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THE EUROPEAN UNION

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REPORT

from : the Schengen Evaluation Committee Land Borders
to: the Schengen Evaluation Working Party

Subject : Schengen evaluation of the new Member States
- LATVIA: Report on Land Borders

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1. INTRODUCTION

Based on the mandate of the Schengen Evaluation Group (SCH/Com-ex (98) 26 def) and the programme of evaluations adopted by the Council (15275/04 SCH-EVAL 70 COMIX 718, and 7638/2/05 SCH-EVAL 20 COMIX 200), the expert team visited from 7 to 11 September 2006 the land borders of the Republic of Latvia.

Participants:

Finland	Mr. Arto NIEMENKARI (leading expert)
Austria	Mr. Kurt PILWAX
Belgium	Mr. Georges PIJL
Germany	Mr. Peter KAROHL
Poland	Mr. Marek ADAMCZYK
Commission	Mr. Durante RAPACCIUOLO
Council Secretariat	Mr. Julio VIJANDE RIVERA and Mr Aare EVISALU

The Evaluation Committee visited:

- **Daugavpils** Board of the State Border Guard:
 - **Silene** Border Crossing Point
 - **Silene** Border Guard Division
 - **Piedruja** Border Guard Division
 - **Paternieki** Border Crossing Point
- **Ludza** Board of State Border Guard:
 - **Terehova** Border Crossing Point,
 - **Zilupe** Railway Border Crossing Point
 - **Grebneva** Border Crossing Point
 - Aviation section (unannounced visit)
 - **Pasiene** Border Guard Division (unannounced visit)
- **Vilaka Board** of State Border Guard
 - **Punduri** Border Guard Division.
 - **Pededze** Border Guard Division (unannounced visit)
 - **Berzinu** Border Guard Division (unannounced visit)

and evaluated the border security related activities there. The Committee also visited the SBG College in **Rezekne**

The Committee would like to thank the Ministry of Interior and the Central Board of the State Border Guard (SBG) of Latvia, the Daugavpils, Ludza and Vilaka Boards of the SBG and the representatives of the visited border guard units for the excellent organisation of the visits, the hospitality, the open attitude and the commitment given by the coordinators and interpreters who accompanied the Committee.

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2. MANAGEMENT SUMMARY

The Evaluation Committee implemented its task according to the agreed programme with some slight changes. Latvia has a 276 km long external land border with the Russian Federation and a 161 km long external land border with the Republic of Belarus. The border with Russia is not yet defined by an agreement. The lack of a border agreement does not hamper practical border management or raise any problems regarding to the effective implementation of the Schengen system.

The border situation seems to be very stable at the Latvian land borders. Many elements related directly to the border situation are changing and the future situation is unpredictable. One explanation for the prevailing calm situation is the efficiency of the neighbouring countries' border security system. Since these systems are being modified it is also possible that Latvia will face much greater pressure of illegal immigrants on its borders. The Committee is aware of the current low migratory risk but underlines the necessity to monitor the situation closely.

The integrated border security model of Schengen forms the basis of the border security system in Latvia. The presented strategy was comprehensive covering all elements of border security. The competent authority responsible for border management is the Latvian State Border Guard, an authority within the Ministry of the Interior. Specially trained border guard professionals exclusively perform border checks and surveillance at land borders. Activities are based on systematically performed risk analysis and on the continuous exchange of information between cooperative partners and international bodies. The border security strategy and organisational structure in Latvia can be considered to represent best practice in the application of the Schengen acquis.

National legislation corresponds mainly to the Schengen acquis and, along with the particular national strategic plans and programs, provides a solid basis for border management, development of which is still ongoing.

Cooperation with the Russian and Belarus border guards is clearly structured and functional at all levels. The working language is Russian. The evaluation committee had a possibility to discuss with the representatives of Russian as well as Belarusian Border Guards during their mission. However there is some room for improvement in cooperation at local level

The role of the Border Guard is remarkable in combating illegal immigration. The committee considers that the Border Guards' well structured intelligence and investigation organisation and functional contacts with several other countries' border authorities gives a good basis for combating illegal immigration effectively also in inland areas. .

Border guards are in general well-trained professionals. However the training on knowledge of travel documents and methods of detection of counterfeit documents, verification of all entry conditions for third country nationals and some other issues mentioned in this report should be further developed to guarantee the full implementation of the Schengen acquis. The basic training of many border guards is considered to be too short.

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Border surveillance is organised according to Schengen principles and was found sufficient in its current situation at the border. However, additional human resources for patrolling could be considered and development of technical surveillance systems should be continued.

The current infrastructure used for carrying out border checks at the road BCPs and for border surveillance was found to be broadly in line with the Schengen standards. The situation at the railway BCP Zilupe, however, was not fully in line with the Schengen requirements regarding infrastructure and procedures. Necessary reconstructions have been already planned.

In general, the border control measures at the Latvian land borders are carried out in accordance with Schengen requirements. Considering the current low threat of illegal immigration, the quality of equipment, the infrastructure, the quantity and quality as well as the motivation of staff, the Committee is of the opinion that the sites visited during the evaluation broadly but not fully meet the Schengen standards.

However, the final assessment should be done taking into consideration both the conclusions and recommendations for the visited sites and the general conclusions, including recommendations and follow-up set out in this report.

3. GENERAL INFORMATION

Information of a more general nature is contained in Latvia's reply to the questionnaire which was addressed to the Latvian authorities with a view to the evaluation of the application of the Schengen acquis, i.e. 15561/05 SCH-EVAL 120 COMIX 825 (RESTREINT UE). Reference is also made to the Latvian replies to the additional questions contained in 7649/06 SCH-EVAL and 10699/06 SCH-EVAL. However, for reasons of clarity, the Committee would like to reiterate some of the main elements contained in these replies.

3.1. Strategy

3.1.1. Legislation

Questions relating to border control in the Republic of Latvia are covered by the following significant laws and regulations:

- State Border Law of Republic of Latvia (adopted by the Parliament of Latvia (hereinafter the Saeima) on 27 October 1994).
- Border Guard Law (adopted by the Saeima on 27 November 1997).
- Immigration Law (adopted by the Saeima on 31 October 2002).
- Asylum Law (adopted by the Saeima on 7 March 2002).
- Citizenship Law (adopted by the Saeima on 22 June 1994).
- Personal Identification Documents Law (adopted by the Saeima on 23 May 2002).
- Criminal Law (adopted by the Saeima on 17 June 1998).

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- Administrative Procedure Law (adopted by the Saeima on 25 October 2001).
- Law on Aviation (adopted by the Saeima on 5 October 1994).

The relevant national legislation seems to largely reflect the Schengen acquis and provide the necessary legislative basis for border management.

3.1.2. General strategy for border management

The general strategy of border management in Latvia is designed taking into account the principles of the border management policy of the EU and the national interests of protecting the internal security of the State, the geographical location of Latvia and the threats faced today and foreseen over the coming years.

The National Action Plan on Implementation of the Schengen Acquis adopted by the Cabinet of Ministers (Government). On the basis of the National Plan, Detailed Action Plans were drawn up by the services of the Ministry of Interior and other competent authorities.

On 28 May 2003, the Latvian Government adopted the State internal security programme by approving the **Integrated Border Management Strategy**. This comprehensive program reflects issues relating to Latvian state border security. One of the many objectives of this program is to maintain border security and simultaneously ensure actions connected with the development of cooperation and the establishment of a compensatory mechanism between the Baltic States before the full implementation of the Schengen acquis and the abolition of internal border control. The strategy includes actions to be taken and proper instruments to evaluate the effectiveness of these actions.

The development stages for state border security have been approved in the **State Border Guard Development Plan 2001-2005** by the Cabinet of Ministers. This document provides specific objectives for the effective maintenance and promotion of border security and the action to be taken to attain those objectives. This plan also determines the establishment of infrastructure at the external border, the equipping of border crossing points and structural units with technical means, and the improvement of mobility.

There are five ministries in Latvia in some way responsible for border management: Ministry of Interior, Ministry of Finance, Ministry of Defence, Ministry of Foreign Affairs and Ministry of Agriculture. The centralised supervision and instructions for border control are the responsibility of the Ministry of the Interior. The State Border Guard as an armed institution under the supervision of the Ministry of Interior is the only authority charged with border control at all Latvia's state borders (land, sea and air). The State Border Guard is a centralised three-level (national, regional and local) organisation with a clear command line. There are land, maritime and aviation components in the structure of the SBG.

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The general strategy for border management is widely based on the Schengen four-tier integrated border security model. Activities in third countries (including consulates) and in countries of origin and transit, bilateral and international border cooperation, measures at the external border and further activities inside the territory of Latvia are all carried out by the State Border Guard and its cooperation partners. Border checks, border surveillance, risk analysis, intelligence, investigations and internal and international cooperation are carried out in combination by the State Border Guard as key elements of border management.

There are three security zones adopted at the external land border of the Latvian Republic with a view to enhancing border control. There is a 12 meter-wide border strip along the border, a 2 km-wide borderland where entrance without special permits issued by Border Guard local units is restricted and a 15 km wide border area along the entire border.

Several tasks in the framework of integrated border management are carried out by police units.

The Ministry of Defence:

- within the scope of its competence, settles incidents associated with violation of the state airspace and sea border regime,
- provides the Border Guard with the necessary information and support for the performance of its tasks, and
- ensures the participation of the national armed forces in the elaboration and development of the State Border Security Plan.

The Navy, Air Force and National Guard can be involved in border surveillance in accordance with the procedures determined by the Cabinet of Ministers. General responsibility for tasks thus performed remains in all cases with the Minister for the Interior.

The Committee is of the opinion that the strategy represents best practice in relation to application of the Schengen acquis.

3.1.3. Analysis of environment and threats

The border situation in Latvia seems to be stable. Many elements related directly to the situation are changing and are also partially unpredictable. The border security systems of the neighbouring countries play an important role in the current situation. Changes in these systems may have a direct impact on the prevailing border situation. Latvia may also be a more attractive country for illegal immigrants (transit but also target country) when internal border checks are lifted.

13,3 million persons crossed the Latvian border in 2005. The number of persons who crossed the external border was 4,7 million and the number of persons who crossed the internal border 8,6 million. Compared to 2004, the number of persons crossing the border increased by 2,2 million or about 20%.

The number of illegal migrants detected on Latvian territory has decreased during the last three years. There were 888 illegal immigrants in 2003, 721 in 2004 and 715 in 2005.

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The largest group of illegal migrants was formed by persons who had entered Latvia legally but did not leave the country within the period of validity of their visas. 130 illegal migrants (58 at airports, 53 at road BCPs, 5 at railway BCPs, 6 at ports BCPs and 8 at the “green” border) were detained at the state border and 585 inside the country in 2005. These were mainly nationals of Ukraine, Moldova, Russia, Kazakhstan and Uzbekistan detained for illegal stays in Latvia.

In 2004, officials of the State Border Guard detained 52 illegal immigrants at border crossing points: 24 citizens of Ukraine, 8 citizens of Lithuania, 4 citizens of Moldova, 5 citizens of the Russian Federation, 2 non citizens of Estonia, 3 citizens of Georgia, 4 citizens of Belarus, 1 citizen of Uzbekistan and one unidentified person.

Most illegal immigrants detected at the state border tried to enter Latvia by crossing the Latvian–Lithuanian border at land border crossing points and tried to leave the country through Riga Airport or the ports in Riga and Liepaja with forged EU travel documents (the persons had entered the Republic of Latvia with genuine passports and valid visas). The illegal immigrants were mainly citizens of the CIS countries (Ukrainians, Moldavians, Belarusians and Russians) who tried to use Latvia as a transit.

The Committee was told that the majority of these persons had forged travel documents of the Republic of Lithuania. The targets by sea are Sweden and Germany and by air the United Kingdom, Sweden, Denmark and Ireland.

In 2005, officials of the State Border Guard detained 130 illegal immigrants. 122 persons were detained at border crossing points: citizens of Moldova (46), Ukraine (32), Russian Federation (10), Kazakhstan (7) and other countries (27) and 8 persons were detained on the “green border” – 5 citizens of the Russian Federation, 1 citizen of Belarus, Ukraine and Uzbekistan.

