 persons;
- by recognition, 8 133 children;
- by renewal, 2 persons.

According to the Naturalisation Board, most of the applicants are non-citizens (approximately 98%).

Naturalisation numbers are decreasing. The peaks came after the abolition of the age window system in 1998 and after Latvian membership of the EU. The figure of 2080 persons during 2009 includes 76 children aged up to 15.

Number of people acquiring citizenship by naturalisation

Year	Persons applying for naturalisation	Naturalised persons
1995	4,543	984
1996	2,627	3,016
1997	3,075	2,992
1998	5,608	4,439
1999	15,183	12,427
2000	10,692	14,900
2001	8,672	10,637
2002	8,370	9,844
2003	11,268	10,049
2004	21,297	16,064
2005	19,807	19,736
2006	10,581	16,439
2007	3,308	6,826
2008	2,601	3,004
2009	3,470	2,080

Source: Annual Report by the Naturalisation Board 2009, see also http://www.np.gov.lv/lv/statistika/dokuments/Naturalizacija_1995_2010.pdf

One can agree with G. Kusiņš, who has observed that statistics can be interpreted to suggest that mostly rational and pragmatic motivation rather than patriotic and emotional dominated in the group applying for citizenship. For instance, the peak of naturalisation, at the time when Latvia was joining the EU, was seen as a major possibility for gaining additional rights. Currently, interest is pre-determined by additional social and travel rights, rather than feelings about the Latvian State.

Although the 18-30 age group of non-citizens makes up only 12% of all persons belonging to this category, this has been the most active group in

naturalisation, constituting 53.5% during 2009. In comparison to 2008, the middle age group has become more active in applying for citizenship, while the elderly are becoming less active.⁷⁸ During 2009 a total of 649 naturalisation applications were terminated. Most of the cases (84%) represent persons who did not appear for the examination or did not pass the examination at the third attempt.⁷⁹ The number of persons refused naturalisation is low. For instance, during 2009 this constituted only 0.8%. More than a half of the applications (18 out of 27) were refused because the person had been convicted of a crime and the criminal record had not been released at the time of application.

According to I. Brands-Kehris, who has studied the information from the Naturalisation Board, substantial variations have occurred in the gender balance of applications and naturalisations over the years. The cumulative figures since naturalisation started in 1996 until the end of 2009 show that 63% of all naturalisation applicants were women. She observed that,

‘While, in the first decade or so, the ratio of women to men was relatively stable at two-thirds to one-third, since the mid-2000s more or less similar numbers of applicants of each gender have been recorded, while in 2009, for the first time, more men than women applied for naturalisation’ (Brands-Kehris 2010: 101).

According to the data from the OCMA, most of those applying for citizenship have secondary education (53% in 2008 and 57% in 2009), while the numbers of applicants with higher education (17% in 2008 and 15% in 2009) and elementary education (28% in 2008 and 26% in 2009) lag behind.

The pass rates for the naturalisation examinations are declining. During 2004 and 2005, when naturalisation reached its peak, the percentages of those who failed the knowledge test were 3.7% and 4.8% respectively but, by 2007 and 2008, those figures had already reached 10.4% and 17.8%. The results for the language examination are similar. During 2004 and 2005, the percentages of failures were 10% and 16% respectively while, during 2007 and 2008, failures increased to 21% and 28% and, during 2009, they reached 38.9%. This can be explained by two factors. Firstly, the decline in the range of State-

78 Annual Report by the Naturalisation Board, 2009. For instance, 1857 persons in the 18-30 age group have applied for citizenship, while only 126 persons over the age of 61 have submitted an application. The other groups of applicants are present in the following numbers – 587 in the 31-40 age group (compared to 386 in 2008); 474 aged 41-50 (compared to 409 in 2008); 285 aged 51-60 (compared to 353 in 2008).

79 Annual Report by the Naturalisation Board, 2009. Out of the total, 544 cases were terminated because the person did not appear for the examination. In 88 cases, the person stated that he was unwilling to continue with the procedure, 12 had not renounced their previous citizenship. In 3 cases, the person was disqualified because he did not satisfy other requirements for citizenship (for instance, co-operation with the KGB), 2 persons had died.

financed courses and, secondly, by the category of applicants who are less motivated. Most non-citizens who were motivated to acquire citizenship did so either after the abolition of the age group limitations or when Latvia joined the EU. The current group of applicants consists mainly of non-citizens with lower education and a low level of interest in citizenship.

Record of persons who took the language examination

Year	Persons who took the examination	Persons who passed the examination	Persons who failed
2007	3213	2527	686
2008	2446	1748	698
2009	3023	1846	1177

Source: home page of the OCMA http://www.np.gov.lv/lv/statistika/dokuments/Naturalizacija_1995_2010.pdf.

The pass rate for the knowledge examination shows that 82% of applicants were successful in 2009.⁸⁰ During 2009 the knowledge examination was taken by 2466 applicants. The statistics are similarly disappointing. On average, 17-18% of applicants do not pass the examination.

Record of persons who took the knowledge examination

Year	Persons who took the examination	Persons who passed the examination	Persons who failed
2007	3818	3418	400
2008	2459	2007	452
2009	2476	2030	446

Source: home page of the OCMA http://www.np.gov.lv/lv/statistika/dokuments/Naturalizacija_1995_2010.pdf.

Researchers have argued that these dramatic changes over the past decade, and in particular over the past five years, require urgent investigation and analysis (Brands-Kehris 2010: 102).

The largest proportion of naturalised citizens is of Russian ethnicity; this group has submitted 66% of all naturalisation applications in the 14 years since naturalisation started. This corresponds to their proportion among non-citizens of Latvia (on 1 July 2009 66% of non-citizens were Russian). The following groups are Belarusians (10% of applications 13% of non-citizens 13%) and Ukrainians (9% of applications, 9.5% of non-citizens) (Brands-Kehris 2010: 102).

⁸⁰ Information available at <http://www.pmlp.gov.lv/lv/statistika/Naturalizacija.html>, accessed on 18 June 2010.

The number of persons willing to register as Latvian citizens has increased since 2007.⁸¹ However, the overall figure remains low. For instance, in 2009 only 736 persons were registered as Latvian citizens, including 25 children.

Persons registered as Latvian citizens

Year	Applications	Registered status
1999	1942	1738
2000	827	998
2001	555	547
2002	655	628
2003	718	698
2004	943	940
2005	960	948
2006	921	952
2007	563	578
2008	605	601
2009	722	736

Source: Annual Report by the Naturalisation Board 2009.

In most cases, citizenship status is registered for those who have attended Latvian schools of instruction. For instance, 431 persons were registered during 2008, while 541 persons were registered during 2009. Altogether, 46 foreign citizens applied for Latvian citizenship, of whom 17 were Russian citizens and 13 citizens of Ukraine. In 2009 no campaign for registering non-citizen children took place. This should have been facilitated. While registrations peaked in 2004, the number of applicants has decreased ever since.⁸²

The carrot-and-stick approach has improved language skills among Russian speakers. Russian speakers willing to be employed in Latvia in various positions had to learn Latvian. However, practical use and the further development of skills is lacking in areas inhabited by non-Latvians. Statistics and sociological surveys show that the number of Latvian speakers has been slowly increasing. Over the period from 1989 to 2000, the number of those

81 According to Article 2 of the Citizenship Law, some groups are considered Latvian citizens. They are not subject to the naturalisation procedure but are required to submit an application for registration. These provisions are not limited in time and refer to: (1) persons who were Latvian citizens on 17 June 1940 and their descendants; (2) Latvians and Livs who reside permanently in Latvia; (3) persons who reside permanently in Latvia and who have graduated from a school where the language of instruction is Latvian.

82 In 1998 only 328 applications were submitted and 258 were accepted. In 2004, applications totalled 2973, while 1795 were accepted (in 2005: 1381 and 1510; in 2006: 1574 and 1573; in 2007: 818 and 918, in 2008: 570 and 625). Subsequently, in 2009 only 449 applications were submitted and only 419 accepted. Annual Report by the Naturalisation Board, 2009.

familiar with Latvian increased by almost 20% (Djačkova 2004: 15).⁸³ As a result of strict language policies, awareness of the need to know Latvian has also increased. The younger generation has better language skills; the middle-aged and older generations have poorer skills (Djačkova 2004: 17).

In terms of the methods of learning Latvian, most people in all age groups learned Latvian at school (55%). A significant role in learning the language has also been played by communication with colleagues at work or fellow students (23%) and informal or social communication (19%). Only about 17% of those interviewed had taken Latvian language courses and 10% learned Latvian by self-education (Djačkova 2004: 22).

During the early years after Latvia regained its independence, the learning of Latvian was extensively supported by national institutions and international donors. The major donors were the United Nations Development Programme, the EU, the OSCE, the USA, Sweden and Norway. For instance, the National Agency for Latvian Language Training (NALLT) was financed by both the EU and the NATO Member states (total amount, approximately EUR 10 million) and the EU PHARE Programme (total allocation during 1996-2002, EUR 5 million) (Lerhis et al. 2008: 18). Language courses were provided for both candidates for naturalisation and the general public, mainly the unemployed and job-seekers. The main institutions involved in these processes were the National Programme for Latvian Language Training, the Naturalisation Board and the Fund for the Integration of Society. Although donations were impressive and courses well attended, the overall numbers of persons attending them are not significant. For instance, the courses as part of the National Programme during the period 1996-2002 were attended by 50,000 people (12% of those whose native language is not Latvian) (Djačkova 2004: 47, 49, 54).

