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Delegations will find attached the declassified version of the above document.

The text of this document is identical to the previous version.

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SCH-EVAL 145
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REPORT

from : Evaluation Committee

to: Schengen Evaluation Working Party

Subject : Draft report on the Evaluation Committee's mission to the **Embassy of Latvia - Consular/Visa Section of Latvia in Kiev** in the context of Latvia's preparations for the full implementation of the Schengen acquis
(Time of visit: June 2006)

Delegations will find attached the draft report of the Schengen Evaluation mission to the Embassy - Consular Section - of Latvia in Kiev, drafted by the Evaluation Committee (Annex II) (hereinafter *EvalCom*). It is presented to the Sch-Eval Working Party for discussion and adoption, allowing for its eventual submission to the Council.

Comments of the Latvian authorities are set out in footnotes.

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Introduction - General context:

Ukraine covers an area of 603 700 km². The country has 47 million inhabitants, 78 % of whom are Ukrainian and 17 % Russian, the remaining 5 % being mainly nationals of Belarus and Moldova. The capital, Kiev, has 2,6 million inhabitants. The official language is Ukrainian, but Russian is still widely spoken, especially in the east and south of the country.

Ukraine became independent on 24 August 1991. The 2004 presidential election triggered a strong popular movement (the "Orange Revolution") which brought the democratic opposition leader to power. The March 2006 general election gave the advantage to the supporters of the former Prime Minister but at the time of the evaluation mission a government had not yet been formed.

The country is 70th in the world ranking of developed countries (2004 UNDP Human Development Index). The per capita GDP is USD 970 (the average in the EU was USD 28 500 in 2005). The official rate of unemployment is 4 %, but according to the ILO it is nearer 11-12 %. Since 2000, the Ukrainian economy has registered a steady growth rate of 8 % per year on average.

The main problems facing the Schengen States¹ visa services in Kiev are:

- managing migration risk and possible misuse of visas:

There is a substantial risk of illegal immigration to the Schengen States (cf. the monthly CIREFI reports), and the risks of visa misuse are real: given the differences in wage levels, a person can, in a month of illegally working in certain Schengen States, earn as much as in a year in Ukraine. The risk is especially high in the case of workers on building sites and farms and in nursing. The real, concealed reason for travelling to Europe may also be to contract a marriage or obtain medical treatment.

- detecting document fraud:

Document fraud is widespread but seems to be confined to non-secure documents (employer's certificates, various invitations, etc.). Few falsified official documents (international or internal passports, deeds of ownership, etc.) have been detected, and the quality of the forgery of those that have been detected has been very high.

- the internal passport:

Many "Schengen representations" in Kiev consider the Ukrainian internal passport as a key supporting document. This document is issued once in a lifetime (only the photo is regularly changed and the holders' address is constantly updated) and is rarely forged or issued out of convenience. This document is very useful as a supporting document because the international passports issued to the holder are listed in it and thus the frequency of the change of passports can be verified.

¹ In this context "Schengen States" refers to the States applying the Schengen acquis in full.

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– dealing with invitations of convenience:

False invitations are commonplace but often easy to detect owing to conspicuous errors (spelling errors, incorrect geographic locations, etc.).

However, it is hard for consular services to do anything about invitations of convenience that are formally authentic but conceal the real purpose of the applicant's stay. Additional documents often have to be requested to prove the purpose of the trip (for example, receipts and evidence of customs clearance for products previously purchased may be requested for business trips).

– managing tourist flows:

Most consular representations in Kiev have introduced a procedure for accrediting local travel agencies so that visa applicants wishing to visit a Schengen State as tourists are spared the need to appear in person. To guard against abuses, a system of accrediting the agencies' representatives (who are issued with badges including photos) has also been introduced in most cases. Agencies are penalised for any shortcomings in the handling of applications. Moreover, it does happen that travel agencies submit applications (for a fee) for the sole purpose of sparing the applicant the need to appear in person.

- security situation

Ensuring the security of the premises and of the staff: the risk of pressure on the staff of the visa sections is a matter of concern as it may lead to irregular issuance of visas. This risk is not only hypothetical in Kiev. The physical security of the staff and of the stickers must also be taken into account.