There were 118 cases of detection of falsified documents in 2003, 86 cases in 2004 and 167 cases in 2005. 119 cases of forged passports were reported in 2005. False documents were most often presented by nationals of: Moldova, Ukraine, Russia, Kazakhstan and Lithuania.

Illegal immigrants detained at the BCPs and at the border between the BCPs in 2003, 2005 and 2006

Border section	2003			2005			2006 (6 months)		
	Total	Entry	Exit	Total	Entry	Exit	Total	Entry	Exit
Road BCPs	32	8	24	53	48	5	18	15	3
Railway BCPs	2	2	0	5	5	0	0	0	0
Ports BCPs	11	6	5	6	1	5	0	0	0
Airports BCPs	18	12	6	58	9	49	22	6	16
"green border"	0	0	0	8	8	0	10	10	0
LVA-EST border	13	2	11	2	2	0	3	0	3
LVA-RUS border	2	2	0	8	7	1	8	8	0
LVA-BLR border	1	1	0	11	8	3	4	4	0
LVA-LTU border	18	6	12	43	37	6	13	13	0
Total	63	29	34	130	71	59	50	31	19

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In the first 6 months of 2006, officials of the State Border Guard detained 40 illegal immigrants at border crossing points and 10 persons at the "green" border. The modus operandi of the illegal immigrants had not changed. 2 persons were detained for human trafficking, one of them a non-citizen of the Republic of Latvia and the other a citizen of the Republic of Lithuania.

The number of asylum-seekers has been very low. However, the number increased in 2005 about 3 times compared to 2004. There were 5 asylum applicants in Latvia in 2003, 7 applicants in 2004 and 20 applicants in 2005. In 2005 7 of the asylum applicants were nationals of Somalia, 6 of Iraq, 3 of Russia, 2 of Belarus, 1 of Moldova and 1 of Japan.

3.1.4. *International cooperation (regional, bilateral and readmission agreements)*

The State Border Guard participates in several forms of regional cooperation with other states. The widest regional cooperation organization is the Baltic Sea Region Border Control Cooperation (BSRBCC) in which all 9 Baltic Sea States including Russia and also Norway and Iceland are involved. The State Border Guard also participates in several activities of the Operative Committee of the Task Force on combating organized crime in the area of Baltic Sea.

Within the scope of bilateral cooperation, intergovernmental agreements have been signed with the neighbouring countries – the Russian Federation, the Republic of Belarus, the Republic of Estonia and the Republic of Lithuania. These agreements deal with activities of authorized representatives at the border, organization of common border controls (with Estonia and Lithuania), cooperation in border guarding issues and carrying out of operational measures, procedures for exchanging operational information, simplified visa issuance to beneficiaries of local border traffic and border maintenance. Cooperation with the Border Guard Service of the Russian Federation is based on:

- the 1993 Agreement between the Governments of the Republic of Latvia and the Russian Federation on border crossing points at the customs border;
- the 1994 Agreement between the Governments of the Republic of Latvia and the Russian Federation on the functioning of border representatives; and
- the 1996 Agreement between the governments of the Republic of Latvia and the Russian Federation on cooperation as regards border guarding matters.

Practical cooperation with Russian and Belarus Border Guard involves regular meetings, exchange of information (including intelligence) joint risk analysis, joint investigation and coordinated actions at the border. Direct means of communication (7/24) have been created between some of the units responsible for actual border control guaranteeing rapid exchange of information and rapid reaction

The State Border Guard has signed cooperation protocols and agreements with the Coast Guards of the Kingdom of Sweden, the Border Guard of the Republic of Hungary, the Border Guard of the Republic of Poland, the Dutch Rotterdam Sea Port Police and the Moldovan Border Guard Department. Within the scope of cooperation, the bodies exchange information in respect of illegal immigration, take part in investigations of border incidents, etc. In 1997 the State Border Guard signed a protocol with the Finnish Border Guard on mutual cooperation in the area of training, and on 27 November 2002 it signed an open-ended cooperation protocol, pursuant to which a training plan is worked out each year.

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An institute of authorized border delegates has been established. Their duties include joint (with neighbouring countries) investigation of border incidents, planning of preventive measures and coordination of cooperation between the territorial boards and the border authorities of neighbouring countries. The border delegates in Latvia are not the commanders of the territorial boards of the SBG.

International cooperation seems to be well organised at national and regional levels. However the Committee recommends the SBG to develop every-day practical contacts and cooperation between the local units and their counterparts in Russia and Belarus.

Readmission agreements have been concluded:

- With 20 EU and Schengen countries;
- With 2 EU candidate countries (Bulgaria and Romania)
- With 5 third countries (Armenia, Croatia, Liechtenstein, Ukraine and Uzbekistan).

The Republic of Latvia is bound by the readmission agreements entered into on behalf of the European Union with third countries (Hong Kong, Macao, Sri Lanka and Albania).

3.1.5. Cooperation with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

The Head of the Latvian State Border Guard is a member of the Management Board of the Agency. An officer has been seconded by the State Border Guard to the Sea Border Management Unit of FRONTEX.

There is a permanent contact point for cooperation with FRONTEX on the Central Board of the SBG. The duty officer at Riga Airport is permanently assigned to act as a national contact point on air borders.

There is permanent cooperation with FRONTEX in the field of risk analysis, joint operations at the EU external borders and implementation of the Focal Point Office at the Terehova border crossing point. The SBG participates in other EU Focal Point activities, in FRONTEX joint operations on the EU land, sea and air borders, as well as several development and training programs, for example Common Core Curriculum "Land Border Model" in the framework of FRONTEX.

3.2. Organisational (functional) structure

3.2.1. Centralised supervision and instructions

The State Border Guard Service has a centralised three-level structure with clear command lines connecting the central, regional and local levels.

The State Border Guard is led by the Head of the State Border Guard. The Central Board of the SBG is the central unit of the SBG for border management at national level. There are 9 Territorial Boards acting as regional units of the SBG, of which 3 are responsible for border control at the Latvian external borders; most of the territorial boards are responsible for internal borders with Lithuania and Estonia (931 km) and the sea border (498 km).

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There are 73 Border Crossing Points, 30 Border Guard Divisions, 30 immigration services/divisions and 1 illegal immigrants' residence centre subordinated to the territorial boards at local level.

The Latvian border management system is based on the territorial responsibility principle. The management authority of the territorial unit of the State Border Guard is responsible for border control and immigration supervision in its area of responsibility. The territorial board ensures the operation of its structural units and border crossing points; it supervises and administers their activities.

The territorial boards organize cooperation with the structural units of the State Police and Customs, and the relevant authorities of neighbouring countries.

Within each territorial board, there is:

- a Border Guarding Service, which plans and coordinates activities for the sections and border crossing points of the territorial board and develops methodological instructions;
- an Immigration Service, which coordinates activities on combating illegal immigration, conducts investigations and organises removal operations;
- a Criminal Investigation Service for combating organised crime conducts investigations of criminal offences, performs operational investigations, cooperates with the State Police and criminal investigation structural units of Customs by exchanging intelligence information, planning and carrying out special operations.

The Border Crossing Points are responsible for border checks.

Border Guard Divisions are responsible for border surveillance between border crossing points as well as control of the borderland regime, carrying out border checks on persons at local border crossing points and participation in control of foreigners on the territory which is under supervision of the Immigration Services of the territorial boards of the SBG.

The Immigration Services/Divisions are responsible for immigration control on all the territory of the state. The Olaine Illegal Immigrants Residence Centre comes under the Riga Board of the SBG.

The Committee found the organisation of the State Border Guard to be centralised and clearly structured. The Committee is of the opinion that the unified and specialised organisation guarantees a unified approach and an adequate understanding of border security at all levels of the organisation.

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3.2.2. *Coordination and inter-agency cooperation, division of responsibilities*

The coordination and inter-agency cooperation is based on:

- Instruction No 3 of 1 June 2004 of the Cabinet of Ministers on cooperation between the State Border Guard, State Police, Customs and the Sanitary Border Inspectorate in the area of state border security;
- Governmental rules No 532 of 23 September 2003 on the Statue of State Border Security Coordination Board:
- Agreement of 30 May 2006 between SBG, SRS and SBI on operational technology at the border crossing points; and
- Instruction No 53 of the Ministry of Interior adopted on 31 January 1998 on Activities of State Police officials in border territory, on the territory of BCPs and BCPs for local traffic.

Co-operation is organized at three levels:

There is a Cooperation Group of Heads at central level. It holds at least four meetings per year and performs annual integral risk analysis.

There are 9 regional cooperation groups at regional level. The regional cooperation group consists of officials of the State Police, Customs and the State Border Guard and has been established at a district level for information exchange, performing joint risk analysis and planning actions aimed at combating organized crime. The Committee was informed that every three months (or more often in case of need), the regional cooperation groups carry out different tailored risk analyses.

There is practical cooperation between SBG, Customs, SBI, State Police, Naval and Air Forces at local level.

A Coordination Centre for operational cooperation has been set up by the Criminal Police Board in which officials of the State Border Guard and Customs take part. The State Border Guard has appointed an executive to coordinate cooperation with Europol.

Areas in which cooperation between the above-mentioned partners is taking place:

- fight against cross-border crime;
- prevention and fight against trafficking in human beings;
- prevention and fight against trafficking in narcotic, psychotropic substances, precursors, arms, munitions and explosives;
- prevention of smuggling of stolen vehicles;
- detention of wanted persons; and
- investigation of offences committed by state authority officials.

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3.2.3. *Specialised services*

The State Border Guard has an Immigration Service which is a specialized service within the organization of the SBG. This service is responsible for immigration control in the whole territory of the State, and the detention and expulsion of illegal immigrants. The Immigration Service of the SBG also carries out activities related to asylum cases, but is not responsible for making decisions on asylum applications. This is done by the Office of Citizenship and Migration Affairs, which is a separate organisation outside the SBG.

The Rapid Reaction Unit (30 people) of the State Border Guard College is on permanent alert.

3.3. **Operational effectiveness**

3.3.1. *Resources*

There are 9 Border Crossing Points and 10 Border Guard Divisions situated at the border with the Russian Federation and 7 Border Crossing Points and 5 Border Guard Divisions at the Latvian-Belarus border.

Human resources:

In total, the staff of the State Border Guard consists of 3,317 people, but actually on 1 July 2006 3,147 employees were working for the State Border Guard, 2,915 of them border guards, 232 civil servants and 154 border guard cadets. 1830 border guards (63%) were deployed at the external border. There were 139 vacant border guard posts at the external borders or approximately 7% of all the posts.

Technical resources:

As a result of technical development of the SBG, different surveillance equipment and technical means for border checks, vehicles, vessels and boats and a helicopter are deployed for the units operating at the borders. The border crossing points, including the border crossing points at the international airports, are equipped with technical devices for carrying out border checks at the first and second line.

The major land, port and airport border crossing points are equipped with stationary radiation control systems. If necessary, the radiation control system is supplemented by portable radiation perception measuring units.

A Motorola Smart Zone united radio set of the Ministry of Interior, a Motorola internal radio set and a local radio set are used for radio communication. In addition to the radio network, the Border Guard units have the telephone network of the Ministry of Interior, the public electronic communication networks (Latt Telekom), the Intranet of the State Border Guard, the national data transmission network (VNDPT Network), the closed e-mail of the Uniform system network, the e-mail of the State Border Guard and faxes and service mobile telephones.

The 3 evaluated territorial boards have 43 stationary radio stations; 85 mobile radio stations and 300 portable radio stations.

Additional information on communication means is contained in chapter 7 (Border surveillance) of this report.

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3.3.2. *Level of controls at external borders*

All persons crossing the border are checked on entry and exit. Third-country nationals are subject to thorough checks. On a non-systematic basis when carrying out checks on persons enjoying the Community right of free movement, national databases are consulted in order to ensure that such persons do not represent a serious threat to internal security. The second line thorough control is carried on the basis of risk analysis. Border sections between border crossing points are under the surveillance of mobile patrols and of technical surveillance equipment.

3.3.3. *Situational awareness and reaction capability at different parts of the borders*

Situation awareness in Latvia seems to be good due to a comprehensive system of gathering and analysis of information about the situation at the border and the illegal immigration situation within the country. A regular joint situation analysis is carried out by the State Border Guard, the Police and the Customs Board of the State Revenue Service. The results of the service activities for each of the previous days are available at all units of the SBG. Every month all units submit a report about results of border control and migration control activities, which will be analysed at a higher level of organisation and used for risk analysis. Every shift is briefed about situation and risk indicators which are also fixed in a special written shift order.