The emphasis on the Latvian language has led to the mushrooming of institutions with overlapping competencies, such as the State Language Centre, the National Programme for Latvian Language Training, the President's State Language Committee and the State Language Agency. The State Language Agency was reorganised on 1 July 2009 by merging the Agency with the National Programme for Latvian Language training, which had existed ever since the naturalisation process began. However, the practical results in promoting the use of Latvian still remain dependent more on State language

83 Data obtained from the 2000 census show that 81.7% of the population know Latvian (including 58% Russians). By comparison, in 1989 the census results showed that only 62.3% of the population could speak Latvian. See also research on 'Language', conducted by the Baltic Institute of Social Sciences, covering the period 1996-2008. Available at http://www.bszi.lv/downloads/resources/valoda/valoda2008_en.pdf According to their results, 57% of non-Latvians report good Latvian skills in 2008, while in 1996 the figure was 36%. The group that does not know Latvian at all is slowly decreasing (22% in 1996, 7% in 2008).

inspection than on a willingness to speak Latvian or to accept it as a 'shared value'. The State has only limited resources to offer courses free of charge and the possibilities depend on the availability of outside financial support.

2.3.2 Long-term Resident Test

Compared to other states, Latvia is in different situation because most people arrived or were even born in Latvia without an entitlement to citizenship by naturalisation.

According to data from the OCMA, on 31 December 2009 the number of foreigners or stateless persons was 50 341 (data for 2009), which is 2% of Latvian inhabitants.⁸⁴ More detailed data has been collected since 1 July 2009.

Number of Latvian inhabitants on the basis of nationality

Nationality	Number	%
Latvian citizen	1,860,297	82.26
Latvian non-citizen	351,435	15.54
Foreign citizens of whom:	49,871	2.21
Russian citizen	30,718	1.36
Lithuanian citizen	3742	0.17
Ukrainian citizen	3403	0.15
Belarusian citizen	2053	0.09
German citizen	1054	0.05
Other	8901	0.39
Total	2,261,603	100

Source: OCMA data as of 1 July 2009, available at http://www.pmlp.gov.lv/lv/statistika/dokuments/2009/2ISVP_Latvija_pec_VPD.pdf, accessed 1 July 2010.

The same data show no significant changes in the issue of permanent residence permits (2006-2009).

Number of residence permits issued annually

Year	Permanent residence	Temporary residence
2006	3238	2928
2007	2782	4831
2008	2116	4609
2009	2598	2388

Source: OCMA, <http://www.pmlp.gov.lv/lv/statistika/uzturesanas.html>

Altogether, the number of residence permit holders has not changed significantly since 2005, although it is gradually increasing.

⁸⁴ Annual Report by Naturalisation Board 2009.

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Total number of residence permit holders

Year	Permanent residence	Temporary residence
2005	26,976	7429
2006	29,487	8003
2007	30,820	9656
2008	33,055	12,815
2009	34,354	14,715
2010	36,249	13,785

Source: OCMA, <http://www.pmlp.gov.lv/lv/statistika/uzturesanas.html>

A survey conducted of immigrants in Latvia refers to unpublished data from the OCMA in relation to reasons for arrival in Latvia. According to the survey, most of the immigrants come for family reunification.

Percentage of those arriving for specific purpose in 2003 and 2008

Reason for arrival	1 January 2009 (8474 people)	1 January 2004 (5402 people)
Family reunification	39	56
Parents	14	7
One parent is a Latvian citizen	3	
Employee	20	9
Employer	14	14
Students	6	6
Missionaries	2	2
Private visit	1	3
Others	3	2

Source: *Imigranti Latvijā: Iekļaušanās iespējas un nosacījumi [Immigrants in Latvia: Possibilities and Conditions for Inclusion]*, Baltic Institute of Social Sciences, Riga 2009, p. 21.

Most of those arriving on a temporary residence permit are men (55%) and minority women (45%). Women are less likely to be coming to work in Latvia (employees are 21% women and 79% men). Women usually come to join their children (78% women, 22% men).⁸⁵ The top three countries from where immigrants come to Latvia are Russia, Ukraine and Belarus.⁸⁶ The number of work permits issued has been steadily decreasing since 2008. While it rose from 637 permits at the beginning of 2005 to 2150 at the end of 2007, and 2165 by the end of 2008, the most recent numbers suggest a decline in work permits issued to 1437 by the end of 2009.⁸⁷ The profile of migrants is as follows:

85 *Imigranti Latvijā: Iekļaušanās iespējas un nosacījumi [Immigrants in Latvia: Possibilities and Conditions for Inclusion]*, Baltic Institute of Social Sciences, Riga:2009, p. 21.

86 *Ibid.*, p. 22.

87 *Ibid.*, p. 24.

people with secondary education (73%), men (87%), in the age group 25-44 and working in construction sector.⁸⁸

In general, the pass rate among those who have taken the language examination has increased at various levels. Therefore, the figures below include persons who took the examination to apply for a permanent residence permit or to practise certain profession. It means that the numbers might include cases where a person already holding permanent residence status sits the examination in order to pass it at a higher level of command of Latvian, to work in a specific profession.

Statistics for persons taking the language examination

Year	Number of persons who took the examination	Number of persons who passed the examination	Pass rate
2007	3826	2673	70%
2008	5104	3506	69%
2009	5324	4414	83%

Source: Centre for Education Curricula, <http://visc.gov.lv/eksameni/valval/statistika.shtml>, accessed 10 March 2010.

The number of persons applying for LTR status is insignificant. According to the data from the OCMA, 30 people acquired the status in 2006, 36 in 2007 and 62 in 2008.⁸⁹ According to the report, the status is not popular in Latvia and the majority of foreigners apply for the national permanent residence permits. Out of those 62 who were granted the status in 2008, 28 were Russian citizens, 9 Ukrainian, 4 Belarusian and 4 non-citizens of Latvia.

The main complaints from potential LTRs are related to the possibilities for learning the Latvian language and receiving medical care. Problems occur with regard to completing language education groups and employers do not welcome the initiative to take the tests.⁹⁰ The application for the residence permit is viewed as lengthy and costly, especially by those who do not have a Latvian embassy in their country of residence.⁹¹ Difficulties have also been indicated in relation to the extension of temporary residence permits. The in-

88 *Ibid.*, p. 24-25.

89 OCMA, Report of 2008, available at http://www.pmlp.gov.lv/lv/par_pmlp/publikacijas/GADAPARSKATS2008FINAL.pdf, accessed 17 March 2010.

90 National News Agency LETA, *Pētījums: trešo valstu pilsoņi Latvijā sūdzas par problēmām saņemt medicīnisko aprūpi un apgūt latviešu valodu* [Research: third-country nationals in Latvia complain about problems receiving medical services and learning Latvian], 16 December 2009. *Imigranti Latvijā: Iekļaušanās iespējas un nosacījumi* [Immigrants in Latvia: Possibilities and Conditions for Inclusion], Baltic Institute of Social Sciences, Riga 2009, p. 84-88.

91 *Imigranti Latvijā: Iekļaušanās iespējas un nosacījumi* [Immigrants in Latvia: Possibilities and Conditions for Inclusion], Baltic Institute of Social Sciences, Riga 2009, p. 67.

interviews led to the conclusion that reality is different when compared to the requirements of the laws and regulations. Most communication takes place orally, thus without the possibility of proving its inadequacy or voluntary nature.⁹² Overall evaluation of immigration procedures and the attitude of the OCMA officials has been negative.⁹³

The respondents who arrived in Latvia for marriage or study purposes indicate that the permanent residence permit is difficult to obtain. The requirement that they cannot leave Latvia for more than 6 months is very stringent. In addition, no precise information is available concerning which periods of residence will be counted. As a result, in some cases students have to be resident in Latvia for 10 years, which extends the time during which they are entitled to apply for citizenship.⁹⁴ Thus, immigrants have to reside in Latvia for at least 10 years before being entitled to apply for Latvian citizenship and to renounce their current citizenship. The respondents regarded such requirements as inadequate and an obstacle to inclusion in Latvian society.⁹⁵

The lack of knowledge of Latvian is one of the obstacles to inclusion into the labour market. Firstly, the lack of knowledge is an obstacle to applying for job. Certain jobs require an adequate knowledge of the language. Secondly, the requirements prevent immigrants from obtaining an adequate job for their knowledge and skills. This is especially the case for immigrants who have arrived for family reunification and who are willing to work in Russian.⁹⁶

Approximately half of foreigners who have resided in Latvia for up to 5 years and 3/5 of immigrants of all groups have experience of learning Latvian. About 4/5 of those who have a permanent residence permit and who have lived in Latvia for over 10 years have learned Latvian. The motivation to learn Latvian is also high among the immigrants. Thus, 3/4 of immigrants answered positively with respect to learning Latvian (54% explicitly positive, and 24% rather positive).⁹⁷

Employers are not satisfied with the requirement that immigrants have to master Latvian. They criticise the work of the State Language Centre. According to employers, there should be no language knowledge requirement in case if a worker is not in direct contact with clients.⁹⁸

92 *Ibid.*, p. 71.

93 *Ibid.*, p. 73.

94 *Ibid.*, p. 76.

95 *Ibid.*, p. 77.

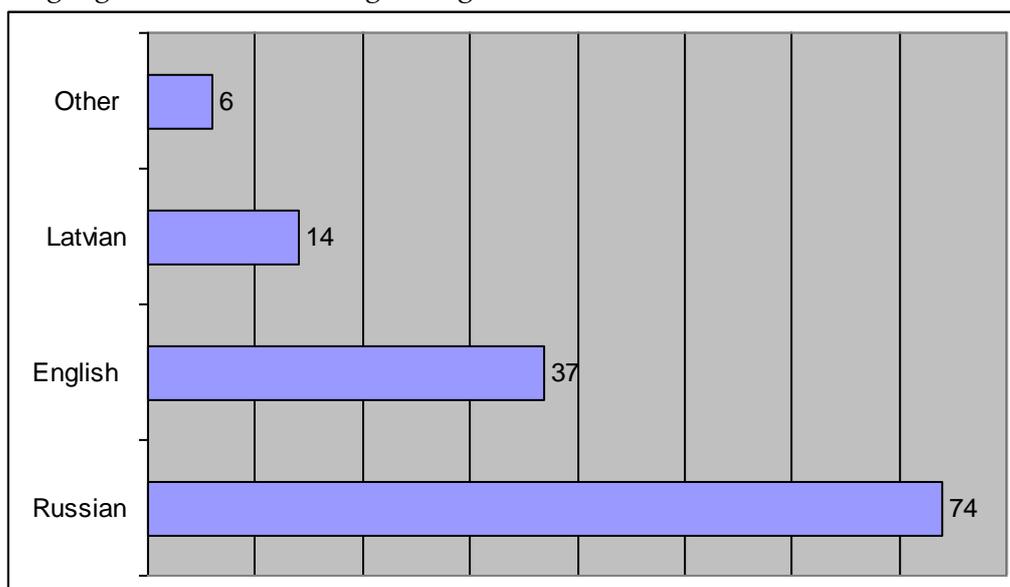
96 Imigranti Latvijā: Iekļaušanās iespējas un nosacījumi [Immigrants in Latvia: Possibilities and Conditions for Inclusion], Baltic Institute of Social Sciences, Riga: 2009, p. 78.