Conclusion

It appears that the processing of visa applications requires considerable vigilance in both the detection of false documents and the investigation of the applicants' real situation. Decision-making thus requires a systematic and thorough examination of a range of evidence proving the actual purpose of the planned stay. Individual in depth interviews are also necessary whenever there is doubt as to the applicants' intentions.

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Management summary

EvalCom considers, on the basis of the checks carried out and the information gathered, that the Slovak Republic, as far as its Embassy in Kiev is concerned, may be in a position to implement the Schengen Acquis in full in due course provided that substantial efforts are made to establish an integrated visa processing system which is a precondition for an effective and secure visa issuing process.

In addition, EvalCom wishes to comment on certain points which merit special attention or reviewing by the Latvian authorities in order for Latvia to achieve this objective:

- reinforcement of the security of the premises;
- ensuring personal appearance as the basic rule;
- modification of the system for consultation of central authorities in order to allow for compliance with the requirements of "prior consultation";
- more attention should be given to assessing the actual financial means of visa applicants before issuing a visa rather than relying on border control authorities;
- more attention is given to assessing individual applications, incl. risk of illegal immigration and misuse of visa

1. ACCESS TO THE CONSULATE

1.1 Location and opening hours

The Embassy is located in the centre of Kiev (near a subway station) in a two-floor building. The opening hours of the consular section are the following: 9.30-12.30 and 14.00-15.00 p.m., from Monday to Friday. In case of necessity, the opening hours may be extended (especially at the peak seasons).

1.2 Information

Information on visa issues can be obtained by phone (through an answering machine or a secretary of the Consular-Visa Section), on the Embassy's or the Latvian MFA's websites. Next to the entrance there is an information board. The information is available in Ukrainian, English and Russian.

1.3 Application forms

Application forms are available for the public outside the building and can also be obtained from the Embassy's and the MFA's websites or in the waiting room. Application forms are available in Russian, English and Latvian. Models of filled-in application forms are displayed in the waiting room.

The layout and content of the application form correspond to the uniform application form set out in Annex 16 to the CCI, but box 44 contains information on the extension of a visa and about access to employment: The reference to "Schengen States" in box 44 is replaced by "Latvia".

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1.4 Access management and lay out of waiting room

Applicants are queuing in the street and are received on first come first served basis. On average there are 100 applicants per day (150 in peak seasons) and usually all applicants are allowed to submit applications on the same day. Eight persons are allowed inside at a time, which corresponds to the capacity of the waiting room where they are attended to by a numbering system.

There are two entrances on the ground floor (the first entrance for staff of the Embassy and the second one for visa/consular applicants. Visa applicants have access only to the ground floor. On the ground floor there is a room for receiving applicants and an office for processing applications. The office of the Head of the Consular-Visa Section is situated on the first floor.

In the combined waiting room/ counter room there are facilities for filling in application forms. There are three counters of which two were open at the day of EvalCom's visit. The fourth one reserved for Latvian nationals is also used for visa applicants in peak periods. One counter is reserved for applications from VIPs and travel agencies (during specific opening hours) and one counter is also used for applications for residence permits. Certain measures are taken to provide privacy on the counters.

The renovation of the reception area of the premises was finished the day before the visit of EvalCom.

EvalCom comments and recommendations

The lay out of the brand new premises of the consular section of the Latvian Embassy in Kiev is close to being state of the art.

2. SECURITY

2.1 Outside the building

The Ukrainian Ministry of the Interior provides protection of the Embassy and a security perimeter. There is a guard on a 24-hour service next to the applicants' entrance. There is an arch metal detector (located between two doors that form a sluice system), which was not connected. EvalCom was informed that for budgetary reasons there was no staff to supervise access. There is no portable metal detector. Sixteen cameras are placed around and inside building for the purpose of recording. However, the screen is not monitored.

2.2 Inside the building

Inside the Embassy there is an alarm system, divided into several sections, operating separately on the first and second floor. Each working room has a special security code. The waiting room is separated from the visa office by a secure wall and windows with bullet-proof glass.