Based on information presented to the Committee, local units of the SBG have very good reaction capability. There is always 20-25% of personnel available in the units. 50% of personnel can be summoned to a BCP or BGD within 1 hour and 100% within 2 hours.

At each territorial board of the SBG a special rapid reaction unit consisting of 10-15 people can render support to local units. Their staff is specially trained for action in emergency situations (arresting of armed criminals, searching of buildings, cars, ships, etc.). However the reaction capability of these units is not clear to the Committee as the units are not on permanent stand-by and members of these units have to be called together from different local units where they have their permanent service posts.

To strengthen the external border and for the performance of special operations on state territory, a rapid reaction unit (30 people) of the College of the State Border Guard is on permanent alert.

The above mentioned units have special equipment, weapons and dogs. Significant attention is being paid to mobility of units so that these units can be moved by land, sea or air.

3.4. **Risk analysis, intelligence and data-flow management**

3.4.1. *Organisation, methods and responsibilities*

The State Border Guard carries out risk analyses about illegal border crossing and about persons staying inside the country, as well as risk analyses about violation of the border regime. Risk analysis has been introduced at all levels of the organisation of the State Border Guard.

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Risk analysis is carried out at central, regional and local level. Joint risk assessment is performed by the State Border Guard, the Police and Customs once a year and a common document is drawn up. The Central Board of the SBG submits proposals for regular or tailored risk analyses to FRONTEX. The SBG is aware of the CIRAM model, although there is no established organisation that is specifically concerned with risk analysis.

The State Border Guard has prepared a methodology according to which the Central Board of the SBG, each territorial board (Border Guarding Service, Immigration Service and Criminal Investigation Service), BCP and BGD perform regularly risk analysis. Territorial boards in cooperation with the State Police, Customs and the Sanitary Border Inspectorate carry out risk analysis also in the framework of regional cooperation groups. There are nine regional cooperation groups which regularly perform tactical risk analyses on the basis of statistical information and operational risk analyses, as well as carrying out their respective activities. The risk analyses contain recommendations on operational actions to be taken in border areas, joint actions to combat cross-border crime, the introduction of thorough border checks and the detection of suspicious persons.

At local level the performance of risk analysis is the task of heads of the structural units, border crossing points and Border Guard Divisions. Once a month the border crossing points and border guard divisions carry out risk analysis at local level. This information is transferred to the Territorial Boards, which summarise the data received, as well as data from the Regional Cooperation Groups and the Central Board of the State Border Guard. Territorial boards summarise statistics, risk indicators and particular orders which are available in each structural unit of the SBG.

Twice a year a summarized risk analysis is transferred for analysis to the Central Board of the State Border Guard where an ad-hoc risk analysis working group prepares an overall summary and report that are sent to the Territorial Boards, the State Police, Customs and other cooperation bodies within the scope of competence. On the basis of the summary report the Central Board of the SBG works out particular orders which are also available in each structural unit of the SBG.

The Committee considers that the system of risk analysis is well structured. It would be also useful to carry out of tailored risk analysis

3.4.2. Horizontal and vertical data flows

There is constant and regular information exchange among institutions regarding current problems and latest developments in relation to illegal immigration and other cross-border crimes. The vertical data flow is ensured from each border guard up to the Central Board of SBG and vice versa. The horizontal data flow is organised at all levels between cooperation partners in the country and also within the framework of international cooperation.

3.5. Investigation and the policing of aliens

3.5.1. *Legal background*

See point 3.1.1.

3.5.2. *Organisation*

The following authorities are involved in the fight against illegal immigration in Latvia: the Office of Citizenship and Migration Affairs, the State Border Guard, the Police, diplomatic and consular offices of the Republic of Latvia in other countries, Consular Department of the Ministry of Foreign Affairs and the courts.

The SBG is responsible for the policing of aliens and the investigation of migration-related crimes such as human trafficking and document fraud. The State Border Guard carries out the following activities:

- border control and decisions on entry of persons into the Republic of Latvia,
- performing of preventive measures,
- control of visa and residence regime,
- detection and detention of illegally residing aliens,
- taking decisions on expulsion of persons (in border areas, at border control points),
- expulsion of aliens,
- fulfilment of readmission agreements,
- control of employment of aliens, and
- imposing of entry ban.

The State Border Guard carries out immigration checks throughout the entire territory of the country. The territorial boards of the State Border Guard are responsible for immigration supervision in the territory under their responsibility.

160 immigrations officers were employed by the State Border Guard in 2006. Of this total, there are 2-5 officers in each district centre of Latvia and more than 90 persons in the Riga territorial board area. The projected number of SBG immigration officers in 2008 is about 400.

The State Border Guard's centre for illegal immigrants ("Olaine") can accommodate 59 illegal immigrants. After the planned reconstruction of the centre, the capacity will be increased to 150 persons.

Functions of the Immigration Board of the Central Board of the SBG:

- to supervise the activities of the structural units of the Immigration Service of the SBG in checking compliance with the terms of residency, detention and expulsion of illegal immigrants;
- to organize activities of the SBG in asylum matters;
- to organize risk analyses in the sphere of illegal residence of foreigners;
- to draw up proposals for legislative acts and internal regulations in the sphere of immigration control and expulsion;

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- to appraise requests for readmission of persons and draw up replies;
- to draw up draft decisions on the inclusion of foreigners in the list of persons who are forbidden to enter the Republic of Latvia;
- to draw up draft decisions on the issue of visas at the BCP in cases defined by the Immigration Law;
- to summarize and analyze statistical data on surveillance of the residence terms of foreigners.

The functions of the units of the Immigration Service in territorial boards:

- to control whether foreigners observe entry, residence, departure and transit terms within their territory of supervision;
- to carry out activities of the immigration units of the SBG in the process of asylum applications;
- to implement preventive arrangements to restrict illegal immigration;
- to organize record-keeping in administrative cases and draw up and issue administrative acts within its sphere of competence;
- to carry out detentions; expulsions or control of expulsion of foreigners,
- to organize registration of asylum seekers and detained persons; and
- to perform risk analysis in the sphere of illegal immigration and asylum.

The Office of Citizenship and Migration Affairs is responsible for issuing removal orders, taking decisions on forced return of aliens, imposing entry bans and administrating of the relevant database, issuing standard travel documents and taking decisions on admission of persons.

The State Police carries out detentions of aliens illegally residing in the Republic of Latvia for a period of up to 3 hours. If, during their regular work, the Police detect an illegal migrant, they contact the Immigration Service Division of the SBG to take the person in charge. The SBG is then responsible for removal.

Courts issue decisions on the detention of aliens and on removal from the Republic of Latvia.

Diplomatic and consular offices of the Republic of Latvia abroad issue return certificates to nationals of the Republic of Latvia and impose entry bans. The Consular Department of the Ministry of Foreign Affairs requests return certificates (travel documents) for aliens to be expelled, issues return certificates to nationals of the Republic of Latvia (where there is no diplomatic representative office in the corresponding state) and imposes bans on entry.

The Committee considered it positive that border control and inland immigration control are dealt with by a single organisation, which is therefore dealing with the phenomenon of illegal immigration at the border and also within State territory. This is a positive feature especially in relation to the abolition of the border checks at internal borders.

3.6. Staff and training

3.6.1. Adequacy and the level of professionalism

Under the Border Guard Law, a border guard is an official of a Ministry of the Interior system institution who carries out border guard duties and to whom a special service rank is granted. A border guard is a specialised civil servant. Border guard personnel comprise border guard officers, non-commissioned officers, other ranks, cadets, trainees and employees.

There is no specialization in border checks or border surveillance. However the international BCPs and the border guard divisions are manned by SBG inspectors who have completed 1 year's basic professional training but also to a certain extent by inspectors who had completed 5 weeks basic professional training. The professional certification of border guards takes place once every three years.

There were 1881 male and 1034 female officers and inspectors (instructors). The number of vacant officers' and inspectors' (instructors') posts in the SBG structure were 207. 598 officers and inspectors (instructors) have left the State Border Guard in the last three years (about 21% of total number of border guards). The number of persons leaving the SBG has increased and 218 officers and inspectors (instructors) left the SBG in 2005.

In order to secure the recruitment of new SBG personnel each year, new students are admitted to the State Border Guard College and the Border Guard School of the SBG College. In total 579 new employees have been recruited in the last three years¹. This means that approximately 20% of the personnel of the SBG have less than 3 years' experience. Management of the State Border Guard acknowledged that they had insufficient human resources for implementation of State Border Guard activities and difficulties in selection of human resources for service in the State Border Guard taking into account the labour market of Latvia. One of the identified threats to implementation of the basic concepts of the State Border Guard's recruitment is the non-competitive salary of border guards.

¹ LV: Out of them:

- 309 border guards graduated from the State Border Guard School of the State Border Guard's College (they have 1 year border guard education – qualification is border guard inspector);
- 48 border guard officers graduated from the State Border Guard's College (they have 2 years border guard education – qualification is border guard officer).
- 36 border guard officers graduated the Latvian Police Academy (they have 3 years education at the second higher education level).
- 51 officers have come from the Interior Ministry's structural units.
- 32 border guards are dog handling specialists with 3-6 months' special courses.
- Other (103) officers had higher or special education and experience in logistic service, IT and other fields. Depending on education level and person's abilities they were mainly deployed in Criminal Investigation, Immigration, IT, aviation, Floating means service, as well as in other support services, for example, justice, book-keeping, service of drivers etc.

At the external border, in BCPs and in the border guarding divisions were deployed only border guards, who have border guard's 3 year officer's education graduated from the SBG's College, inspectors, who graduated from the State Border Guard School of the State Border Guard's College one year programme and dog handlers, who graduated 3-6 months special courses during the years 2003-2006.

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The Committee was told that some staff leaves the SBG for the private sector where salaries are higher. Others leave because they reach the age of retirement, move to other services of the Ministry of Interior or have poor health.

In 2005 the investigation services of the State Border Guard opened six criminal cases against 6 border guards for accepting bribes. In the first six months of 2006, criminal investigations were launched in two cases of use of an official position in bad faith.

3.6.2. *Responsibilities of the Border Guards*

Tasks include:

- border checks on persons and means of transport,
- surveillance of the land border between the border crossing points as well as surveillance of the sea border,
- supervision of the border, the border zone and the border area regime,
- supervision and control of residence regulations for foreigners and the visa regime,
- interviewing and identification of asylum seekers,
- extradition of illegal immigrants;
- pre-trial investigation of criminal cases on illegal crossing of the state border and illegal trafficking of persons and other offences, and
- carrying radiation control of persons and vehicles at the border crossing points.

3.6.3. *Selection criteria*

The State Border Guard recruits citizens of the Republic of Latvia aged between 18 and 40 who, on the basis of their personal characteristics, education, physical condition and health, are able and willing to perform the duties of a border guard. A border guard must be able to speak the official language of the Republic of Latvia and the language predominately used in the relevant region and must be able to communicate with persons crossing the border in at least one other foreign language. Candidates have to pass foreign language, physical and psychological tests, examinations and an interview.

Persons who have previously been sentenced for intentional crimes are not accepted for work in the Border Guard service.

Persons who have been accepted into the service of the Border Guard must sign service contracts with the Border Guard and take the border guard oath.

3.6.4. *Basic training*

Basic professional training is provided by the Border Guard College of the Ministry of Interior and by the Latvian Police Academy and focuses on the basic concepts of the State Border Guard's personnel training, approved by State Border Guard Order No 236 of 14 March 2006.

On joining the SBG, all recruits are appointed to territorial boards of the SBG. Border guards take a special selection course (length: 2 months - one month with a territorial board for practical experience and 1 month at the Border Guards' School of the College of the State Border Guard).

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Examinations are taken at the end of the course. Applicants who pass this exam receive a one year training at the State Border Guard School. After professional training, border guards are awarded the State Border Guard inspector's qualification and are sent to serve in structural units of the SBG or to the College of the State Border Guard. In the period 2003-2006, 309 border guards were trained according to this course programme.