97 *Ibid.*, p. 131-132.

98 *Ibid.*, p. 157.

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Language distribution among immigrants (%)



Source: Imigranti Latvijā: Iekļaušanās iespējas un nosacījumi [Immigrants in Latvia: Possibilities and Conditions for Inclusion], Baltic Institute of Social Sciences, Riga 2009, p. 111.

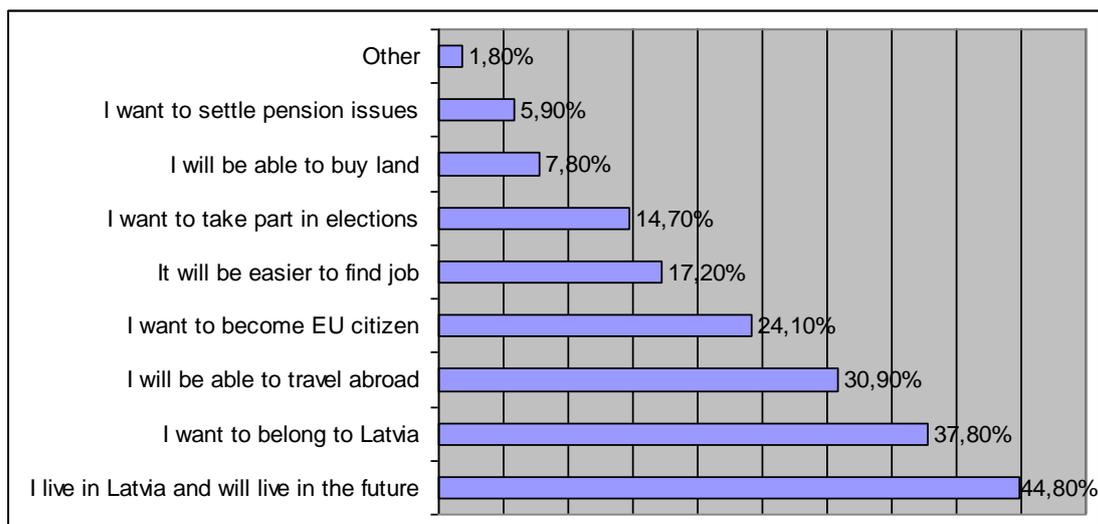
Chapter 3: Analyses of the Interviews

The interviews concerned only naturalisation examinations. References will also be made to a survey conducted by the Naturalisation Board in 2007.⁹⁹ The Board's information is useful because it is based on questionnaires submitted by 511 respondents in age groups ranging from 15 to 65 or older.

NGOs monitor the processes, analyse data and express their views in the Latvian media and politics. They co-operate with international organisations. They assist people, write petitions to foreign embassies and international organisations and organise protests. Naturalisation is one of the main issues for NGOs.¹⁰⁰

3.1 Reasons for application and non-application

The main factors motivating people to acquire citizenship, according to a survey by the Naturalisation Board, are:



The Board observed that, compared to similar survey conducted in 2003, slight differences in motivation are evident. For instance, the willingness to commit to living in Latvia has decreased by 15%. This is confirmed by our interviews with officials from the Naturalisation Board. According to them, rational and pragmatic reasons dominate as opposed emotional reasons. The

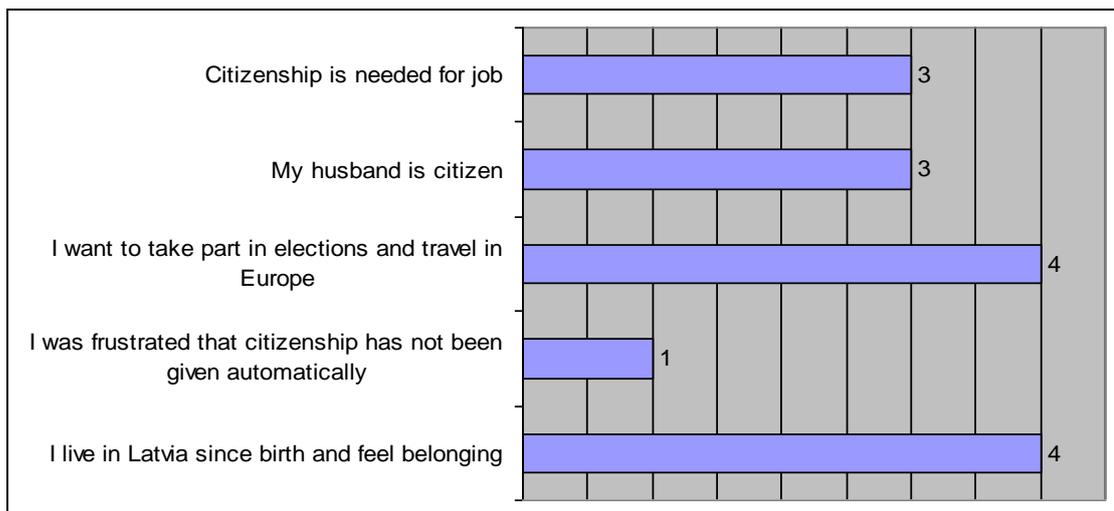
⁹⁹ Research was mentioned during the interview with J. Citskovskis. He informed us that the results of a survey of applicants for naturalisation in 2010 reveal a similar picture.

¹⁰⁰ Interview with S. Zankovska-Odina, representing the Latvian Human Rights Centre.

decrease is registered by choosing the option 'easier to find a job' (down 10.8%) and 'to take part in elections' (down 8-9%).

During the period when naturalisation sky-rocketed, i.e. in 2004, about 64.3% of non-citizens interviewed responded positively to the question of whether they wanted to acquire nationality; only 19.3% indicated that they had not thought about it (Stalidzāne 2004: 13). According to studies, the main motives for naturalisation are the following: the fact that the person lives in Latvia, the sense of belonging to the State, the need to increase safety, citizenship is better for children, it makes travelling easier, there are no professional restrictions and no limits on purchasing land. Latvia's accession to the EU was also mentioned as important. The indicators of loyalty among new citizens are also relatively high. Thus, 75% of new citizens would be ready to defend Latvia, while about 20% still support joining the Commonwealth of Independent States.¹⁰¹

Our survey showed a similar picture. All of the 15 naturalised persons interviewed had lived in Latvia since birth in 1960-1970 or for 10-25 years.

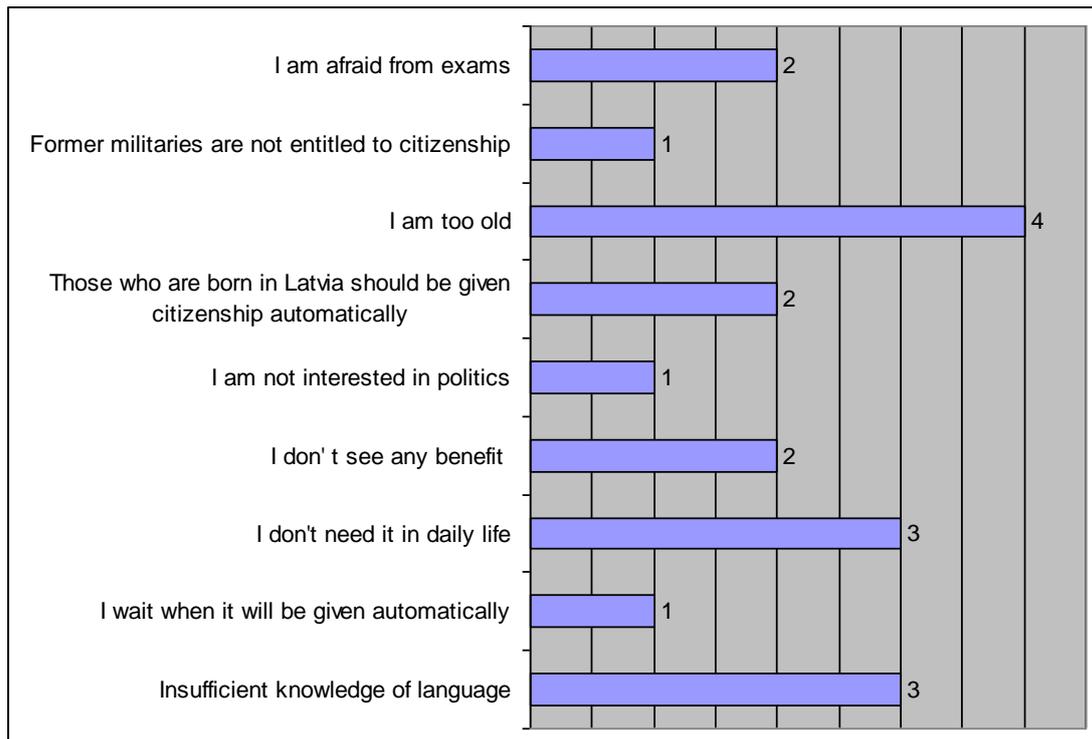


While a sense of belonging and voting rights were noted by the majority of respondents, the others referred to more pragmatic reasons motivating them to apply for citizenship.