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EvalCom comments and recommendations

Measures should be taken in order to use the equipment installed (the cameras should be monitored, the arch metal detector should be used and a portable one should be acquired), as it must be considered to be a minimum security requirement. ²

3. SUBMISSION OF APPLICATIONS

3.1 Description of procedure

As a rule all applicants must submit their application in person, in particular first time applicants. However, the following categories are exempted: tourists, diplomats and Ukrainian civil servants going on mission to Latvia, and minors travelling with parents. Frequent business travellers may have a representative submit their application, provided he/she presents a power of attorney, if the application form is filled in and signed by the applicant. However, this does not apply to first time applicants and tourists applying through travel agencies.

When applying for a visa, applicants must show both their interior and foreign national passports.

The applicant is given a receipt containing the name of the applicant and the number of the passport, as well as an indication that the administrative fee, if applicable, is not refunded and that the Consulate is not obliged to motivate a possible refusal. By means of this receipt any person can pick up the passport.

An expatriate member of staff checks the applications upon submission to verify that they are filled in properly. This person checks invitations in the on-line Invitation Data Base and other submitted supporting documents. He/she is also authorised to decide whether the application can be considered complete.

Individual applications are not made for minors included in their parents' passport.

The applicants' passport is stamped when the visa application is submitted. The stamp does not contain the visa category which is added manually by the visa officer. However, EvalCom noticed a number of passports carrying no such application stamp.

EvalCom comments and recommendations

EvalCom recalls the importance of the basic rule of personal appearance (set out in the CCI, Part III, section 4 and Part V, 3rd paragraph) and recommends caution when exemptions from this rule are introduced.

² Comment of Latvia: As soon as it will be financially possible Latvia will post to the Embassy two Latvian policemen who will be monitoring the installed security cameras and will be carrying out the necessary checks with both detectors (the portable metal detector will be acquired).

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The practice of allowing persons other than the person who has applied for the visa to pick up the passport, could give rise to abuse as the identity of this person is not known to the Embassy.

It should be ensured that the application stamp is affixed systematically to the applicants' passport.³

3.2. Nationality of visa applicants

Most applicants are Ukrainian nationals. The Latvian embassy in Ukraine is also competent for Moldova and Egypt. Other nationalities may apply, as there are no restrictions for foreigners as to which Latvian representation they must submit their visa application, provided that they can prove that they are legally present in Ukraine.

3.3 Possibility of future representation under the provisions of CCI, Part II, section 1.2

EvalCom was informed that currently Latvian national law does not allow Latvia to be represented by other States for issuing visas and Latvia can not represent any other State for that same purpose.

EvalCom comments and recommendations

Measures should be taken to provide for the possibility of either representing or being represented by another Member State for the purpose of issuing visas.

3.4 Practice followed when issuing visas to holders of travel documents not recognised

A visa may be issued on a separate sheet for affixing a visa, pursuant to national legislation, if the applicant's travel document is not recognised by Latvia, on condition that the travel document complies with international standards and that the issuance of a visa is in the interest of Latvia or is related to *force majeure* or humanitarian reasons.

The separate sheet is in compliance with the Council Regulation 333/2002/EC.

EvalCom comments and recommendations

When applying in full Schengen acquis, Latvia should be aware of the rules applying when other Member States do not recognise a given travel document.

³ Comment by Latvia: There exists a basic requirement for all visa applicants to appear in person at the diplomatic and consular representations of Latvia for submitting the visa applications. Exceptions are applied according to the Common Consular Instructions.
Comment by Latvia: At the diplomatic and consular representations of Latvia passports are returned either to the visa applicant personally or to the person who have been indicated by the visa applicant as their authorised representative. There have been no problems with such procedure so far.
Comment by Latvia: At the diplomatic and consular representations of Latvia application stamp has to be affixed to the passports of all visa applicants. Nevertheless, the representations of Latvia will be reminded repeatedly of the mandatory application of this rule.