The basic training of SBG inspectors deployed at the Border Crossing Points consists of 1 015 hours (including qualification practice - 240 hours) and lasts a year. During the basic training courses, the border guards acquire the theoretical and practical knowledge necessary for carrying out border checks and border surveillance. In the period 2003-2006, 408 border guards successfully completed this training course.

Officers of the State Border Guard acquire the first level of higher education during their 2 years at the College of the State Border Guard (3 280 training hours). During the 2003-2006 period, 48 border guard officers completed this period of training.

The second level of higher education is acquired at the Latvian Police Academy (3 years). Another 2 years is needed to obtain a Master's degree.

Both the basic training and the higher education programs are accredited by the Ministry of Education and Science of the Republic of Latvia; their planning is subject to international requirements.

3.6.5. *Further continuing education*

Compulsory retraining courses are organised yearly for the staff of the State Border Guard. The duration of the courses ranges from 1 week to 1 month. There are retraining courses in false documents, training for dog handlers, training for IT specialists, training for immigration officers and training for personnel of rapid reaction units. Under the above-mentioned basic concepts, once every five years all border guards have to raise their professional skills.

Training in the Schengen acquis is based on the materials of the "EU Training Day" (8 hour training for each border guard) and on a special "Schengen acquis training course" with a duration of 3 days for each border guard, which is provided by already trained trainers.

Professional skills improvement courses have been organised by the College of the State Border Guard, the Central Board of the State Border Guard, the Forensic Centre of the State Police and the Latvian Police Academy. Training abroad is also used to improve the professional skills of border guards.

Within the framework of "European Union training day", border guard personnel received a 3 hour-document training based on material prepared by the Ad-hoc Centre for Border Guard Training. Different courses and seminars are organized within the framework of international projects.

Border guards can improve their knowledge, also during their shift, by self-training, for example by using links to the EU and Schengen legislation (including the Schengen Borders Code), which are accessible to each border guard.

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3.6.6. *Language training*

More than 90% of the border guards know Russian at the level of everyday speech. There are 649 inspectors and officers who have various degrees of knowledge of other foreign languages. Border guards also take language courses (English or German) at the State Border Guard School (for inspectors - 80 hours) and the State Border Guard College (for officers - 50 hours, who also had 80 hours of language training at the State Border Guard School). Additional language courses have been provided for three different levels of language knowledge. The duration of the course is usually 3 months and courses have been arranged in Latvia or in other countries.

3.6.7. *Specialised document checking training*

Basic level training at the Border Guard School is provided to all SBG inspectors within the framework of their 1 year basic professional training course and includes training in document protection elements and methods of detection of forgery.

A second more "thorough" level of training is provided during additional courses for border guards who have completed the basic training. Border guards who complete the second level of training are used at the second line for document checks.

A third (expert) level of training over 1 year is provided for border guards working as experts in the detection of forged document.

Practical training in the detection of the false documents is given every year at central and regional level. Competent officials of the Expertise Division of the State Border Guard or the Expertise Centre of the State Police usually participate as trainers in these training sessions.

The Committee was told that the knowledge and skills of the staff are regularly updated through training in forged documents at workplaces. Border guards improve their knowledge about document protection, methods of detection of forged documents, etc through self-training. The Expertise Division of the SBG and SBG experts prepare forged document catalogues (descriptions) and summaries of best practices.

Once a year territorial boards carry out staff knowledge inspections, during which staff skills and knowledge about detection of forged documents are checked.

3.7. **Readmission, expulsion and illegal immigration, liability of carriers**

3.7.1. *Administrative structures and coordination*

The following legislation and regulations cover readmission and expulsion:

- Immigration Law,
- Republic of Latvia Cabinet of Ministers Regulation No 212 adopted on 29 April 2003 "Procedures for the Forcible Expulsion of Aliens, Form of standard Travel Document and Procedures for Issue",
- Republic of Latvia Cabinet of Ministers Regulation No 504 adopted on 9 September 2003 "Procedures by which Expenses relating to the Expulsion, Detention and Keeping under Guard of an Alien shall be Determined and Recovered",

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- The State Border Guard Instruction No. 1 adopted on 18 April 2006 "On action of officials of immigration services (units) of territorial boards of the State Border Guard in cases where detainees or persons subject to an expulsion order must be escorted".

In accordance with Article 3 of the Immigration Law, the entry and residence of aliens in the Republic of Latvia is to be documented and controlled by the Office for Citizenship and Migration Affairs, the State Border Guard, diplomatic and consular representations of the Republic of Latvia and the Consular Department of the Ministry of Foreign Affairs within their respective spheres of competence. Officials of the Office for Citizenship and Migration affairs and the State Border Guard authorised by the Minister for the Interior have the right to draw up administrative violation reports in respect of violations of alien's entry and residence procedures.

Inland activities are mostly carried out by the Immigration Service of the SBG and by police units in the form of police control operations on the legality of foreigners staying in Latvia. Controls are carried out at bus and railway stations, hotels, motels and other types of accommodation, and working places and night clubs. The same type of control will be performed at the future internal border, in accordance with the concept of compensatory measures, by specialised mobile units.

3.7.2. Removal and readmission of persons who are not admitted or who are found illegally present (identification, detention, issue of documents, escort, financing)

Article 57 of the Immigration Law states that an official of the State Border Guard or State Police is to establish the identity of a detainee, take his or her fingerprints, conduct an inspection of the alien and his or her property, as well as, if necessary, ensuring a medical examination of the alien and drawing up a report.

Under Article 51 of the Immigration Law, an official of the State Border Guard has the right to detain an alien:

- 1) if he or she has illegally crossed the state border of the Republic of Latvia or otherwise violated the procedures prescribed by regulatory enactments for the entry and residence of aliens in the Republic of Latvia,
- 2) if competent state authorities including the State Border Guard have reason to believe that an alien causes a threat to national security or public order and safety, and
- 3) in order to implement a decision regarding the forcible expulsion of an alien from the Republic of Latvia.

An official of the State Border Guard has the right to detain an alien for a period not exceeding 10 days. An alien can be detained for more than 10 days and up to two months only pursuant to a decision of a judge. An alien who is detained or kept under guard shall be accommodated in specially equipped premises separately from persons suspected of committing criminal offences. If an alien has illegally crossed the state border of the Republic of Latvia or otherwise violated procedures prescribed by regulatory enactments for the entry and residence of aliens in the border area of the Republic of Latvia or at a State border crossing location, the Chief of the State Border Guard or an official authorized by him or her shall be entitled to take a decision within a period of ten days regarding the forcible expulsion of the alien. The decision regarding the forcible expulsion of an alien may not be contested or subject to appeal.

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An official of the State Border Guard shall within three working days inform in writing the Office for Citizenship and Migration Affairs of a forcible expulsion decision. Procedures for the forcible expulsion of aliens have been determined by the Government and forcible expulsion is carried out by the State Border Guard. Expenses relating to the execution of an expulsion order or a decision regarding the forcible expulsion of an alien and to the detention or keeping under guard of an alien are covered by the State budget. Some expenses referred to in the Immigration Law are recoverable from the alien or the person who invited him or her.

The removals unit within the IMD of the SBG or the Immigration Services within each territorial board are concerned with arranging the removal of persons. The Committee was told that the removals unit has good contacts with the embassies of Russia, Ukraine and Belarus in Riga. Through these contacts, it is in most cases possible to obtain a travel document for the return of illegal migrants who are nationals of these countries. If this is not possible, the migrant will be returned on a special travel document issued by the Latvian authorities.

366 aliens were removed from Latvia in 2003, 244 in 2004 and 190 in 2005, mainly to Ukraine, Moldova, Russia, Belarus and Armenia.

The SBG is responsible for identifying and interviewing asylum seekers. Asylum applications are dealt with by the Refugee Department of the Office for Citizenship and Migration Affairs. In 2005 there were 20 asylum applications, four of which were made at the external land borders.

3.7.3. Means deployed to combat illegal immigration networks

Combat of illegal immigration networks is supervised and coordinated by the Central Board of the State Border Guard and carried out by the Criminal Investigation Service of the Central Board of the State Border Guard and the criminal investigation services of the 9 territorial boards in cooperation with the Police. Within each territorial board, there is a criminal investigation service for the purposes of combating organized crime and investigating criminal offences, performing operational investigations, cooperating with the State Police and the criminal investigation structural units of Customs by exchanging intelligence information, and planning and carrying out special operations.

A coordination centre for operational cooperation has been set up by the Criminal Police Board in which officials of the State Border Guard and Customs participate. The State Border Guard has appointed an executive to cooperate cooperation with Europol.

Regional cooperation groups consisting of officials of the State Police, the Customs and the State Border Guard have been established in districts of Latvia to exchange information, perform joint risk analysis and plan actions in the fight against organized crime.

Criminal investigation services plan and implement joint operations to combat organized crime and illegal immigration, if necessary by cooperating with the State Police and the Customs structural units, as well as the relevant services of neighbouring countries (gathering and analysing information, planning joint operations, detecting and controlling suspicious persons, etc.).

Agreements for cooperation in the fight against illegal immigration have been concluded by the State Border Guard and the Russian and Belarusian immigration services.

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The State Border Guard has established a national contact point for cooperation with immigration liaison officers of other Member States. The staff of the contact point uses a specially established network (ICONET) to obtain information on illegal immigrants, prepare risk analyses and conduct *ad hoc* information exchanges. More and more active support is given to cooperation with other international and non-governmental organizations (BOMCA, UNDP, IOM, etc.) by sending the State Border Guard experts to illegal migration risk countries such as Ukraine and Moldova.

3.7.4. *Implementation of carrier liability*

No sanctions were imposed on carriers at the external land borders of the Republic of Latvia in 2003-2006.

4. DAUGAVPILS BOARD OF THE SBG

4.1. General information

4.1.1. *Environment, structure of border crossing point, organisations, traffic, threats, crime statistics*

The Daugavpils Board of the SBG is located in the south east of Latvia and is responsible for border control of 161 km of Latvian-Belarus border and 71,8 km of Latvian -Lithuanian border and for migration control in the territory of 3 districts (Daugavpils, Kraslava and Preili).

There are 9 BCPs subordinated to the Daugavpils Board, 8 of which are on roads and one of which is on a railway line. There are four BCPs for local border traffic with Belarus. Six BCPs are manned by personnel Border Guard Division staff. There are 3 independent BCPs.

The State Border Guard is responsible at the border crossing points for:

- border checks on persons;
- border checks on means of transport;
- radiation checks;
- maintenance of border crossing point regime, and
- issuance of short term visas and transit visas.

There are 6 Border Guard Divisions for border surveillance and border checks at local border crossing points. The Committee evaluated the Silene and the Piedrujas Border Guard Divisions

The number of border checks on persons crossing the border increased in 2005 by about 24% compared to 2004. In 2005 border guards carried out border checks on 1804 persons on average per day, i.e. 19 persons per day per border guard carrying out border control duties. 77% of checked persons were citizens of European Union Member States. The number of checked cars increased in 2005 by 33% compared to 2004, with a total of 284716 cars being checked altogether. (789 cars on average per day or 9 cars per day per border guard carrying out border checks)

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Local border traffic is based on an Agreement between the Government of the Republic of Latvia and the Republic of Belarus on simplified issuing of visas for border residents, signed on 27 November 2002. Under the Agreement, visas are issued to border residents who have lived in the border area for at least 6 months and have justified reasons for crossing the border and have a valid travel document. The territorial validity of the visas is limited to the border area of the issuing state. Border residents are entitled to cross the border via border crossing points. The length of stay within the border area and the total duration of the successive visits are not defined by the Agreement. It is defined in the Regulation of the Cabinet of Ministers of the Republic of Latvia No 217 on "Visa regulations" adopted on 29 April 2003, Article 72.

Border checks on persons in 2003-2006:

	2003	2004	2005	2006 6 months	% of third country nationals in 2006
Silene BCP	529 119	525 896	651 541	283 769	15
Paternieki BCP	121 454	129 215	151 489	63 541	
Piedruja BCP	61	58	51	5	
Total	650 634	655 169	803 081	347 315	

Border checks on means of transport in 2003-2006

	2003	2004	2005	2006
Silene BCP	154 066	155 234	210 450	38 298
Paternieki BCP	53 201	56 145	71 350	53 636
Total	207 267	211 379	281 800	91 934

In 2005 7 citizens of Moldova presented 3 Romanian, 2 Bulgarian and 2 Slovakian counterfeited passports. In 2006 6 violations of green border were detected by the Daugavpils Board. All six were committed by citizens of Latvian Republic. 7 wanted persons were detained during the first six months of 2006.