Non-citizens we interviewed gave the following reasons for their unwillingness to acquire Latvian citizenship:

101 Baltic Institute of Social Sciences <http://www.biss.soc.lv/downloads/resources/jaunpilsoni/jaunpilsoni2001.pdf>, 8 January 2008.

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NGOs that support the liberalisation of naturalisation have noted that most of those who do not apply for naturalisation motivate their decision by arguing that they are entitled to automatic citizenship (34.2%), others refer to problems mastering Latvian (23.2%) or history (20.5%), cheaper visas to Russia (20.2%) and problems paying the official fee (20.2%).¹⁰² Moreover, NGOs are disappointed that the State can refuse citizenship for political reasons.¹⁰³

The Naturalisation Board survey questioned why respondents did not explore the right to acquire citizenship earlier. Most of them responded that they were not sure whether they would be able to pass the examination (25.4%). The other most popular responses were: did not feel the need (21.6% in 2003 and 24.9% in 2007), no time to settle formalities (18.1% in 2003 and 24.1% in 2007), hope that naturalisation would be made easier (20.4%), the

102 Data provided by the Latvian Human Rights Centre.

103 They refer to the case of Jurijs Petropavlovskis. Mr. Petropavlovskis is a non-citizen and a member of a radical group called 'Headquarters for the Protection of Russian Schools', which, among other things, organised various kinds of protest against the education reform that stipulates that 60 per cent of subjects should be taught in Latvian in secondary schools, which are financed by the State. He joined one of the radical left-wing parties and was willing to be a candidate for local government elections after naturalisation. In the mean time, he publicly campaigned for violence, bloodshed and terrorism and threatened to take action after his naturalisation. The Cabinet of Ministers refused his application for nationality on 16 November 2004 although he complied with all the requirements of the Citizenship Law. See National News Agency LETA, 8 December 2005.

conviction that citizenship should be granted automatically (19%), easier travel to the CIS (8.6%), insufficient information (6.5%). Only 2.5% of respondents noted that the naturalisation process is humiliating. Other surveys reflect similar results.¹⁰⁴

Certain non-citizens are willing to maintain closer ties with Russia. They mention that loss of this status will be an obstacle to travel to Russia. On 18 June 2008 Russia adopted a decision to facilitate the procedure for the entry of non-citizens from Latvia and Estonia to Russia. The President of Russia, Dmitry Medvedev, has signed a decree that establishes the procedure for entering Russia for former Soviet citizens currently living in Latvia, who have not obtained another country's citizenship. These persons will be allowed to travel to Russia without a visa and will only need to provide a valid travel document - a non-citizen's passport in the case of Latvia. The same applies to the minor children of those persons.¹⁰⁵ In the opinion of politicians, Russia is creating obstacles to Latvian attempts to encourage naturalisation by making the status of non-citizen more attractive.

It can be argued that, within the context of naturalisation, rational and pragmatic reasons take precedence over emotional ones. For instance, in 2009 the number of non-citizens applying for Russian citizenship (2706) exceeded the number of non-citizens acquiring Latvian citizenship (2080).¹⁰⁶ According to J. Citskovskis, applicants for Russian citizenship are in the pre-retirement age group because the Russian regulations are more favourable for receiving a pension.

104 Recent opinion polls suggest that only 24% are planning to apply for citizenship, while 48% admit that they will not apply. In general, there is a lack of interest in applying for Latvian citizenship because non-citizens feel comfortable on an everyday basis and the prestige of Latvian citizenship is low. Thus, only 44% of respondents consider Latvian citizenship prestigious. In most cases, non-citizens mention that they lack the motivation (44%) or time (29%). Others refer to insufficient knowledge of the language (37%) and history (24%). Naturalisation was referred to as humiliating by 21%. At the same time, 86% of non-citizens want their children to be Latvian citizens. 'Kvantitatīvs un Kvalitatīvs Pētījums par Sabiedrības Integrācijas un Pilsonības Aktuālajiem Aspektiem' (2008), SIA 'AC Konsultācijas', available at <http://www.politika.lv/index.php?id=16923>, 1 December, 2008, pp. 20-22. Another survey conducted in schools among teachers and students concludes that non-citizens are unwilling to naturalise because they associate the process of naturalisation with assimilation. Students often perceive Latvia as a territory that is ethnically populated by Latvians. Accordingly, they do not see Latvia as a democratic society, held together on the basis of the fundamental principles of the Constitution. In this respect, they find it difficult to identify the benefits and significance of citizenship. National News Agency LETA, 19 November 2008.

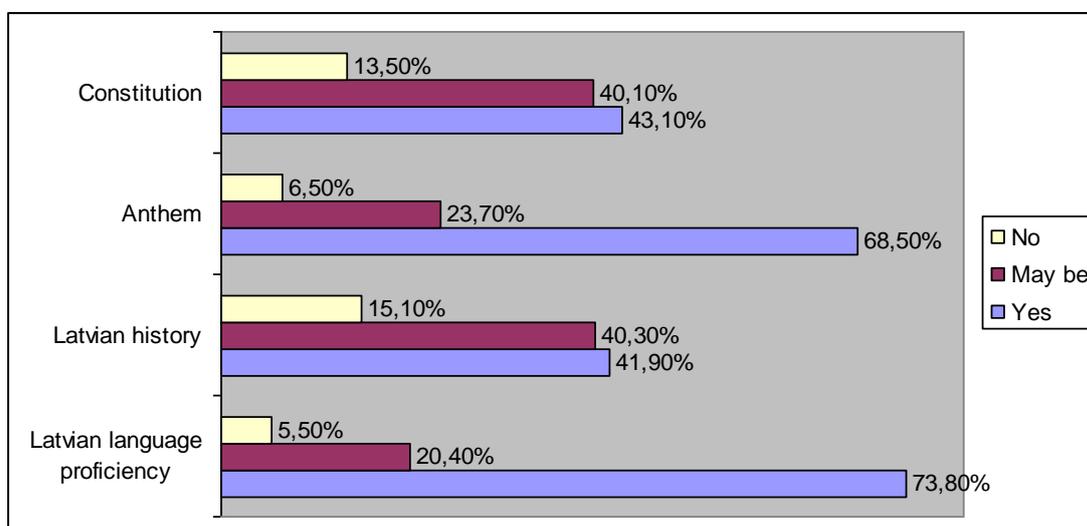
105 Russian national news agency RIA NOVOSTI, 18 June 2008.

106 National News Agency LETA, Pērn Latvijas nepilsoņi vairāk izvēlējušies kļūt par Krievijas pilsoņiem, nevis naturalizēties [Last Year More Latvian Non-citizens Chose to Become Russian Citizens Instead of Naturalising], 27 January 2010.

3.2 The Need for Examinations

According to the survey by the Naturalisation Board, a steady decrease is evident in the number of people who are psychologically uncomfortable with naturalisation. Thus, the number of those who think that naturalisation should be automatic has decreased (19% in 2007, from 34.2% in 2003). The same applies to the number of those who think that the naturalisation process is humiliating (2.5% in 2007, 17.9% in 2003). The percentage who hopes that the examinations will be made easier has also decreased (from 26.2% in 2003 to 20.4% in 2007).

The answers to the question from the Naturalisation Board about which naturalisation questions should be asked produced the following results:



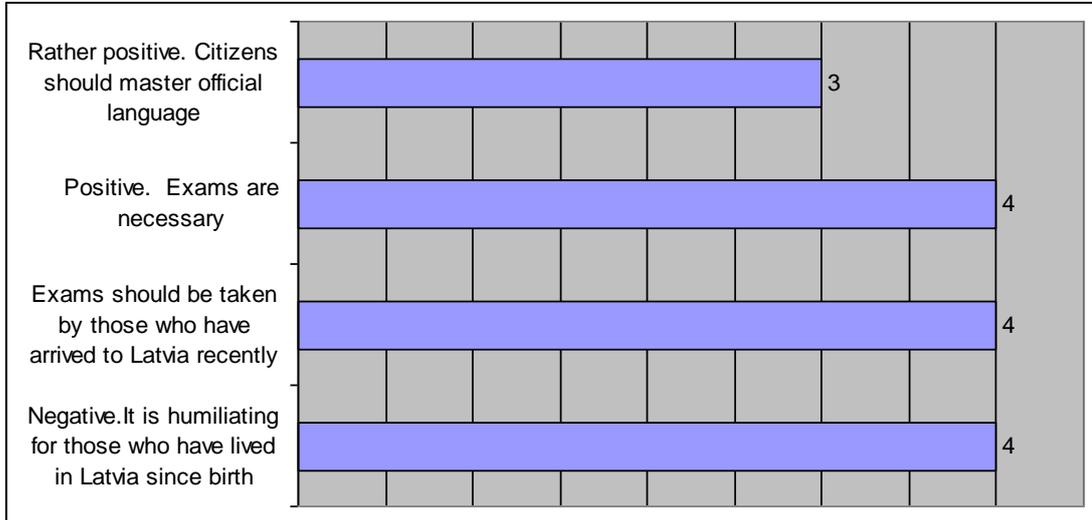
Examinations are generally supported by both citizens and non-citizens.¹⁰⁷ This might be seen as a result of the activities by the Naturalisation Board in previous years. Apart from being involved in promoting language courses, with the assistance of international donors the Naturalisation Board has organised a number of information campaigns to promote naturalisation. It al-

¹⁰⁷ In the survey conducted in 2008, 92% of citizens and 62% of non-citizens supported language examinations. By comparison, the numbers for 1997 and 2000 were 83% and 85% of citizens and 54% and 56% of non-citizens respectively. The knowledge examination is supported by 44% of citizens and 12% of non-citizens. In 1997 and 2000 the numbers were 56% and 67% of citizens, while 34% and 41% of non-citizens supported the examination. The view that all examinations have to be abolished is supported by 31% of non-citizens and 7% of citizens. The public opinion survey, 'Kvantitatīvs un Kvalitatīvs Pētījums par Sabiedrības Integrācijas un Pilsonības Aktuālajiem Aspektiem' (2008), SIA 'AC Konsultācijas', is available at <http://www.politika.lv/index.php?id=16923>, 1 December 2008, pp. 15-16.