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3.5 Administrative fee

Transit and single-entry visas are issued free of charge to nationals of Ukraine, Georgia, Moldova (by unilateral decision). These unilateral decisions contain provisions for the denunciation of these arrangements, once Latvia applies the Schengen acquis in full. When applicable, the fee is charged in EUROS in cash.

EvalCom comments and recommendations

The present organization and work flow cannot be maintained, in particular in relation to the collection of the handling fee, once Latvia will apply the Schengen acquis in full.

3.6 Cooperation with travel agencies - accreditation procedures

Only 5% of the total number of applications are submitted by travel agencies and 80% of these are submitted on behalf of individual travellers. Traditionally the number of visas issued for the purpose of tourism is relatively insignificant (670 visas in 2005). EvalCom was informed that there are indications that the number of tourists will increase with about 25% in 2006.

As of January 2006, the consular section cooperates with 32 travel agencies. Travel agencies have to register by presenting the following documents: a license to operate as a travel agency, its statutes, an agreement with a Latvian company. The Latvian counterpart agency must issue an invitation to the person travelling committing itself to assist in the repatriation of the traveller in case of overstay.

It should be noted that Ukrainian citizens, who are exempted from being in possession of TMI according to bilateral agreements, are obliged to contract such an insurance with the travel agency when travelling.

The couriers' ID-card does not contain a photograph of its holder. Nevertheless, the couriers must bring a copy of the company's letter of "accreditation" each time they submit applications.

EvalCom comments and recommendations

The accreditation system used by the Embassy of Latvia for cooperation with travel agencies seems satisfactory and could be considered a best practice.

It should be considered to include a photograph on the couriers' ID-card.

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4. PROCESSING THE APPLICATION

4.1 Examination of visa applications

Only duly authorized expatriate officials take decisions on visa issuance by scrutinizing all elements of the completed file and decide whether additional documents are required. Such requirement for additional information is indicated on the application form and in the Latvian Visa Information System (hereinafter: LV-VIS).

4.1.1. Interviews

Interviews are carried out on a case-by-case basis, but they are systematically carried out with Moldovan nationals and nationals for which consultation of the central authorities is required.

4.2. Consultation of central authorities

4.2.1 National "black list"

There is a national "black list" compiled by the Ministry of the Interior and every application is checked against this list. Even if there is a hit, it is technically possible to issue a visa.

4.2.2 Consultation of central authorities

Consultation of central authorities, which is performed by an expatriate, is mandatory for applications submitted by the following categories:

- nationals of one of the countries included in a list adopted by the Cabinet of Ministers (currently 37 countries are listed),
- refugees or stateless persons,
- holders of diplomatic and service passports.

In addition to these cases where consultation is mandatory, the Consulate may decide to consult the central authorities on other sensitive cases. In the absence of a reply within 24 hours in these cases, a visa can be issued.

For the purpose of all consultations, the detailed information on the interview made with the applicant as well as copies of the page of the passport containing the applicant's personal data and the supporting documents are transmitted to the central authorities.

EvalCom comments and recommendations

The Latvian system for consultation of central authorities carried out at present will have to be changed when Latvia applies in full the Schengen acquis in order to facilitate consultations of nationalities included in Annex 5 of the CCI.

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Moreover, measures should be taken to allow carrying out on-line consultations with partners through the Latvian Visa Information System (LV-VIS).⁴

4.3 Supporting documents

4.3.1. Invitation and means of subsistence

The invitation is the main supporting document and two different "formulae" are applied:

- if the applicant is invited but the inviting person does not cover any expenses, the invited person must provide proof of means of subsistence of 60 EUR per day;
- if the inviting person covers accommodation expenses, the applicant must provide proof of means of subsistence of 20 EUR per day.

The invitation is approved in the following manner:

The host (either a natural or a legal person) presents an ID-card and submits an application for invitation. If the host covers all expenses and accommodation during the applicant's stay, this is registered in the Database of Invitations. In such case, the Latvian authorities check the financial situation of the inviting person.

Each invitation is registered in the database. Generally, invitations are approved within two days (this deadline may be extended to 5 days). The applicant must present the number of his/her invitation when applying for a visa.