Several third country nationals (mainly Ukrainians) entered Latvia illegally for illegal work. This means that Latvia is also becoming a destination country for illegal immigration

Silene BCP is located on the main Minsk-Riga route and used on average by 1500 persons, 600 vehicles, 100 lorries and up to 20 busses (at peak times) per day. The majority of the travellers are of Latvian and Belarusian descent.

The Border Guard, Customs and Sanitary Border Inspectorate are all deployed at the BCP. The main threats for this BCP are the use of forged documents and abuse of visas (change of purpose of the travel after entry) and the transfer of stolen cars.

Paternieki BCP is located on the international Riga-Vitebsk road, designated for all kinds of traffic and used on average by 380 persons, 125 vehicles and 150 (mostly empty) lorries per day. The majority of the travellers are of Latvian and Belarusian nationality.

Border Guards, Customs Guards and the Sanitary Border Inspectorate are all deployed at the BCP.

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The threats at this BCP are very low in terms of illegal migration. The detected forged documents were documents on technical examination of vehicles and documents of necessary health insurances.

The buildings of the BCP are new, having been in use since 17 July 1999

Piedruja BCP is manned by a Border Guard Division located in a building on the river bank and close to a small harbour. There is no permanent ferry link. Travellers from both sides have to announce their intention to cross some days beforehand to the station. Belarusian citizens are reported through the visa department of the consulate in Vitebsk. 5 persons used this crossing point in 2006, 51 in 2005 and 58 in 2004. The majority of the travellers are of Latvian and Belarusian descent and residents of the border area.

The threats at this BCP are very low in terms of illegal migration. Only Border Guards are deployed at the BCP.

4.1.2. Regional or local strategy, inter-agency cooperation, international cooperation (regional and cross border cooperation)

The Regional Board of the SBG implements all the main elements of the national strategy in its area of responsibility. Cooperation at regional level is organised between the Daugavpils Board of the SBG, the Latgale Regional Office of Customs Board, the Latgale Regional Office of the State Revenue Service, the FVS Sanitary Border Inspectorate, police stations, the Bureau of Prevention of Corruption, the Office of Citizenship and Migration Affairs and Latvian consular departments in third countries.

Cooperation areas:

- combating of cross-border crimes;
- ensuring a control regime at the border crossing point and borderland;
- detention of wanted persons, and
- prevention of illegal activities by the officials of the border authorities.

At the Silene and Paternieki BCPs the day-to-day cooperation with the other deployed agencies seems to be functional. All agencies were aware of their duties and carried out exchange of information on a regular basis. Contacts with the Belarusian side are normally confined to the Chief of the BCP. Shift leaders can also establish direct contact with their counterparts if necessary. A joint training of border guards from both countries takes place once a year in each country.

At the Piedruja BCP contacts with the Belarusian side are normally confined to the Chief of the Border Guard Division in case of necessity. As a rule once a year there is a meeting with the counterpart of the Chief of the BGD on the Belarus side.

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4.1.3. Risk analysis and intelligence functions

The Daugavpils Board carries out monthly risk analysis based on following information:

- risk analysis and information from the Central Board of the SBG;
- monthly results of border control from BCPs and BGDs;
- monthly results of immigration control from Immigration sections;
- data from the Criminal Investigation Service,
- information from the Regional Cooperation Group:
- CIREFI reports;
- risk analysis reports of FRONTEX.

Risk analysis at the BCPs and BGDs is carried out by the chiefs of the respective units, by shift leaders and by border guards in the shift. For risk analysis by chiefs of BCPs and BGDs, the following information is used:

- risk analysis materials and information from the regional board of the SBG;
- results of the border checks at the BCP or border surveillance at the BGD;
- results of the immigration control;
- information from carriers about passengers;
- information from border enforcement authorities of other countries;
- information from state and municipal authorities and public sources, and
- information from local residents.

At the BCP the deployment of officers is based on a common and seasonal risk analysis. Border guards are briefed before the beginning of their shift on the current situation at the BCP and BGD as well as about the risk indicators. The BCP is obliged to report the results of its work to the next level in the chain of command on a daily basis, so that these results contribute to the daily bulletin. The shift leader and the border guards at the first and second line were found to be aware of risk indicators

4.2. Infrastructure and equipment

4.2.1. Separation of flows

The infrastructure allows for a clear separation of entry and exit flows at all the BCPs. At the Silene and Paternieki BCPs the entry and exit flows are separated by a fence running the full length of the border crossing point. There are gates in the fence which are used when a vehicle has to be sent back. The traffic can be managed by traffic lights and barriers.

4.2.2. Lanes for checks

At the Silene BCP four lanes for entry and four lanes for exit are available; one for vehicles and buses (non-EU), one for vehicles and busses (EU) and two for lorries (one non-EU, one EU).

At Paternieki there are five lanes available on entry and four on exit. They are separated for the different kinds of vehicles

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There is only one lane on entry and one lane on exit available at Piedruja which are used for all kinds of traffic. Since only one lane is available a separation is simply not necessary. Pedestrians have to report directly to building of the station.

The signposting of the separate lanes for different means of transport at all the BCPs was found to be in line with the pictograms provided in the Council Decision of 29 April 2004 (2004/581/EC) determining the minimum indications to be used on signs at external border crossing points.

4.2.3. *Control facilities*

At the Silene BCP the control is based on stationary booths outside the BCP building between the lanes. Separate rooms for second line activities are located in the main building of the BCP.

At the Paternieki BCP there are two stationary booths for the first line. The premises for the second line activities are located in the main building of the BCP. The booth provides a good view of the traffic lanes and was found to be sufficient for mounting the control equipment.

The checkpoint at Piedruja is located in the main building (office of the shift leader) and travellers need to report at the window. **The Committee was of the opinion that the existing facilities meet the Schengen requirements.**

4.2.4. *Equipment: first line, second line, mobile*

The equipment for border checks at the Silene and Paternieki BCPs was similar. For the border checks at the first line, all booths were equipped with computers together with optical passport readers, a document checking device (containing a magnifying glass, a retro-reflective lamp and a UV light) and an additional magnifying glass and a retro-reflective lamp. For the checks on means of transport there were different mirrors, sensors for people searches, an inspection camera and fibrosopes.

The second line office was equipped with a VSC-4c video spectral comparator, a stereomicroscope with coaxial light source, a computer working station and a collection of specimen passports.

The stationary equipment at Piedruja for documents checks at the first line consists of white light, UV light and reflective light sources and a magnifying glass, UV lamps, magnifying glasses, a retro-reflective lamp, a computer with a document reader and several handheld radiation measuring instruments. For the thorough control a stereomicroscope was also available.

The digital versions of the document bulletins issued by the Central Board of the SBG and the Interior Ministry's data base on specimens of documents were available at the first and second lines; printed versions of the document bulletins were also available at the second line at all three BCPs.

The experts found the equipment at the first and second line to be of sufficient quality, modern and in conformity with the Schengen Catalogue and the Council Recommendation of 28 May 1998 on the provision of forgery detection equipment at ports of entry to the European Union. The equipment was functioning during the visit.

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The Silene BCP and Paternieki BCP have a special number plate reading system for controls on cars. The system compares registration numbers of the cars passing through with the numbers reported for stolen cars. Information about cars passing through the BCP is recorded.

There were 6 service dogs at the Silene BCP (3 drug seekers, 2 people seekers and 1 explosives seeker) and 7 service dogs at the Paternieki BCP (5 drugs seekers, 1 people seeker and 1 explosives seeker).

4.2.5. Access control / fencing

The perimeter of all border crossing points was completely fenced off. The CCTV camera systems were used for the surveillance of the territory and perimeter of the border crossing points. The camera systems were monitored by the BCP's duty officer. The perimeter of some border crossing points was also surveyed by sensor systems, mainly sensor cables.

The Silene and Paternieki BCPs and Piedruja BGD also have a long range surveillance camera and a thermal camera located for surveillance of the border area next to the BCP.

At the Piedruja BCP the video surveillance system is operated by the duty officer of the BGD. Access control is via barriers and traffic lights on entry and exit operated by the shift leader.

4.2.6. Detention / readmission premises

There are detention premises at the Silene and Paternieki BCP and Piedruja BGD. Detainees can be kept there for three days.

4.2.7. Storage of blank visa

At Silene and Paternieki blank visas are kept in the office for issuing visas in a special safe. The use of visa stickers is registered in a special journal.

4.3. Controls and procedures

4.3.1. Traffic handling / traffic modes

The Silene and Paternieki BCPs are responsible for border checks on all types of traffic. At the BCP a traffic light system is used to regulate the flow of traffic. Traffic is managed by one border guard at entry and another at exit. These guards operate traffic lights and stationary barriers.

4.3.2. Procedure of checking on entry and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)

All passengers had to undergo border checks on entry and exit. The EU citizens were subjected to minimum checks, whereas third country nationals were subjected to thorough checks. All third country nationals were checked in the computer databases and they were questioned about the purpose of their trip and their means of subsistence, but they were not asked to present proof.

RESTREINT UE

The experts were of the opinion that the knowledge of EU legislation, immigration regulations and related documents (visa requirements etc.) of the border guards on shift during the inspection was good and in general the performing of checks and procedures met the requirements. However it was noticed that one of the border guards in the booths at Silene was not using the available equipment for thorough scrutiny of travel documents.

All passports of third country nationals were stamped. Stamping for the most part was carried out correctly.

Stamps are issued to the border guards on shift by the duty officer and each border guard has to sign on reception and delivery of the stamps. The attribution of the stamp is also registered in the internal database, which indicates when security codes need to be changed. The shift leader keeps the stamp registration book.

The security codes of stamps are changed once a month.

The Committee considers that direct connection to the national visa register in the first line is a very useful tool from a security point of view. It could be seen as a best practice.

Three officers are usually deployed per shift at the Paternieki BCP. The Committee could not monitor the performance of the checks because of lack of traffic of non-EU citizens.

One officer is deployed as computer operator (both on entry and exit). He performs searches in available registers and databases and examines and stamps documents, while the two other officers establish the identity of travellers, carry out interviewing and search vehicles. The officers were fully aware of the procedures. The officers are able to operate the existing equipment. Documents are stamped on entry and exit. Based on risk assessment they hand over travellers to the second line where there is always one officer per shift (shift leader) available with advanced knowledge on document examination.

Due to the lack of travellers during the visit the team could not monitor the performance of checks at Piedruja either. However, the interviewed officers were fully aware of the procedures and were able to operate the available equipment and databases.

4.3.3. Utilization of registers

The State Border Guard electronic information system REIS 2002 was used for border checks on third country nationals and for thorough checks on the EU citizens. REIS 2002 is linked to the Register on Entry Ban, the Register on Invalid Documents, the Population Register and the Filtrs Wanted Persons' Information system. Information on wanted persons in Lithuania and Estonia is available to the SBG for use during border checks. An information system on inhabitants and a national visa information system were used; the document bulletins issued by the Central Board of the SBG and by the Interior Ministry's data base on specimens of documents can also be used in the process of border checks.

Additionally, the national register of means of transport, the database of insurance polices covering civil liability of owners of means of transport, the Estonian and Lithuanian databases of invalid documents, the Estonian, Lithuanian, Italian and Czech databases on authentic documents are all available at the second line.

RESTREINT UE

The Common Manual and the Schengen Borders Code were available electronically in the booths. The paper version of these documents was available at second line at all the BCPs.

The Committee noted that all non-EU citizens were referred to the registers and available databases. The system of registers can be considered as to be well functioning and sufficient.

4.3.4. Processing of refusals and asylum applications

The decision to refuse entry is made by the chief of the BCP. Refusals of entry are recorded in a special journal by the duty officer. A standard form established by Council Decision 2004/574/EC is filled in and handed to the alien concerned. The forms were not yet in line with the Schengen Borders Code. The Committee was told during the visit that it is planned to replace these old forms by new forms that are in accordance with the Code since the Schengen Borders Code becomes effective on 13 October 2006. The Committee found that the forms were filled in correctly, registered and stored in the second line.