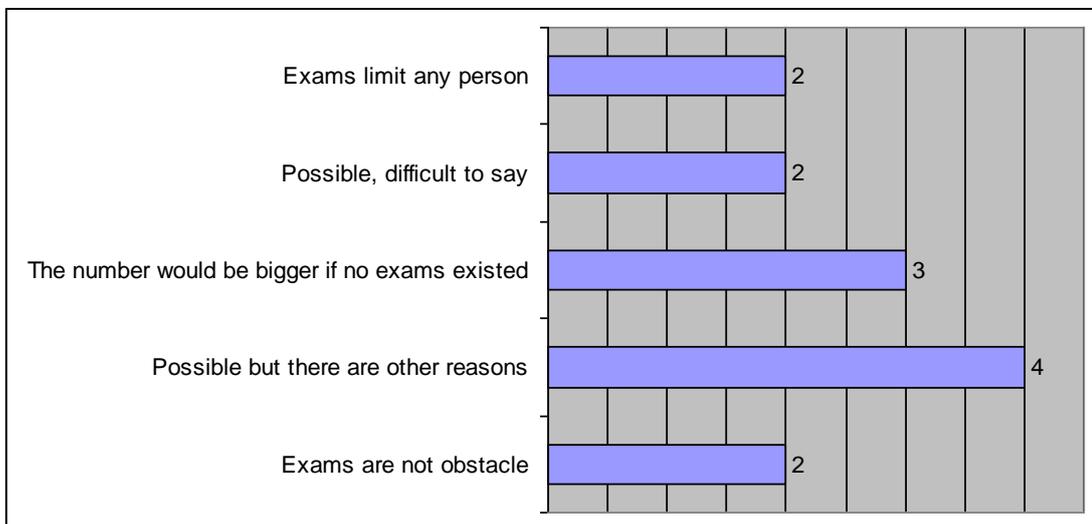
so set up an information centre and made its consultants easily available to give advice.

Our survey showed diverse results. Naturalised citizens were mainly positive about the examinations.

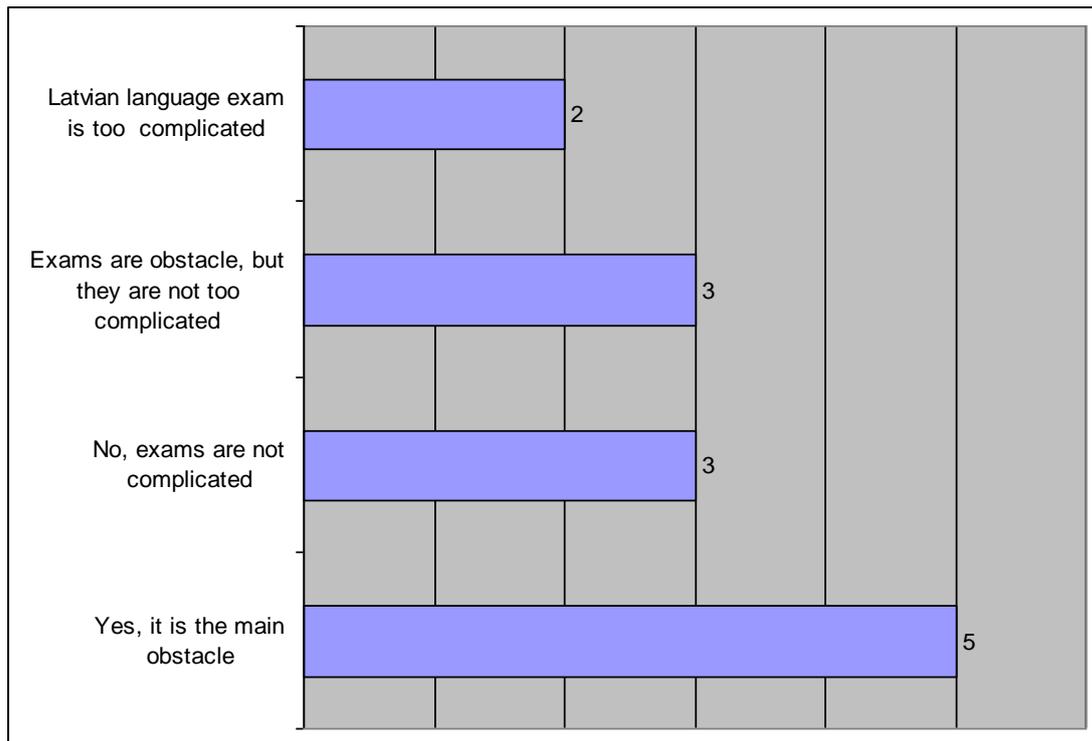
Views on the naturalisation examination among those who have naturalised



When asked to evaluate whether the naturalisation examinations represent an obstacle to naturalisation, naturalised citizens answered:



Thus, the majority did not treat examinations as an obstacle to naturalisation or they admitted that they might be an obstacle but not because they are complicated. Non-citizens were more pessimistic about the examinations. When asked the same question, they replied in the following way:



According to the survey conducted by the Naturalisation Board, in most cases the respondents agreed that applicants for naturalisation should prove their knowledge of Latvian and the national anthem. Doubts were expressed in relation to the need to pass the history examination. In the survey conducted by the Naturalisation Board, in 2000 85% of citizens and 56% of non-citizens said that a Latvian language examination should be taken in order to acquire citizenship, while 67% of citizens and 41% of non-citizens held the view that a history examination should be taken as well. In general, the acceptance of examinations has increased when compared to earlier surveys conducted by the Board.

Our survey showed that officials – E. Aldermane and J. Citskovskis – view examinations positively and treat them as a way of learning the language. They also think that usage of the language has increased and knowledge of history has increased. The officials interviewed noted that naturalisation examinations are an obstacle to naturalisation, albeit a necessary one. The examination questions have been assessed on a number of occasions by international experts and the requirements are relatively low. The questions are known in advance and applicants have ample opportunities to prepare. One worrisome aspect is young people’s knowledge of history and the Constitution. The failure rate is related to the fact that most of the applicants do not know Latvian. The examination requirements as such are not problematic.¹⁰⁸

108 Interview with former Head of the Naturalisation Boards Examination Centre L. Danga.

NGOs differed in their views on whether people are sceptical of examinations. A representative of the Latvian Human Rights Centre stated that most people treat the examinations in a pragmatic manner. Older people are afraid of examinations. Those who are pessimistic do not apply for naturalisation. At the same time, the representative of the Latvian Human Rights Committee said that most people have a negative attitude and examinations serve to divide society into citizens and non-citizens.

Two of the NGOs interviewed regarded naturalisation as a humiliating process. They argued in favour of the registration procedure ('zero option'). The fact that a person who was born in Latvia has to take examinations and pay a fee is regarded by them as racial discrimination. In their view, the elderly at least should be exempted from the examinations.¹⁰⁹ One of the NGO representatives said that even though the test on the national anthem and the *Satversme* is understandable, there is clearly no need for a history examination. Elderly people are unable to learn the language but young people have mastered the language already. Thus, there is no need for an examination.

In relation to the question of whether the naturalisation examination hinders integration into society, three respondents from among the naturalised citizens said that it is difficult to say, while the rest were divided. Five respondents said that they do hinder integration and facilitate alienation from the State. However, seven respondents noted that the examinations do not hinder integration and they constitute no problem in everyday life. Officials from the Naturalisation Board said that examinations created the need for courses in Latvian. With international support, it became possible to learn Latvian for free. At the same time, the examinations as such do not promote integration.¹¹⁰

Non-citizens answered that naturalisation examinations do not adversely affect integration but create additional hurdles. Automatic citizenship would make society more consolidated (2). Others said that the examinations do not have a negative effect. People are living together amicably. It is only the politicians who try to spoil everything (3). The majority, however, thought that the examinations have an adverse effect on integration (6). The others had no view (2).

109 This position was confirmed in interviews with the Latvian Human Rights Committee, Union of Citizens and Non-citizens. All NGO representatives thought that older persons should be exempted from the examinations.

110 Interview with E. Aldermane. She remarked that naturalisation was just part of the whole integration process. *'Those who had lived in Latvia for long time had to be granted citizenship. Most of them had no difficulty passing the examinations. Therefore, there was no value added. The other group chose to naturalise for pragmatic reasons. Therefore, they have not become more integrated. Naturalisation does not mean integration'*. The same view is shared by the representatives of NGOs defending the interests of non-citizens.