The Database of Invitations is on-line and accessible for the Office of Citizenship and Migration Affairs, as well as all Latvian representations and border control authorities.

Tourists and business visitors may be asked for documents that confirm the purpose of entry such as hotel reservations and commercial contracts. In case of a study visit, an invitation is required.

If minors travel with their parents, no additional documents are required. If they are accompanied by relatives or travel in a group, a power of attorney (verified by a notary public) from both parents as well as a copy of the certificate of birth must be submitted. The warrantee may be a relative or a leader of the group.

Visa applicants are required to sign a statement declaring that they are in possession of the mandatory means of subsistence and are informed that this will be controlled at the border.

EvalCom comments and recommendations

It seems that very little attention is paid to verifying the actual financial means of the applicant, in particular his/her employment situation and other circumstances providing evidence of the person's intention of return. EvalCom was informed that proof of appropriate means of subsistence is verified at the border.

⁴ Comment by Latvia: While elaborating the new national Visa Information System (N.VIS) the possibility to carry out consultations with central authorities regarding the visa issuance only by means of the N.VIS will be provided.

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It is recommended that the financial means are checked upon application rather than relying on border control authorities.⁵

4.5 Travel Medical insurance (TMI)

The following categories of persons are exempted from this requirement:

- Ukrainian citizens, according to a bilateral agreement on cooperation on Social Security.
- holders of diplomatic or service (official) passports;
- members of foreign delegations arriving in Latvia on official visits or transiting through the territory of Latvia.

The inviting person may take out an insurance for the applicant.

A health insurance is also required from nationals of countries mentioned in Annex II of Council Regulation 539/2001 and that may be checked upon entry.

EvalCom comments and recommendations

It is recalled that TMI was introduced as a requirement for visa applicants (Council Regulation 2004/17/EC).

4.6 Issuance times

Visas are issued in 5 working days. Exceptions may be made for specific categories (where the purpose of travel is to visit seriously ill relatives or to attend funerals, or for other humanitarian reasons, international obligations or national interests). If additional consultations as described above are necessary, the issuing time may be up to 30 days.

4.7 Types of visa issued

“A”, “B”, “C” and “D” visas for single, double, and multiple entries can be issued (even though no “A” visa has been issued so far). The maximum period of validity of multiple-entry visas is one year as provided for by national legislation. Very few multiple-entry visas are issued as they are not free of charge.

EvalCom comments and recommendations

Attention is drawn to the fact that under the Schengen acquis it is possible to issue long stay visas with a validity of up to 5 years.

⁵ Comment by Latvia: The actual financial means of the visa applicants are verified at all diplomatic and consular representations of Latvia including the Embassy in Ukraine in a selective. At the Embassy in Ukraine the following approvals regarding sufficient financial means are requested from visa applicants – cash (the existence of cash is verified in a selective way), a document from the actual employer certifying income, and bank account statements certifying cash flow for the last three months period. The above mentioned statement declaring that visa applicants are in a possession of the mandatory means of subsistence and are informed that this will be controlled at the border is requested only as an additional security measure.

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EvalCom note

It is recalled that under current Community legislation (Directive 2004/38/EC) Member States have to grant every facility in issuing visas to family members of EU citizens, which includes the issuance of visas with a long validity for this category of persons.⁶

4.7.1 Issuance residence permits

Under Latvian legislation, the decisions on residence permits are made by the Office of Citizenship and Migration Affairs, which also issues residence permits. Usually aliens apply for a residence permit submitting the necessary documents to a diplomatic or consular Representation of Latvia, which then forwards the file to the Office of Citizenship and Migration Affairs for examination and decision making. If the decision is positive, the diplomatic or consular Representation issues a visa for the person to enter the Republic of Latvia to receive a residence permit.

5. THE VISA STICKER

5.1 Printing, affixing and machine readable zone

When the decision to issue a visa has been taken, an expatriate prints the sticker. During the printing process the official checks that the information on the visa sticker is correct. The official is also affixing the printed sticker into an applicant's passport (a visa sticker is affixed over the application stamp). The name of the person who has taken the decision on issuing the visa is printed on the sticker.