Refusals of entry in 2003-2006

Silene BCP	49	52	44	22
Patarnieki BCP	34	41	48	47
Total for the Daugavpils Board	155	114	149	

The top four nationalities in 2005 were Moldova, Ukraine, Belarus and the Russian Federation. The main reasons for refusal were absence of a valid visa or travel document and absence of sufficient means of subsistence. There have been no refusals of entry at the Piedruja BCP during the three last years. Border guards were familiar with the procedure for handling such cases.

The Daugavpils Board received one asylum application in 2004 and another in 2005. No asylum applications have been lodged with the Silene, Patarnieki and Piedruja BCPs during the last three years. Despite the lack of asylum applications so far, the border guards were fully aware of the procedures.

4.3.5. Issuance of visas

Only B and C type visas can be issued at the border crossing points. Issuing of visas on humanitarian grounds for family members of EU citizens not in the possession of a residence permit is decided by the head of the border crossing point or by the shift leader. The issuing of all other visas for humanitarian purposes and for purposes of state interest has to be endorsed by the head of the territorial board of the SBG or by the head of the immigration service of the SBG.

Visas can be issued at three BCPs.

	2004		2005		2006 (6 months)	
	B-type	C-type	B-type	C-type	B-type	C-type
Silene BCP	1	20	1	22	0	20
Patarnieki BCP	3	15	4	3	3	2

RESTREINT UE

At Silene 70% of visas were issued to persons entering the Republic of Latvia to attend funerals and 12% of visas were issued for transit purposes. 56 visas were issued to nationals of Belarus, 5 to nationals of the Russian Federation and 3 to nationals of Ukraine.

At Paternieki visas were issued mainly to nationals of Belarus crossing the border to attend funerals or to seamen.

The issuing of the visas is registered in a special journal.

4.3.6. Second line activities

Second line activities are carried out by shift leaders, duty officers and document experts.

During the visit of the experts, no passengers were directed to the second line check. The border guards at the Silene BCP told the experts that two to three persons on average per shift are brought to the second line for more thorough checks.

The Committee recommends that in justified cases more use could be made of the second line activities that are available to the border guards.

4.4. Staff and training

4.4.1. Adequacy and the level of professionalism

The border guards at the BCPs visited can be regarded as professionals, highly motivated and disciplined. They are trained in accordance with the Border Guard training programmes. This also applies to border guards carrying out border surveillance activities.

The practical implementation of border checks could be improved, particularly in relation to the examination of travel documents given the small practice of discovery of counterfeited documents at the evaluated border crossing points.

4.4.2. Basic training

All officers and inspectors at the Silene and Paternieki BCPs had completed the basic border guard training for their BCP duties. Instructors at the BGD had received 1 year's or 5 weeks' professional training. Dog handlers had passed 3-6 months' professional training.

4.4.3. Further continuing education

95% of the Daugavpils Board border guards have received training on the Schengen acquis, 79 border guards have trained in foreign languages and the second line officers have been trained in false documents (12) and profiling (6).

Experts from different departments both at regional and central level provide training in IT systems, use of technical equipment, etc at the BCP.

RESTREINT UE

At the evaluated BCPs every border guard receives approximately 3 hours of training every week from the shift leader. A system of trainer training is used to implement training at local level. The intranet is also used to enable border guards to improve their knowledge of EU legislation, documents, etc.

Once a year, the level of knowledge of officers is tested.

Shift leaders and managerial officers are also involved in the training courses on document checking and EU legislation, like the rest of the border guards. In addition at regional level, all shift leaders and commanding officers meet at Daugavpils on a regular basis (once every three months) in order to prepare training programmes, discuss new procedures and solve shortcomings encountered during the service.

The Committee found that the experience in profiling and detection of false documents was limited and recommends continuous training in these issues to be provided to all the personnel responsible for border checks.

4.4.4. Linguistic skills and training

All officers at the places visited were able to communicate in Russian and some of them are also able to speak English (10%) or German (2%).

English, German and Russian language courses are organised on a regular basis both inside and outside the country.

Since the vast majority of third-country nationals crossing the border at this sector speak Russian, **the Committee recognises that the large number of border guards able to speak Russian fluently is an effective tool for more in-depth questioning and control of persons in doubtful cases. The Committee would also encourage Latvia to continue to promote these language skills.**

4.4.5. Specialised document checking skills and training

All border guards had undergone special training in document checks during their basic border guard training.

In addition to the daily briefings given by the shift leaders were new trends and novelties related to document checking are explained to border guards at local level, supplementary training is given at regional level in Daugavpils and in Riga at national level. This training is given either by the Expertise Division of the State Border Guard or the Expertise Centre of the State Police. The Committee was informed that 6 border guards from the Silene BCP had participated in these 2-day training sessions in Riga in 2006.

The specialist document expert level is acquired at regional level in Daugavpils.

At the BCP several specialists in document checking are available to perform in-depth checks on documents if necessary, but normally it is the shift leader who performs checks of this kind.

RESTREINT UE

4.4.6. Availability and permanency of staff

The Daugavpils Board had a total staff of 546(116 officers, 400 instructors and 30 civilian personnel). There were 249 border guards deployed at Border Guard Divisions and 190 at Border Crossing Points. In the first half of 2006, roughly 168 border guards were involved in border control each day, of which 94 persons carried out border checks and 74 were deployed for border surveillance.

At the Border Crossing Points, staff are available around the clock.. The Committee was informed that the number of staff is planned on the basis of risk analysis and depends on intensity of flows of persons and means of transport on different days and at different times. The border guards at the Border Crossing Points work in shifts of up to 12 hours

At the Silene BCP 100% of posts are covered. There are 62 border guards (7 officers and 55 instructors), working in 2 shifts of 8 to 13 officers, which in principle seems adequate to the traffic flow. The shift consists of a shift leader, a duty officer, border guards for checks on persons and means of transport and a computer operator for thorough checks on persons via databases and a dog handler.

If need be, additional reinforcement can also be received from the quick response unit available at regional level.

The Committee was informed by the chief of the BCP that in general staffing levels are stable. In 2005 only one officer was dismissed for disciplinary reasons and 2 or 3 left to continue their training at the College of the SBG.

The Paternieki BCP has a total staff of 47 (a chief, a deputy chief, 5 senior inspectors, 33 inspectors and 7 inspectors/dog handlers). The shift consists of 6-9 border guards with patters of work similar to those of the Silene BCP

The Committee had some doubts about the deployment of two well trained border guards in every shift at the Silene and Paternieki BCPs for operating traffic lights and barriers, for controlling of functioning of the number plate readers, the radiation equipment, the surveillance sensors and for carrying out observation of the BCP and nearby area, when there was only one border guard for border checks at the entry and one for exit lanes.

4.5. Readmission, expulsion and illegal immigration, carrier liability

The Immigration Service of the Daugavpils Board expelled 39 illegal immigrants from Republic of Latvia in 2003, 24 in 2004, 8 in 2005 and 1 during the first 6 months of 2006.

There is a criminal investigation service in which 16 border guards are deployed at the Daugavpils Board. led by the Board's deputy chief. Officers of the criminal investigation service have BCPs and BGDs where they have to carry out intelligence and investigation.

There are no border guards deployed to combat illegal immigration networks within the structure of BCPs or BGDs. However the chief of the BGD initiates an initial investigation in cases of border violation and there are border guards at the BGDs specially trained in protecting evidence. Any criminal investigation will be carried out by an officer of the regional board of the SBG.

RESTREINT UE

The Committee appreciated the notable number of persons of the investigation service for criminal intelligence and investigation of crimes at the regional and local level.

The Immigration Service and immigration sections of the Daugavpils Board carry out migration control on the territory of three Immigration Service regions covering a total area of 7000 km² with 230 000 inhabitants. The Immigration Service of Daugavpils Board detained 69 illegal immigrants inside the country in 2003, 43 in 2004, 17 in 2005 and 3 during the first 6 months of 2006.

5. LUDZA BOARD OF THE SBG

5.1. General information

5.1.1. *Environment, structure of border crossing point, organisations, traffic, threats, crime statistics*

The Ludza Board of the SBG is situated in the Eastern part of Latvia and is responsible for border control of 138 km of Latvian border with the Russian Federation and also for migration control within the territory of the Ludza and Rezekne districts.

There are 4 BCPs subordinated to the Ludza Board, 2 of which are on a road and 2 on a railway line. There are 5 Border Guard Divisions for border surveillance.

58 km (42%) of state border is a land border and 80 km (58%) is a border on lakes and rivers

The number of border checks on persons crossing the border increased in 2005 by about 10% compared to 2004. In 2005 border guards carried out border checks on 3717 persons on average per day (i.e. approximately 37 persons per day per guard carrying out border control duties). 67% of checked persons were citizens of European Union Member States. The number of checked cars increased in 2005 by 11% compared to 2004 and altogether 846 408 cars were checked (2345 cars on average per day or approximately 23 cars per day per guard carrying out border checks)

Checks on persons

	2003	2004	2005	2006	% of third country nationals
Terehova BCP	507 623	576 306	623 257	306 184	24
Grebneva	322 430	276 822	313 866	141 896	24
Zilupe BCP	229 851	223 193	246 588	105 866	43

Checks on means of transport

	2003	2004	2005	2006	% of LV and LT cars
Terehova BCP	420 453	479 593	521 918	261 271	75
Grebneva BCP	313 111	269 923	316 134	149 455	

266 persons were refused entry in 2004, 198 in 2005 and 70 during the first 6 months of 2006.

RESTREINT UE

5 forged documents were detected at the BCPs of the Ludza Board in 2003, 3 in 2004, 3 in 2005 and 10 in 2006. False documents were presented by nationals of Russia, Moldova, Israel and the United Kingdom. Forgeries of passports, vehicle registration cards and driving licences were detected.

The **Terehova BCP** is located on the main Riga-Moscow road and is designated for all kinds of traffic. It is crossed on average by 1692 persons, 619 vehicles and 815 lorries per day. The majority of the travellers are of Latvian and Russian nationality.

Border Guards, Customs Guards and the Sanitary Border Inspectorate are deployed at the BCP. The threats for this BCP are illegal migration by means of forged documents and changing the purpose of visas. The detected forged documents were documents on technical examinations of vehicles and forged travel documents.

The **Zilupe BCP** is located on the Riga-Moscow-Riga railway route and is crossed by four passenger trains (two on entry, two on exit) and about 16 cargo trains (eight in each direction) per day. The majority of the travellers (on average 150 passengers per train) are of Latvian and Russian descent.

Border Guards, Customs Guards and the Latvian Railway Police are deployed at the BCP. The premises of the Border Guards are new and offer a good working environment; the railway station is due to be refurbished in the near future.

The threats for this BCP are illegal migration and smuggling of goods.

The **Grebneva BCP** located on the main road Riga-St. Petersburg road is designated for all kinds of traffic and is crossed on average by 780 persons, 461 vehicles and 358 lorries per day. The majority of the travellers are of Latvian and Russian nationality.

Border Guards, Customs Guards and the Sanitary Border Inspectorate are at the BCP. The threats for this BCP are illegal migration by means of forged documents and changing the purpose of visas. The detected forged documents were documents on technical examination of vehicles and forged travel documents (three cases each).

5.1.2. Regional or local strategy, inter-agency cooperation, international cooperation (regional and cross border cooperation)

The Regional Board of the SBG implements all the main elements of the national strategy in its area of responsibility. Cooperation at regional level is organised between the Ludza Board of the SBG, the Regional Office of the State Revenue Service, the Customs Board, the FVS Sanitary Border Inspectorate, the Police and the Ludza district police department. At local level, cooperation is also organised with neighbouring BCP structural units, other units of the SBG and municipalities.

The border delegate is responsible for cooperation with his Russian counterpart. The border delegate is based at Ludza and is not responsible for operative issues. Cooperation with the Border Guard Service of the Russian Federation consists of meetings, joint investigations, exchange of experience and information (including intelligence) and solving of border incidents between border delegates. Means of communication (7/24) ensure rapid reaction at regional level.

RESTREINT UE

There are also direct telephone links between all border crossing points. Coordinated actions are possible but joint patrols are not conducted with Russians. Meetings on experience exchange take place twice a year and approximately 5 border guards from each side take part in these.