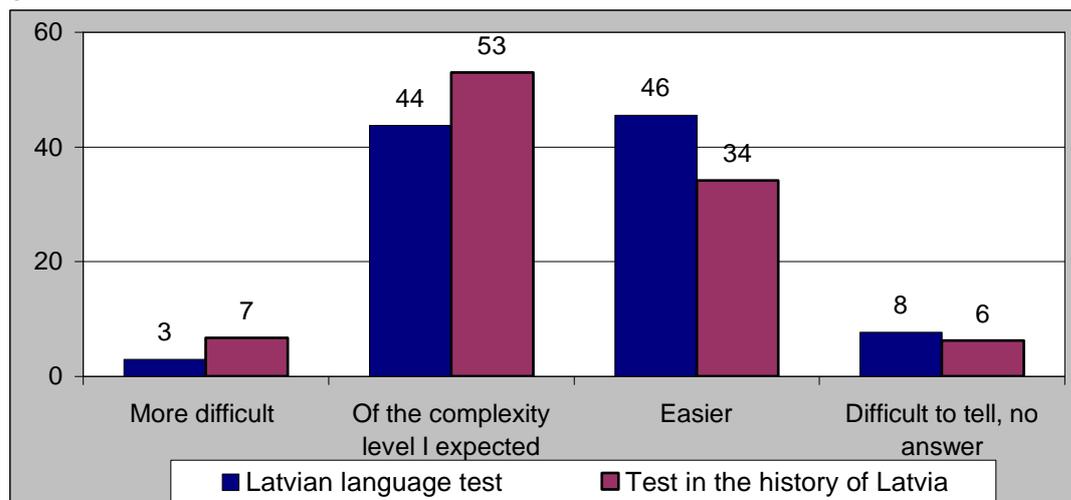
3.3 Difficulty of the Examinations

None of the naturalised respondents replied that the citizenship examinations were difficult. When asked which of the examinations was more difficult, seven respondents said the Latvian language examination (the written section), while eight respondents said that the examinations were not difficult. When asked about their evaluation of the contents of the examinations, most of our naturalised respondents replied that the tests are elementary, with simple questions (8), others said that the contents are adequate (7).

The opinion polls suggest that naturalisation examinations are no longer seen as a major obstacle for people who want to become naturalised citizens. Those who are naturalised say that the examinations turned out to be easier than they expected.

During March and April 2001, a survey of newly naturalised citizens was conducted by the Baltic Institute of Social Sciences. They questioned 404 people on the basis of quota and random choice methods. The results are outlined in the table below.

Views on the difficulty of naturalisation examinations compared to the level expected by 'new citizens'



Source: Baltic Institute of Social Sciences, available at <http://www.bszi.lv/downloads/resources/jaunpilsonil/jaunpilsoni2001.pdf>, 27 September 2010.

Non-citizens have a different opinion about the examinations as such. Examinations are necessary but they should be easier (2), at least easier for the elderly (3). The other answers were more critical. The majority of respondents said that they do not have opinion, the examinations are irrelevant. They also said that this is a political question and they are not interested in politics (6). Some of the respondents said that, although the examinations are not difficult, they are humiliating (2). When asked whether, in their view, many people do not apply for citizenship because of the examinations, the

majority agreed with the statement (8). They said that Latvia shows that State is not interested in those people. One respondent said that young people are unwilling to take examinations.

All the officials and NGOs interviewed for the purposes of this study note that the most difficult part is the written part of the language examination. Older people have difficulty with the language examination in general, while younger people face more difficulties with the knowledge examination. Applicants also have psychological barriers – stress and insecurity.¹¹¹ The courses offered are intended to produce positive result in the examination, instead of providing general knowledge of the language.¹¹²

In general, all of the officials interviewed evaluated the naturalisation process positively. At the same time, they noted that integration in general has been unsuccessful, by excluding Russian-speaking people who supported independence. In their view, the Latvian language and understanding of history have been strengthened by naturalisation.¹¹³ Although the naturalisation examinations represent an obstacle to integration, the general requirements are low. For instance, at the beginning of naturalisation process, about 95% of applicants could pass the test. The same opinion was expressed by language teachers. All of them agree that the examinations can be seen as an obstacle but that they can be passed after attending a preparatory course of 60-80 hours. If there is no basic level of knowledge at all, 120-160 hours would be required.¹¹⁴ Language teachers support the idea that elderly could be exempted from the examinations. Those interviewed think that factors contributing to stagnating integration have been the visa-free regime with the EU and then with the Russian Federation for non-citizens.¹¹⁵ In general, non-citizens have no incentive to apply for citizenship.

However, representatives of NGOs working in the field have different opinions. They say that non-citizens do not feel encouraged to acquire citizenship. They also argue that the whole integration process leads to assimilation, which is not acceptable to Russians. Moreover, people who were born in

111 Interview with S. Ļaksa. She noted that, in general, difficulties are encountered by people who do not use Latvian on a daily basis and have no motivation to do so. Older people face difficulties and recently the age group 35-55 has produced lower results. This is because this group did not have the opportunity to learn Latvian at school. This consideration was also confirmed in the interview with G. Masaļska from the Latvian Folk School.

112 Former Head of the Naturalisation Board Information Centre, B. Jakovleva, concluded: *'Courses do not guarantee that people really learn the language. We have a number of cases in which, after the courses, people are still unable to communicate in Latvian'*.

113 For instance, J. Citskovskis (Deputy Head of the Naturalisation Board) has said, *'The problem of Latvian society is dividing views on history. The naturalisation process has been an opportunity to promote a better understanding of Latvian history'*.

114 A 60-hour course costs approximately 80 LVL (EUR 115).

115 This view was supported by E. Aldermane as well as the Latvian Human Rights Centre.

Latvia should be entitled to citizenship automatically.¹¹⁶ The NGOs agree that the requirements for naturalisation are proportionate. The requirements for the examinations are low, as is the fee. However, one negative aspect mentioned is the fact that the State does not facilitate the process and more exemptions should be granted to older people.¹¹⁷ There is no policy of integration, which explains the lack of motivation of non-citizens.

3.4 Access to Information about the Examinations and Preparation

When asked how they obtained information about the naturalisation examinations, most of the respondents replied that they found it at their work place (6). Others obtained information from the Naturalisation Board's home page (4), newspapers (3), the internet (2), and from the Naturalisation Board's office (1). The officials interviewed stated that the main sources of information are the offices of the Naturalisation Board, the internet and mass media, as well as a contact telephone and information events.¹¹⁸ The reaction to the fact that naturalisation examinations exist was neutral because the requirements were known in advance (7) and there were no surprises (8). These results differ from those obtained by the Naturalisation Board. In its survey, most of the respondents obtained information about naturalisation from the office of the Naturalisation Board.

The reorganisation of the Naturalisation Board and the closure of regional branches might affect the data in the future. A further drop in the group that obtained information via the mass media might also be expected. The authors of the survey explain this by the increasing popularity of Russian TV channels, which are widely accessible and which do not provide information about Latvian citizenship.

The survey by the Naturalisation Board reveals that candidates for citizenship are satisfied with the information available about naturalisation. This information is confirmed by officials interviewed for the purposes of this project and NGOs.¹¹⁹

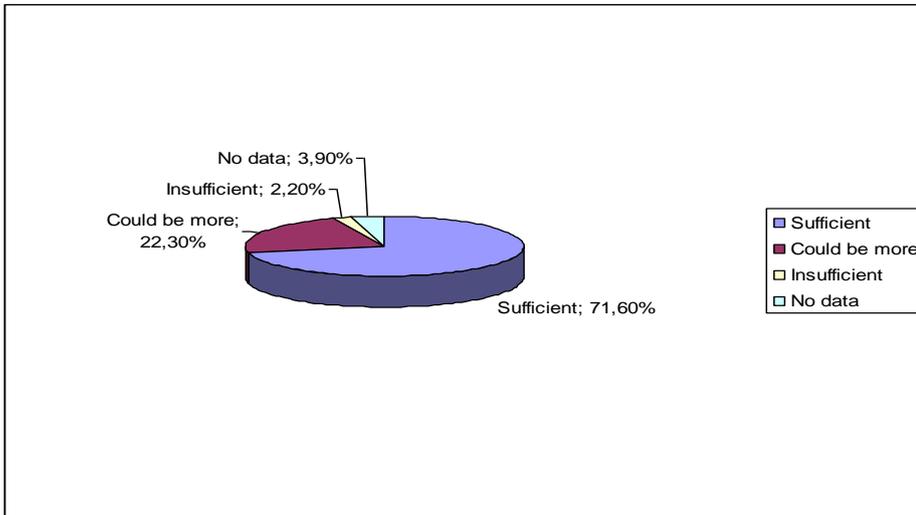
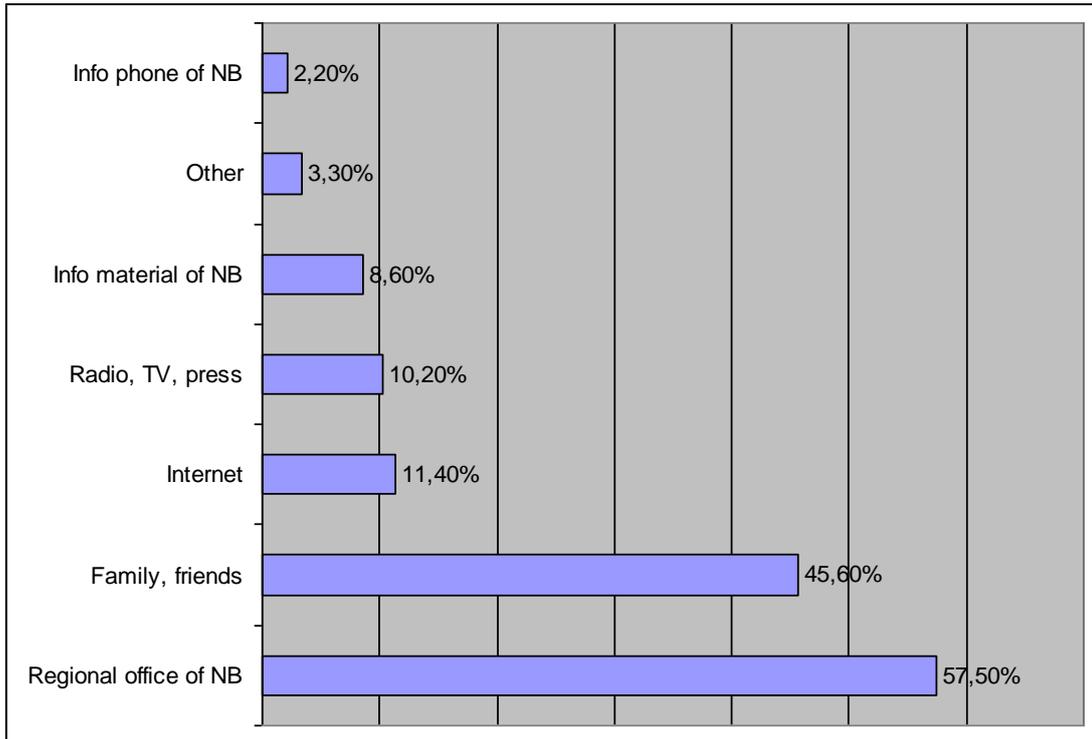
116 See interviews conducted with the Latvian Human Rights Committee and the Union of Citizens and Non-citizens.