The format and contents of information contained in the machine readable zone are in compliance with the international standards (ICAO).

The visa is not stamped by the issuing authority.

EvalCom comments and recommendations

The sticker is not always affixed appropriately, i.e. not close enough to the edge of the page of the passports in order for it to be machine readable.

EvalCom recalls that the stamp of the issuing authority should be affixed to the visa sticker, as provided for by the CCI in Part VI, section 5.⁷

⁶ Comment by Latvia: Currently Latvia is in the process of introduction of the Directive 2004/38/EC.

⁷ Comment by Latvia: The diplomatic and consular representations of Latvia are aware that the visa sticker has to be affixed as close as possible to the edge of the page of the passport so that the visa is machine-readable. Nevertheless, the representations of Latvia will be reminded repeatedly of the mandatory application of this rule.

Regarding the use of the stamp of the issuing authority on the visa sticker Latvia will take measures to comply with this rule.

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6. REFUSAL

6.1 Motivation of refusals

In accordance with current national legislation there is no obligation to motivate refusals neither to notify in writing. There is no possibility of appeal. EvalCom was informed that Latvian legislation is currently being amended to provide for rules on written notification on visa refusal to family members of EU citizens motivating the refusal and introducing the right appeal the decision. The legal basis for the ground for refusal is added as a comment in the file kept by the Consulate.

6.2 Rejection rates

The rejection rate has doubled between 2005 (3%) and the first 5 months of 2006 (approximately 5,95%).

EvalCom comments and recommendations

Compared to the average of all Schengen States, the refusal rate seems to be low. Given the fact that the processing of visa applications seems to be of a rather formal nature (practically no supporting documents are required from the vast majority of applicants, i.e. Ukrainian citizens), this situation is a matter of concern.

Awareness of the issue of illegal immigration risk should be increased as this will become a key issue when the Republic of Latvia starts issuing Schengen visas.⁸

EvalCom note

EvalCom recalls the procedural safeguards enjoyed by family members of EU citizens (under Directive 2004/38), meaning that refusals must be notified in written form, detailed motivation must be given and this category of persons should also enjoy a right of appeal of such decisions

7. DESTRUCTION OF CANCELLED VISA STICKERS

In case of a mistake during the printing process the sticker is cancelled by means of a cross and kept for three months after which it is shredded. If the error is detected after the sticker has been affixed to the passport, a stamp indicating that the sticker has been cancelled is affixed to it and the kinegramme is scratched. A copy of the page with the cancelled sticker is kept in the Consulate's files.

⁸ Comment by Latvia: Latvia considers that visa applications at the Embassy in Ukraine are not being processed formally. At all diplomatic and consular representations of Latvia including the Embassy in Ukraine high importance is paid to the evaluation of visa applications, supporting documents are requested from all visa applicants (part of the supporting documents is stored electronically and therefore not attached to the visa application files) and the risk of illegal immigration is evaluated in each individual case.

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8. FILING - ARCHIVING

All application forms are filed in accordance to the issued visa sticker numeration. The files are kept for one year in the consular section and for 4 years in the archives. After this 5-year period, files are sent to the archives of the Office of the Citizenship and Migration Affairs in Latvia.

Files on refused visas are kept in the archives of the visa section for 5 years. EvalCom was informed that once a month the information on refused visas, copies of the applicants' passports and reasons of refusals are sent to the Consular Department of the MFA.

9. Security

(NB security aspects of the building dealt with in chapter 2)

9.1 Staff

9.1.1 Division of tasks between expatriate staff and local staff

Local staff controls the entrance through the videophone, schedules interviews and gives information to applicants over the phone. All other visa related tasks are performed by expatriate staff.

9.1.2 Checks upon recruitment and further evaluation

EvalCom was informed that the competent authorities of Latvia check the local staff members of the Embassy before they are employed in accordance to the application form submitted for the position. The official responsible for the Embassy's security affairs interviews all local candidates. Local staff members are evaluated after a three months period. In case of a positive evaluation the candidate is accepted for work in the Embassy.