At the Terehova, Zilupe and Grebneva BCPs, day-to-day cooperation with Customs is functional: all agencies were aware of their duties and exchange information on a regular basis.

International cooperation with the counterparts in the Border Guard service of the Russian Federation consists mainly of information exchange when needed and is carried out by the Chief of the Border Check Point. Meeting for information and experience exchange have been held once a year.

The Committee is of the opinion that cooperation with the Border Guard Service of the Russian Federation is functional. However there is room for improvement in practical cooperation at local level. Exchange of information at local level seems to be rather limited.

5.1.3. Risk analysis and intelligence functions

The deployment of personnel at the Border Crossing Points is based on risk analysis. The BCP is obliged to report to the next level in the chain of command about the results of its work on a daily basis. Once a month a report about the results of the activities of the BCP is drawn up by the deputy chief of the BCP and submitted to the regional board of the SBG where risk factors have been described. Every day before the beginning of the service the shift is briefed on the risk indicators which are also fixed in the order for the service of the shift.

The Committee considers that the shift leaders and border guards at the first and second line are aware of the risk indicators established for external land borders of the Republic of Latvia and of the risk indicators specific to their border crossing points.

5.2. Infrastructure and equipment

5.2.1. Separation of flows

Entry and exit flows at the Terehova and Grebneva BCPs are separated and there is a fence between these two flows the entire length of the border crossing point. There are gates in the fence, which are used when a vehicle has to be sent back.

5.2.2. Lanes for checks

At Grebneva there are six lanes on entry and seven on exit available for all kinds of traffic. The lanes are signposted in accordance with the Schengen Border Code. Three lanes on entry and on exit are provided for lorries. On exit there is a separate lane for cars carrying persons enjoying the Community right of free movement.

In Terehova there are eight lanes on entry and nine lanes on exit for all types of vehicle.

Signposting of separate lanes for different means of transport at all BCPs was found to be in line with the pictograms set out in Council Decision (2004/581/EC) of 29 April 2004 determining the minimum indications to be used on signs at external border crossing points.

RESTREINT UE

5.2.3. *Control facilities*

At the Terehova BCP there are 6 booths for first line control of traffic lanes. Currently the control was based on two stationary booths for the first line (entry and exit each). The facilities for the second line are located in the main building.

At the Grebneva BCP there are two stationary booths for first line control at entry and two booths for first line control at exit. The facilities for the second line are located in the main building.

**The experts were of the opinion that the existing facilities at the Terehova and Grebneva BCPs meet the Schengen requirements and allow effective border control
There are no first line control facilities at the Zilupe railway station and border checks on passengers boarding or leaving the train there have to be carried out at the platform.**

5.2.4. *Equipment: first line, second line, mobile*

The Terehova and Grebneva BCPs had the standard equipment for the border checks at first and second line. Reference is made to point 4.2.5. of this report.

Both BCPs had a camera system for reading car registration plates. Both BCPs also had an X-ray device (belonging to Customs) for thorough checks on vehicles and lorries.

All the equipment except the mobile X-ray device at the Terehova BCP was functioning during the visit and the officers in charge were able to operate them.

The Committee found the quantity and quality of the equipment to be sufficient and in line with Council Recommendation of 28 May 1998 on the provision of forgery detection equipment at ports of entry to the European Union and best practice of the Schengen Catalogue.

For checks on means of transport there are 3 service dogs at the Terehova BCP (2 drug-seekers and 1 people-seeker) and 3 service dogs at the Grebneva BCP (2 drug-seekers and 1 people-seeker).

At Zilupe there is available stationary and mobile equipment for first line checks: a UV light, magnifying glasses and passport readers. For checks on trains portable REIS 2002 terminals with databases are used. Equipment for monitoring closed compartments and for radiation control is available. At the second line there is a VSC-4CH video-spectral comparator and a stereomicroscope.

The Committee considered that the quantity of available equipment was sufficient but that the quality and technical conditions of the some items of equipment were not satisfactory.

Only two of the four portable Reis 2002 terminals were functional. The terminals were not able to operate online and had limited memory capacity. A computer or a computer network during the consultation of the databases at the second line was very slow (each consultation took 2-3 minutes). As data on a large number of third country nationals are not verified via databases during the first line checks and have to be checked at the second line (post-entry) before the train reaches the next station (approximately 1 hour), such a slow speed for consultations constitutes a serious security risk.

RESTREINT UE

The Committee is of the opinion that there is a clear need to purchase new electronic equipment for the first line that guarantees permanent online access to the available databases and to increase the speed of data network at the second line.

5.2.5. *Access control / fencing*

The Terehova and Grebneva BCPs are completely fenced and there are movement sensors on the fence all round the perimeter. There is a video surveillance system which together with the sensors is monitored by the duty officer of the BCP. The access control is by barriers and traffic lights on entry and exit operated by a border guard.

The Zilupe BCP is not fully fenced and is not guarded by sensor systems but has a video surveillance system with four cameras which is operated by a border guard officer on the premises. Access to the platform is controlled by one or possibly two officers who guard the entrance gate to the platform during the stop of the train; the back is guarded by one officer who is tasked with preventing uncontrolled movement. The passenger trains are operated by the Latvian Railway Company; the staff of the train makes sure that the doors of the compartments are not open during the stop.

The access control was found not fully satisfactory.

5.2.6. *Detention / readmission premises*

There are two detention rooms at the Grebneva, Terehova and Zilupe BCPs.

5.3. **Controls and procedures**

5.3.1. *Traffic handling / traffic modes*

The Terehova and the Grebneva BCPs are located directly on roads leading from Latvia to the Russian Federation. Traffic in both directions is managed by traffic lights and barriers operated by border guards on the entry and exit of the BCP. The BCPs are responsible for border checks on all kinds of traffic: pedestrians, vehicles and lorries. At the BCP a traffic light system is used to regulate the flow of traffic.

At Terehova only around 300 lorries per day manage to cross the border into Russia because of the large volume of cargo traffic and the slow procedures of the Russian customs authorities. This situation causes long queue of lorries on the Latvian territory in the hinterland of the BCP (during the visit approximately 5 km) ties up manpower from local Police forces and border guards who have to ensure the safety of travellers and traffic coming from and going to the BCP.

The Committee is of the opinion that there is some room for improvement in the deployment of officers in terms of organisation and management. Consideration could be given as to whether the deployment of officers at the entrance/exit gate is really necessary or whether these positions could be closed in order to have more officers available at the first line.

RESTREINT UE

5.3.2. *Procedure of checking on entry and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)*

In Terehova and Grebneva due to the lack of travellers the Committee could not monitor the checks on travelling non-EU citizens on entry and exit, the officers on duty could only be interviewed on the procedures by the team. The officers were aware about the procedures and possible risk indicators.

Usually there are two or three officers deployed per shift in each lane of the BCP. One border guard operates the computers (searching in databases, stamping, and document examination) in the booth while one or two officers perform the checks on travellers. The officers were able to operate the existing equipment.

At Grebneva and Terehova, border checks were carried out jointly by Border Guard and Customs officials working together in pairs. Cars are stopped only once.

At the Zilupe railway BCP, trains are checked by two teams of passport controllers (starting from either end of the train, each consisting of up to three border guards). At the same time at least one border guard is tasked with searching the train inside and outside. Passengers entering the train are checked at the platform.

Owing to the lack of appropriate mobile equipment (passport readers) only data of one third of travellers was consulted in the databases and referred to the registers in the first line.

Persons not checked in the first line had to present a so called “anketa”, a sheet of paper that consists of personal information of travellers and has to be filled in by travellers before arriving at the BCP. The “anketa” are checked afterwards at the second line by referring to available databases and registers. **This process is unsatisfactory, since the response to any given request takes up to three minutes on average.** On average there are between 60 to 80 persons to be checked in this way, with the result that on average the process takes an hour to complete. If the search delivers a hit in the database, the BCP informs the Immigration Service of the SBG and the Railway Police in Rezekne so that the person can be stopped (the train takes approximately one hour to get from the BCP to Rezekne railway station). Depending on the situation, one border guard goes by train to Rezekne.

During the checks in the first line non-EU citizens did not always undergo thorough checks in the required manner. The questioning of travellers was limited to the aim of the trip and on a random basis means of subsistence. Not all the third country nationals were asked to present proof of financial resources.

The team monitored the questioning of Moldovan travellers who were on their way from Moscow to Riga to work there. Although the answers given to the Border Guard officers were not reasonable and reliable, the Border Guards decided not to take these travellers to the second line for more thorough checks and questioning.

Passports were examined very rarely and at random. All passports of third country nationals were stamped. However, sometimes affixed stamps covered the machine readable zone of the visa.

RESTREINT UE

Cargo trains are usually not checked by Border Guards on exit. The staff of these trains is checked by Custom Guards at the railway station in Rezekne, before leaving the country. Incoming cargo trains are checked jointly by Customs Guards and the Railway Police in a satisfactory manner.

The Committee considers that the control procedures do not fully meet Schengen requirements. The current procedure for checks on persons, linked to the lack of equipment, needs immediate reconsideration. The border guards need to undergo more training on profiling and document examination.

5.3.3. Utilization of registers

At the Terehova and Grebneva BCPs all non-EU citizens can be referred to the registers and available databases. The system of registers can be regarded as functioning well and sufficient.

At the Zilupe BCP databases were used for thorough checks on all third country nationals but because of the above mentioned gaps in procedures and limited consultation capacity (transmission speed) the committee considers that improvement is necessary in order to meet Schengen requirements.

5.3.4. Processing of refusals and asylum applications

The total number of refusals of entry at the Ludza Board of SBG was 266 in 2004, 198 in 2005 and 70 during the first six months of 2006. The main reasons for refusal were:

- lack of valid visa;
- lack of valid travel document;
- lack of sufficient means of subsistence for the duration of the intended stay.

81-87% of refused persons were nationals of the Russian Federation.

Number of persons refused entry at the evaluated Border Crossing Points

	2003	2004	2005	2006
Terehova BCP		46	46	15
Grebneva BCP	46	36	31	11
Zilupe BCP	83	66	57	26

The main reasons for refusal of entry at Terehova, Grebneva and Zilupe were the lack of a visa and sufficient means of subsistence. The decision to refuse entry is taken by the chief of the Border Crossing Point or by the duty officer. The standard forms are used and are registered and stored in the second line office. **Refusals of entry were found to be carried out in line with Schengen requirements.**

Two asylum applications were lodged with the Grebneva BCP in 2005 by one person from Moldova and another from the Russian Federation. There have been no asylum applicants in the last few years at the Terehova and Zilupe BCPs. However, the border guards at these Border Crossing Points were aware of the procedures.

RESTREINT UE

5.3.5. Issuance of visas

Visas were issued at four BCPs: Terehova, Grebneva, Zilupe and Karsava. B and C type visas were issued, mainly to seamen, persons attending funerals of relatives and family members of EU citizens.

Top 5 nationalities were Russian Federation, Belarus, Ukraine and Kazakhstan and Moldova.

Number and types of visas issued at the evaluated Border Crossing Points

	2004		2005		2006 (6 months)	
	B-type	C-type	B-type	C-type	B-type	C-type
Terehova BCP	4	2	6	7	2	7
Grebneva BCP	27		13		6	
Zilupe BCP	7	3	-	2	1	9

At the Grebneva BCP, the visas were mainly issued for family reasons and to family members of EU citizens.

The Committee recommends that officers who are responsible for visa issuing should be provided with continuous training.

At Zilupe visas were issued mainly to seamen, family members of EU citizens and persons attending funerals. Mainly for nationals of Russian Federation and Moldova

5.3.6. Second line activities

At the Terehova, Grebneva and Zilupe BCPs, second line activities are performed by the chiefs of the BCP, deputy chiefs, senior inspectors and some inspectors. There are usually 7-10 border guards at the BCP who are able to carry out second line activities.

The second line activities consist of thorough checks on EU citizens and third country nationals, the thorough examination of travel documents, the processing of refusal of entry, the issuance of visas, the guarding of detained persons or persons who are refused entry, the investigation of detained or apprehended persons and the monitoring of the radiation control system.