117 Interview with S. Zankovska-Odina, representing the Latvian Human Rights Centre. The same opinion was expressed by B. Jakovleva, who said, *'we find that very often the naturalisation examinations are too difficult for old people'*.

118 Interview with the former Head of the Naturalisation Board Information Centre, B. Jakovleva. She expressed the opinion that public information was one of the priorities of the Naturalisation Board. The same point was confirmed by S. Ļaksa and I. Ķuse.

119 Information is provided by campaigns run by the Naturalisation Board and with the assistance of international donors. The effective information and public relations activities were mentioned in all interviews with former officials and representatives of NGOs

Sources of information about naturalisation



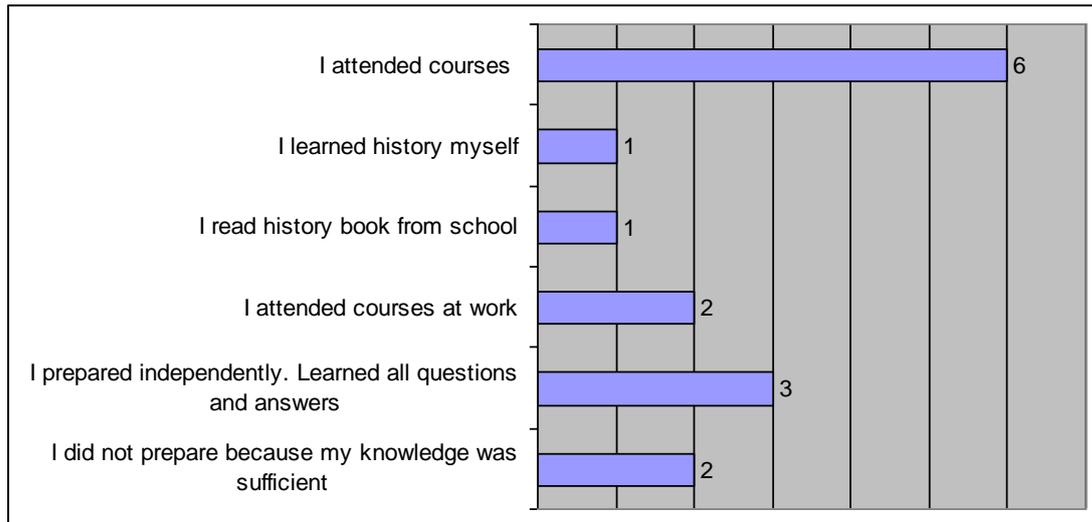
At the same time, the NGO representatives indicated that people come to NGOs with questions and complaints about the procedures. Most often, they ask questions about the language and history examinations as well as questions about how to speed up the formalities.¹²⁰

(Latvian Human Rights Centre, Latvian Human Rights Committee, Union of Citizens and Non-citizens).

120 Interview with S. Zankovska-Odiņa, Latvian Human Rights Centre.

As we were informed, the Naturalisation Board itself does not offer courses. However, it has been involved in various projects since 1998 related to the preparations for the naturalisation examinations. The Board assists applicants with materials, interactive tests and consultations.¹²¹ People applying for citizenship have to choose courses. No options are offered apart from special projects.¹²² The relevance of the preparatory courses appears in the answers to the question about preparation.

How naturalised citizens prepared for examinations



In response to the question of whether preparations allowed applicants to expand their knowledge of language and society, the majority replied positively (9), while a minority of respondents replied negatively (6).

NGO representatives said that the lack of courses is major problem. Projects run by the Integration Fund are short-term. This was confirmed by language teachers. The group of language teachers interviewed said that recently fewer people have been attending the course.¹²³ They think that courses should not be free of charge. A small fee motivates people to study. Courses could be organised by charging a fee which would be returned on completion of the course. This would facilitate the effectiveness of the

121 Information provided by L. Danga, B. Jakovleva, S. Laksa.

122 Interview with the Head of the Latvian Folk School, G. Masaļska. She stressed that international co-operation projects have been important tools for organising and providing language and integration courses.

123 For instance, in the previous year the courses were attended by 2000 people; currently there are only 150. The main reason mentioned is the lack of resources, as well as the fact that most of those who were interested in obtaining citizenship have already been naturalised.

courses.¹²⁴ Those on a low income could be exempted from the fee. Teachers also suggested that the State should create a system. People lack the initiative to attend courses and study on their own.¹²⁵

Recently, the number of training providers has increased. Many companies offer courses for 25 LVL (EUR 35). However, the teaching is too basic, or even only involves the distribution of information materials prepared by the Naturalisation Board.¹²⁶

The State Language Agency offers courses free of charge with financial support from different EU programmes. They offer courses for targeted groups, such as parents of children in minority groups, teachers and similar.¹²⁷ The strategy is to approach targeted groups of individuals and to provide specific knowledge of the required language. The numbers of participants are rather low because of limited resources. For instance, in 2009 11 courses were organised for parents of children in minority schools and 207 people attended in 6 cities in Latvia. The senior expert at the Agency, Ms. Anita Sniedze, admitted that additional support from the State for organising courses is crucial.¹²⁸ The Agency has recently launched an on-line learning program at A1 level, which is available on the internet in both Russian and English.¹²⁹ Although the strategy of the Agency is specific, it is a pity that insufficient information was available on the merger of the well-known brand of the National Programme for Latvian Language training with the Agency. At the same time, representatives of the NGOs monitoring the integration process noted that the reputation and efficiency of the Agency is highly positive because of the specific focus on and sincere interest in facilitating integration.¹³⁰

124 Interview with G. Masaļska. She said: *'My experience is that people are more motivated to attend the courses if they have to pay a certain fee, even if it is symbolic'*.

125 According to G. Masaļska, *'The Latvian government has no clear vision of the integration process. We all depend on short-term projects and activities. It would help us if the government provided regular support for language and integration courses'*.

126 G. Masaļska noticed that, with the economic crisis in Latvia, many individuals and small companies were trying to sell language training materials or even the Naturalisation Board's materials, which are available for free.

127 See http://www.valoda.lv/Valodas_apguve/Kursi/684/mid_490, accessed on 12 July 2010.

128 Phone interview with Anita Sniedze, Senior Expert from the Agency, on 8 July 2010.

129 Available at http://www.valoda.lv/Valodas_apguve/E-macibu_lidzekli/768/mid_578, accessed 7 July 2010. The teaching is user-friendly and very helpful. The question remains as to why level A1 was chosen as the introductory level, instead of A2 or B1.

130 Correspondence with S. Zankovska-Odiņa, Latvian Human Rights Centre, 8 July 2010.

3.5 Integration and Naturalisation: Success and Lessons Learned

Although passing examinations does not represent integration, the examinations have facilitated the process of using Latvian. It is especially important that knowledge of the Constitution has been facilitated, according to officials.¹³¹

Those involved in naturalisation also admit that the integration process has not been successful in general terms. They indicate that the section of society that was in favour of an independent Latvia but was subsequently excluded from automatic citizenship has been lost.¹³² At the beginning of 1990s, Latvia left the Russian intelligentsia, which provided substantive support for the regaining of its independence. The subsequent rhetoric only facilitated the process. Although G. Kusiņš and A. Pantelējevs disagree that the zero option could have been an option and those people who supported independence had to understand that Latvia aims to reinstate a pre-occupation republic, A. Pantelējevs agrees that more people had to be rewarded for their special services at the beginning of the 1990s.

In a recent public opinion poll, people responded that the main dividing factor in society concerns social and financial issues (47%). In second place is the factor closely linked to integration, i.e. language (35%). Language determines the information space in Latvia. Therefore, it is not surprising that a large group of people see divisions in different dialogues in the information space. For instance, statements by left-wing and right-wing parties (31%), the mass media (18%) and foreign propaganda (17%) are often mentioned as dividing factors.¹³³ Similarly, other studies mention different perceptions of history, the conservative and pro-Latvian political elite, a divided mass media and the inefficient institutional setup (Apine et al., 2006).

Media experts conducted a two-year monitoring operation of the mass media, speeches by MPs and legislative initiatives. Their conclusion is that the Latvian and Russian information space is divided. While Latvians portray themselves as a threatened nation which has endured much suffering,

131 Interviews with E. Aldermane, J. Citskovskis, B. Jakovlveva. According to E. Aldermane, the promotion of knowledge of the Constitution has been so successful that many schools have started to use the relevant information materials from the Naturalisation Board.

132 Data from 22 March 1993 suggest that, of a total of 617,443 persons registered as inhabitants of Latvia who are not Latvian citizens, 593,008 want to acquire citizenship. Letter from OSCE Commissioner to the Minister for Foreign Affairs of Latvia, Georgs Andrejevs, 6 April 1993, Reference 238/93/L/Rev. Available at <http://www.minelres.lv/count/latvia/930406r.htm>, accessed 3 June 2008. The current number of naturalisations show that motivation is declining in comparison to the beginning of the 1990s.

133 Public opinion survey, 'Kvantitatīvs un Kvalitatīvs Pētījums par Sabiedrības Integrācijas un Pilsonības Aktuālajiem Aspektiem' (2008), SIA 'AC Konsultācijas', available at <http://www.politika.lv/index.php?id=16923>, 1 December, 2008, p. 30.

Russians stress insult and discrimination (Golubeva et al., 2008, Rožukalne 2008). According to G. Kusiņš, these problems cannot be solved by a liberalised naturalisation policy or other legal instruments.