9.1.3 Potential for misuse of professional position

Local staff is not involved in receiving applicants.

9.1.4 Protection of staff

See above 9.1.2.

9.2 Sensitive documents

EvalCom was informed that visa stickers are sent from the MFA by diplomatic pouch. The stickers are registered in the LV-VIS. The responsible consular official marks all received visa stickers in the special register of the Embassy. Within three days, the responsible official must approve in written form the fact of the reception of the visa stickers in order to activate visa stickers in the LV-VIS.

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The visa stickers are kept in a safe placed in an office in the secure zone. Only the Head of the Visa Section (or, during his absence, one of the consular officials) is authorized to hand the visa stickers to the expatriate consular official who is printing the stickers. The handed out stickers are registered in a special register; signatures of the Head of the Section and of staff members who have received the stickers prove they have been delivered. The person responsible for printing the stickers marks in a special register the numbers of the remaining visa stickers every day. If there are more than 10 remaining stickers they will be stored in the strong room; otherwise remaining stickers are locked in the safe in the visa officers' room.

EvalCom comments and recommendations

The delivery, the storage and the administration of visa stickers are performed in a satisfactory way.

9.3 IT

9.3.1 Access to database

All users of LV-VIS are authorized in by the Head of the Consular and Visa Section. All users of LV-VIS have individual passwords and ID in the LV-VIS. Passwords expire every 60 days. Users of the LV-VIS have different levels of access - one for expatriates working at the counter and another for decision making staff, which are managed by the Head of the Consular and Visa Section. The information in LV-VIS is received on-line. The screens are automatically blanked after 2 minutes.

9.3.2 Encryption

EvalCom was informed that the data transmission is processed by means of data channels, which are protected by the encrypting equipment that complies with the level EU RESTRICTED.

10. TRAINING

EvalCom was informed that before being posted abroad consular officials receive [in-service training](#) at the Consular Department of the MFA and at the Office of the Citizenship and Migration Affairs. At the end of the in-service training they shall pass on an examination in visa matters. In addition, before rotating, the consular officials participate in a centralised training course organized by the Consular Department of the MFA, which is organized in spring every year and in which the consular officials of all the diplomatic and consular Representations of the Republic of Latvia abroad participate. Consular officials also undergo a training course at two Representations abroad (the Embassies in Moscow and Berlin). In its turn, if necessary, the technical staff of the Representations, which is involved in the process of visa issuance, is trained both in the Consular Department of the MFA and by the consular officials.

EvalCom comments and recommendations

EvalCom considers education and training at the Latvian Embassy in Kiev to be adequate.

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11. EQUIPMENT FOR DETECTING FALSE DOCUMENTS

In order to detect forged documents the diplomatic and consular representations of the Republic of Latvia have the equipment *Regula*, model 4003 - "System for verification of genuineness of security papers", that consists of ultra an violet light, a white light, a lens suitable for 3,5 – 7 time enlargement, an extra lens suitable for 10 time enlargement and a magnetic detector. There is no retro-viewer.

EvalCom comments and recommendations

EvalCom considers the equipment for detecting false documents installed at the Latvian Embassy in Kiev to be adequate.

12. GENERAL CONCLUSIONS AND RECOMMENDATIONS

EvalCom considers that, on the basis of the checks carried out and information gathered, Latvia, as far as its Embassy in Kiev is concerned, may be in position to implement the Schengen Acquis in full in due course.

Nevertheless, EvalCom wishes to comment on certain points which merit special attention or reviewing by the Latvian authorities in order to achieve this objective.

1. Organisational aspects

Measures should be taken in order to use the equipment installed (the cameras should be monitored, the arch metal detector should be used and a portable one should be acquired), as it must be considered to be a minimum security requirement]

The present organization and work flow cannot be maintained, in particular in relation to the collection of the handling fee, once Latvia will apply the Schengen acquis in full.

The practice of allowing persons other than the person who has applied for the visa to pick up the passport, could give rise to legal problems as the identity of this person is not known to the Embassy.

It is recommended that due attention is given to possible increase in the risk of pressure on staff when Latvia starts to issue Schengen visas.

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2. Practice related to submitting and processing of visa applications

EvalCom recalls the importance of the basic rule of personal appearance (set out in the CCI, Part III, section 4 and Part V, 3rd paragraph) and recommends caution when exemptions from this rule are introduced.

When applying in full Schengen acquis, Latvia should be aware of the rules applying when other Member States do not recognise a given travel document.(i.e. issuance of LTV visas)

It should be ensured that the application stamp is affixed systematically to the applicants' passport.

The Latvian system for consultation of central authorities carried out at present will have to be changed when Latvia applies in full the Schengen acquis in order to facilitate consultations of nationalities included in Annex 5 of the CCI. Moreover, measures should be taken to allow carrying out on-line consultations with partners through the Latvian Visa Information System (LV-VIS).

It seems that very little attention is paid to verifying the actual financial means of the applicant, in particular his/her employment situation and other circumstances providing evidence of the person's intention of return. EvalCom was informed that proof of appropriate means of subsistence is verified at the border. It is recommended that the financial means are checked upon application rather than relying on border control authorities

EvalCom recalls that the stamp of the issuing authority should be affixed to the visa sticker, as provided for by the CCI in Part VI, section 5.

Compared to the average of all Schengen States, the refusal rate is very low. This is a matter of concern taking into account the limited requirements for supporting documents . Awareness of the issue of illegal immigration risk should be increased as this will become a key issue when the Republic of Latvia starts issuing Schengen visas.

3. Legislative aspects

It is recalled that TMI was introduced as a requirement only for visa applicants (Council Decision 17/2004/EC).

Attention is drawn to the fact that under the Schengen acquis it is possible to issue visas with a validity of up to 5 years.

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EvalCom emphasizes that the above mentioned comments and recommendations under 1 and 2, which are based on the situation as assessed in Kiev, can be relevant for other locations. The Latvian Ministry of Foreign Affairs should ensure an appropriate follow up.

RESTREINT UE

ANNEX I

VISAS ISSUED BY THE LATVIAN CONSULATE IN KIEV

VISAS ISSUED BY THE LATVIAN CONSULATE IN KIEV IN 2005									
	Visas A	Visas B	Visas C	Total Visas A+B+C	Visas D	Total Visas A+B+C+D	Visas Not Issued	Rejection Rate	Rejection Rate in %
January	0	26	416	442	10	452	13	0.0287610	3%
February	0	20	421	441	29	470	15	0.0319148	3%
March	0	24	692	716	33	749	23	0.0307076	3%
April	0	43	713	756	19	775	26	0.0335483	3%
May	0	27	1066	1093	34	1127	40	0.0354924	3%
June	0	40	1353	1393	18	1411	36	0.0255138	2%
July	0	56	1938	1994	15	2009	41	0.0204081	2%
August	0	35	1262	1297	24	1321	32	0.0242240	2%
September	0	39	720	759	38	797	32	0.0401505	4%
October	0	42	728	770	21	791	26	0.0328697	3%
November	0	53	924	977	27	1004	30	0.0298804	3%
December	0	57	984	1041	24	1065	29	0.0272300	3%
Total	0	462	11217	11679	292	11971	343	0.0300584	3%

VISAS ISSUED BY THE LATVIAN CONSULATE IN KIEV IN 2006									
	Visas A	Visas B	Visas C	Total Visas A+B+C	Visas D	Total Visas A+B+C+D	Visas Not Issued	Rejection Rate	Rejection Rate in %
January	0	55	568	623	26	649	23	0.0354391	3%
February	0	45	674	719	22	741	43	0.0580296	6%
March	0	49	946	995	20	1015	82	0.0807881	8%
April	0	64	1018	1082	31	1113	68	0.0610961	6%
May	0	56	1208	1264	23	1287	62	0.0481740	5%
June	0	121	1872	1993	34	2027	80	0.0394671	4%
July	0	89	2281	2370	49	2419	93	0.0384456	4%
August	1	51	1386	1438	30	1468	64	0.0435967	4%
Total	1	530	9953	10484	235	10719	515	0.0480455	5%

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