In general, those interviewed do not agree that naturalisation facilitates integration. Even without examinations, the naturalisation process would not have created a more integrated society. The problems lie with history and its interpretation. Other factors play a role in naturalisation, including very personal motives, i.e. the fact that they were not entitled to naturalisation for long time, work, the possibility of travel within the EU.¹³⁴ The language teachers said that the examinations are necessary for integration into society. Language and a knowledge of history are crucial for people to make their everyday life easier, to make them feel more comfortable at work and to feel positive about Latvia.

All in all, naturalisation does not mean integration and the naturalisation process has not facilitated integration.¹³⁵

134 Interview with J. Citskovskis.

135 J. Citskovskis said, *'The people who take the tests are not patriots by definition or more loyal to Latvia'*. E. Aldermene shares a similar opinion: *'It was very wrong to think that naturalisation would mean the integration'*. She remarks that naturalisation was just a part of the whole integration process. *'Therefore, successful naturalisation does not mean effective integration by a person into the Latvian community'*.

Chapter 4: Conclusions

According to the research conducted, several general conclusions can be made in relation to the naturalisation examinations.

Firstly, their introduction was inevitable. This was linked to Latvia's adherence to the State continuity thesis. This required the State to be reinstated and citizenship renewed. Naturalisation examinations functioned as a form of social contract on historical grounds. They have also served as a compromise concerning the future of the State.

Secondly, the process of naturalisation and especially the examinations has been organised and well thought out. The major roles in setting up the system and drawing up the contents of the examinations were played by different international organisations. Their funding for courses and training has been substantial. As a result, the Naturalisation Board has become a model institution, which also received a positive evaluation from applicants for naturalisation. The information on the naturalisation examinations is widely accessible and applicants do have the opportunity to prepare for examinations.

Thirdly, the naturalisation examinations did not facilitate integration. The integration process aimed at consolidating the civil society, founded on shared basic values that were well-known to Latvian citizens but alien to those who arrived during Soviet times.¹³⁶ Naturalisation was seen as part of the integration process and, in certain cases, even as substitute for integration policy. This approach was a mistake. Whatever the difficulty of the examinations, they do not guarantee that people can speak the language or change their views about history. Knowledge of the Constitution does not imply that a person will share the values enshrined in the document.

Latvia in general still preserves certain characteristics of a parochial society. Non-citizens lack any interest in becoming active citizens. Non-citizens see the country mostly as a territory in which they reside and that grants them certain rights. They feel self-sufficient by living in their own information space without much motivation to become involved in the political affairs of the state. This has allowed policy-makers to implement integration policy as a 'one-way' process, where only those belonging to minority groups are obliged to integrate, while the State remains passive.

The elite-driven one-way process has led to a situation where some non-citizens feel marginalised and the risk of long-term political alienation is pre-

136 This conclusion is not shared by the Minister for Foreign Affairs, Mr. Aivis Ronis. While he emphasises the need to work harder to integrate non-citizens, especially in the context of national security, he admits that citizens and non-citizens share the same values. See *Ronis: sabiedrības integrācijai jābūt efektīvākai* [Integration of Society should be more Efficient], www.DELFI.lv, 10 August 2010.

sent. The public information space sustained by Russia has facilitated these negative processes. Since joining the EU and NATO, no further criteria have to be fulfilled and Latvian policy-makers take a relaxed attitude towards integration. The feeling of self-sufficiency of being a Member State of a major organisation tends to overshadow local integration problems. Apart from Integration Programme and sporadic activities by the previous Minister of Integration, no overarching integration policy has been pursued. The state does not demonstrate that it cares about or is interested in whether or not people naturalise. This has resulted in calls from different political parties either to remove the naturalisation requirements completely or to make them substantially easier, for instance, by eliminating the residence requirements. Attitudes towards these proposals will become evident in the election results in October 2010.

On the more practical level, the system of support for learning language has not been well-maintained over the years. Difficulties arise in relation to access to courses that are free of charge. During the initial years after the Citizenship Law was adopted, the courses were financed by Western donors. Currently, no state-financed programme to replace the donor-financed system is operational. The system has become fragmented, except for those taking the centralised language examinations at school. Different courses and standards are scattered among different ministries and agencies. While all of them might have certain value added, they are not co-ordinated. Although the possibility of exploring EU funds for language-learning and further integration in general is positive, the national system and language examinations could have been much better co-ordinated by saving resources and establishing more a centralised examination system for different purposes, for instance, within the Ministry of Education and Science.

Fourthly, according to the Latvian experience, integration becomes even more difficult if it requires changes in value perceptions, adaptation to the processes of global communication, the mass media and propaganda from non-democratic regimes. The active role of a kin-State – Russia – makes the Latvian situation even more specific. Although education and integration policies can provide a counter-balance, the ethnic, cultural and patriotic sense of belonging, as well as cross-border information exchange, should be taken more seriously by decision-makers. An effective and permanent integration policy is required, which should be adjusted to address the needs of society at a specific time.

It is urgent that the State's vision be drawn up and a strategy established to achieve it. In order to do this, Latvia can take as a basis for discussion the Integration Handbook for Policy-makers and Practitioners (2004), which was drafted by the Directorate-General for Justice, Freedom and Security. The dialogue is necessary, not only among different groups in society, but also between politicians and people.

In relation to the language examination for LTRs and permanent residence holders, the requirement can be regarded as proportionate. The level of knowledge required is relatively low. Moreover, taking into account the strict regulations on the use of the official language, knowledge of Latvian can be helpful for practising a profession or in communication with institutions.

The LTR status is not attractive to non-citizens if they are not planning to move abroad for work. Their status gives them access to rights equal to those of Latvian citizens, except for political rights and rights to practise in professions related to State service. In turn, temporary residents might be interested in acquiring either LTR status or a permanent residence permit, because the differences among those status holders are significant. For instance, temporary residents are limited in their rights of residence, access to the labour market, social security (both contributory and non-contributory), access to health care and education.

The small numbers of applicants for LTR status can be explained by the small numbers of foreigners residing in Latvia on a permanent basis. As long as Latvia sticks to a strict and conservative immigration policy, LTR status will not attract many applicants. It is, therefore, also difficult to assess whether the language requirement facilitates the integration of LTRs and permanent residents.

Bibliography

- Apine, I., Boldāne, I., Dribins, L., Gaugere, K., Šnitņikovs, A., Vēbers, E. (2006), *Pretestība sabiedrības integrācijai: cēloņi un pārvarēšanas iespējas (etnicitātes, valsts un pilsoniskās sabiedrības mijiedarbības analīze)*, Latvijas universitātes Filozofijas un socioloģijas institūts, LU aģentūra, available at <http://www.politika.lv/index.php?id=11551>, 2 February 2008.
- Brands-Kehris, I. (2010), *Citizenship, Participation and Representation, How Integrated Is Latvian Society? An Audit of Achievements, Failures and Challenges*, University of Latvia Press, p. 93-124.
- Djačkova, S. (2004), *Latvian language proficiency and the integration of society*, available at <http://www.politika.lv/print.php?id=3989>, 2 February 2008, p. 15.
- Golubeva, M., Rožukalne, A., Kažoka, I., Curika, L., Ārnesta, I., Herca M., Buševa, T., Jermaks, M., Merdaņa, L' (2008), *Izaicinājumi pilsoniskajai līdzdalībai. 2008.gada gala ziņojums*, Sabiedriskās politikas centrs Providus, Open Society Institute, available at <http://www.politika.lv/index.php?id=17059>, 6 February 2009.
- Indāns, I., Krūma, K. (2007), *Vienoti daudzveidībā: imigrācija un integrācija (United in Diversity: Immigration and Integration)*, in: *Savējie un Svešie. Sabiedrības Radikalizācijas Tendences Latvijā, Eiropā un Pasaulē (Belonging and Remaining Outside. Tendencies towards Radicalisation of Society: Latvia, Europe and the World)*, Zinātniski pētnieciskie raksti 6(16), Zinātne, p. 149-176.
- Kruma, K. (2007), 'Chapter 2: Checks and balances in Latvian nationality policies: National agendas and international frameworks', in Bauböck, R., Perchinig, B. and Sievers, W. (eds), *Citizenship Policies in the New Europe*. IMISCOE Research, Amsterdam University Press, 63-88.
- Lerhis, A., Kudors, A. (2008) *Outside Influence on the Ethnic Integration Process in Latvia*, 2nd ed., Centre for East European Political Studies.
- Muižnieks, N. (2010), Introduction, in: Muižnieks, N. (ed.). *How Integrated Is Latvian Society? An Audit of Achievements, Failures and Challenges*, University of Latvia Press, p. 7-15.
- Rozenvalds, J. (2010), *The Soviet Heritage and Integration Policy Development Since the Restoration of Independence*, in: Muižnieks, N. (ed.), *How Integrated Is Latvian Society? An Audit of Achievements, Failures and Challenges*, University of Latvia Press, p. 33-60
- Rožukalne, A. (2009) *Sarunas ar spoguļattēlu*, available at public policy portal <http://www.politika.lv/index.php?id=17047>, 28 January 2009.
- Stalidzāne, I. (2004), *Minutes of Seminar, 'Integration of Society – experience and problems*, 18-19 March 2004, Dikli, available at http://www.np.gov.lv/lv/faili_lv/Seminars-protokols1.doc, 4 February, 2008.

LATVIA

- Thiele, C. (1999), *The Criterion of Citizenship for Minorities: The Example of Estonia*, ECMI Working Paper 5.
- Ziemele, I. (2001), *State Continuity, Human Rights and Nationality in the Baltic States*, in: T. Jundzis (ed.), *The Baltic States at Historical Crossroads*, Riga: Academy of Sciences of Latvia, p. 224-248.
- Ziemele, I. (2005), *State Continuity and Nationality: The Baltic States and Russia. Past, Present and Future as Defined by International Law*. Leiden, Boston: Martinus Nijhoff Publishers.