During the visit of the experts, no passengers were directed to the second line check, even though there seemed to be a reason for doing so. The Committee was told at the Border Crossing Points that second line controls are typically carried out 2-3 times per shift.

The Committee feels that the border guards at the first line should be encouraged to make use of the second line facilities in justified cases.

Separate rooms are designated for second line activities and are fully equipped with devices for thorough examinations of travel documents.

5.4. Staff and training

5.4.1. *Adequacy and the level of professionalism*

The border guards at the BCPs visited can be regarded as professionals, highly motivated and disciplined. They are trained in accordance with the Border Guard training programmes.

Possible improvement is needed with regard to the practical implementation of border checks and verification of the conditions governing entry and also in examination of travel documents given the relatively small number of counterfeit documents detected at the evaluated border crossing points.

Professional training of border guard instructors who have completed the 5 weeks' training should be continued.

5.4.2. *Basic training*

All officers and inspectors at the Terehova, Grebneva and Zilupe BCPs have completed the basic border guard training required for their BCP duties. Most of the border guards interviewed by the experts had had 1 year of basic professional training.

5.4.3. *Further continuing education*

Additional training is provided:

- at the courses organised by the Central Board of the SBG;
- at the courses organised by the Expertise centre of Ministry of Interior;
- at the courses organised by the Latvian School of Public Administration;
- as exchange of expertise with foreign border guard services, and
- at the courses at the Ludza Board's Centre of Further Training.

There was no information provided about the percentage of participation of personnel at the above mentioned courses.

In recent years, 90% of border guards have had training on the Schengen acquis and almost all border guards attended training in the framework of the EU Training Day. Trainings in the Schengen Borders Code are planned at the level of the border guard boards and are organised at the BCPs.

As a result of evaluation of the Border Crossing Points of the Ludza Board of the SBG, the experts identified a need for continuous training on profiling, verification of entry conditions of third country nationals and on interviewing.

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5.4.4. *Linguistic skills and training*

The Committee was satisfied that all the border guards of the Ludza Board of the SBG spoke Russian. About 30% of them also have some English and German. In recent years 125 border guards have undergone English language training. The Committee values positively the generalised knowledge of Russian and invites the SBG to continue English training for its staff.

5.4.5. *Specialised document checking skills and training*

In recent years 25 border guards have taken the courses in detection of falsification of travel documents. As a result of the evaluation, the Committee is of the opinion that training in document examination and detection of forged documents should be provided regularly to all BCP personnel.

5.4.6. *Availability and permanency of staff*

The Ludza Board has a staff of 594 (114 are officers, 458 instructors and 22 civilian personnel). The Ludza Board border crossing points visited by the Committee were manned 100%.

There are 79 border guards at the Terehova BCP for 7 officer and 72 instructor posts. All posts are manned. 69 border guards are mainly used for the first line control. The BCP operates 24 hours a day, border guards work in 4 shifts and each shift works up to 12 hours per day. The number of border guards per shift is planned on the basis of service conditions. There are approximately 12-14 border guards in a shift. In special cases, off-duty staff can be summoned to supplement the number of border guards on a given shift.

There are 62 border guards at the Grebneva BCP, 52 of whom are mainly deployed at the first line. The BCP operates 24 hours a day. There are 4 shifts of border guards. There are on average 10 border guards in a shift. In special cases the number of personnel can be increased by involving free staff. The shift consists of 15 border guards.

There are 55 border guard posts at the Zilupe BCP and all the posts are filled. There are 7 officer and 48 instructor posts. 48 border guards are mainly deployed for first line control.

5.5. **Readmission, expulsion and illegal immigration, carriers liability**

Readmission and expulsion of illegal immigrants is carried out by the Immigration Service of the Ludza Board. Expulsions were as follows:

	2003	2004	2005	2006
Decisions on forced expulsion	11	15	7	5

There is a Criminal Investigation Service in the structure of the Ludza Board. It is led by the second Deputy Chief of the Ludza Board. Officers from the Criminal Investigation Service are deployed at BCPs and BGDs where they have to carry out intelligence and investigation work.

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There are no border guards deployed in the structure of BCPs or BGDs to combat illegal immigration networks. However the chief of the BGD initiates an initial investigation in the event of border violation and there are border guards at the BGDs specially trained in protecting evidence. The criminal investigation will be carried out by an officer of the regional board of the SBG

The Committee valued positively the availability of large numbers of investigation service staff for criminal intelligence and investigation of crimes at the regional and local level.

The Immigration Service and the immigration sections of the Ludza Board carry out migration control in the territory of the Ludza and Rezekne districts with a total population of 76274 persons and a total area of 5382 km². 28 illegal immigrants were detained inside the country by the Immigration Service of the Ludza Board in 2003, 30 in 2004, 16 in 2005 and 2 during the first 6 months of 2006.

There was no information presented to the Committee about detection of illegal immigration networks by the Criminal Investigation Service and the Immigration Service of the Ludza Board and their cooperation partners in recent years.

6. VILAKA BOARD OF THE SBG

6.1. General information

6.1.1. *Environment, structure of border crossing point, organisations, traffic, threats, crime statistics*

The Vilaka Board of the SBG is situated in the north east of Latvia and is responsible for border control of 138 km of Latvian border with the Russian Federation, 108 km of Latvian-Estonian border and for migration control in the territory of 4 districts (Balvi, Aluksne, Gulbene and Madona).

There are 3 BCPs subordinated to the Vilaka Board. All three are road BCPs. There are 7 Border Guard Divisions for border surveillance of which 5 are situated on the Latvian-Russian border. 178 km (72%) of state border is a land border and 68 km (28%) is a river border.

In 2005 the Border Crossing Points of the Vilaka Board carried out 485 854 checks on persons crossing the state border. The number of checks in 2005 was 15% higher than in 2004. However, only a few of the persons crossing the state border via the border crossing points of the Vilaka Board were third country nationals in possession of a visa. In 2005 only 3% of checked persons were third country nationals with a visa (and only 2% in the first 6 months of 2006).

In 2003 there was one case detected of use of counterfeit documents, in 2004 3 cases, in 2005 3 cases and in 2006 one case. Counterfeit documents were used by 4 nationals of Lithuania, 2 nationals of Latvia, one national of Russia and one national of Estonia.

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16 violators of the external land border were detected in the Vilaka section in 2003, 15 in 2004, 13 in 2005 and 3 during the first 6 months of 2006. Violations of the green border at the border section of the Vilaka Board were committed mainly by Latvian and Russian nationals. 3 illegal immigrants were detained on the state border by the Vilaka Board in 2005 and 1 in 2006.

In the course of migration control within the territory of Latvia by the Migration Service of the Vilaka Board 23 illegal immigrants were detained in 2003, 26 in 2004, 20 in 2005 and 3 in the first 6 months of 2006. **The prevailing border situation is calm and the threat of illegal immigration from third countries seems to be currently very low.** However there is some evidence of organized human smuggling in this region.

The Committee did not evaluate the Border Crossing Points of the Vilaka Board of the SBG

7. BORDER SURVEILLANCE

7.1. General information

The external Latvian State borders have a total length of 437 km, of which 161 km are with the Republic of Belarus and 276 km with the Russian Federation. The external borders with both third countries are typical green borders (forests, open land and swamps) and many rivers and lakes (approximately 40%).

Green border surveillance at Latvia's external borders is the responsibility of 3 of the 9 existing Territorial Boards.

- **The Daugavpils Board**

The Daugavpils Board secures 161 km of State border with the Republic of Belarus. About 64% is natural land border, 36% is rivers and lakes including 17 km of border along the river Daugava. Five Border Guard Divisions are responsible for border security with 174 border guards deployed along the green border.

- **The Ludza Board**

The Ludza Board secures 138 km of State border with the Russian Federation. About 42% is natural land border and the rest rivers and lakes. Five Border Guard Divisions are responsible for border security with 146 border guards deployed along the green border.

- **The Vilaka Board**

The Vilaka Board secures 138 km of border with the Russian Federation. Most of the border line is natural green border; about 27% is formed by small rivers and lakes. Five Border Guard Divisions are responsible for border security with 144 border guards deployed at the green border.

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7.2. The visited sites

The Evaluation Committee visited all the above-mentioned Boards at the external border and 6 Border Guard Divisions. 2 of the visits were unannounced.

The Daugavpils Board with the Silene Border Guard Division and the Piedrujas Border Guard division. The Silene BGD secures a State border of 34 km with 47 border guards deployed and is also responsible for 2 border crossing points. The Piedrujas BGD secures 25 km with 34 border guards deployed.

The Ludza Board with the Grebnevas Border Guard Division. The Grebnevas BGD secures a State border of 23 km with 29 border guards deployed and is also responsible for 1 border crossing point.

The Vilaka Board with the Punduri Border Guard Division. The Punduri BGD secures a State border of 28 km with 32 border guards deployed. The Evaluation Committee also made two unannounced visits to the Pededzes Border Guard Division and the Berzinu Border Guard Division, together responsible for 53 km of State border with 64 border guards deployed.

The visited sites are responsible for 37% of the external borders and are as such a representative sample for the whole of the external border.

7.3. Implementation of green border surveillance

7.3.1. *Tactics applied, including system of border patrolling, command and control*

The Latvian border management system is based on the territorial responsibility principle. The Board ensures the operation of its structural units (the divisions) and border crossing points; it supervises and administers their activities. The Boards organize cooperation with the structural units of the State Police and the relevant authorities of neighbouring countries.

For green border surveillance mobile and foot patrols and management and communication systems are used, as well as stationary surveillance and alarm (sensor) systems. All information received from these electronic surveillance systems is transmitted through a direct link to the local or regional command centres. The same applies to the information picked up by the sensors, which can also be sent to mobile patrols.

The border has different security zones: a border line approximately 12 meters wide, a borderland not wider than 2 km and subject to a special regime, and a border area not narrower than 15 km. The borderland is restricted zone for all people and requires special permits (temporary or permanent).

Foot patrols work straight at the border line where they carry out the inspection of fixed border territories. For surveillance they use the network of surveillance towers built along the border (20 towers, average height 35 meters). The patrols working at the border line are supported in the borderland by mobile patrols (cars) and control posts. Mobile patrols, if necessary, can provide fast back-up.

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Green border surveillance is enhanced by technical means of border surveillance, i.e., day/night video surveillance system and various types of sensor linked to the UNIFORM border guarding, control and management system.

The intensity of green border surveillance depends on the classification of the sector concerned. Based on risk analysis results, each Board estimates the significance of a given external border territory. The survey intensity is set on the basis of territory significance, as follows:

- Very important sector: a sector of regular border regime violations and of suspicion of illegal border crossings. At least once every 12 hours a full inspection of the state border territory or constant surveillance by means of visual surveillance or using technical equipment (video surveillance systems, sensors, surveillance towers, etc.).
- Important sector: a sector where the risk of border regime violations exists and attempts at illegal border crossings have been made in the past. Based on the operative situation, but at least once every 24 hours a full state border territory inspection or constant surveillance by means of visual surveillance or using technical border guarding equipment (video surveillance system, sensors, surveillance towers, etc.);
- Less important sector: a full inspection of the state border territory is performed at least once every 7 days.

In 2005 the three evaluated Border Guard Boards recorded 817 cases of border regime violations (no identification documents, no permit or invalid permit, etc.) and 46 illegal border crossings.

Duty hours at the Border Guard Divisions are organized on a weekly basis: 1 week on duty/1 week off duty at a rhythm of 12 hours on duty and 12 hours off duty. The experts found this system very demanding for human capacity but on the other hand very effective. It means that practically 50% of the available staff is on the job (25% on duty/ 25% off duty).

Command, control and decision making on green border surveillance are professional. Tactics are based on plans and guidelines at central, regional and local level. Commanding officers are aware of the current operational and situational needs on the green border. Executing officers know their tasks and missions and show excellent ability in tackling incidents in routine situations.

The management and officers of the SBG have in general good knowledge and awareness of the current operational situation at the green border. On the basis of interviews with officers from border patrols the Committee valued positively their orientation on the ground (including map-reading ability). Officers were able to identify the place where they perform tasks, important places in the border zone and the most critical sectors in the area of responsibility of their units. They knew their tasks (general and in cooperation with other patrols). They knew also how to cooperate with other patrols and what the basic roles, procedures, communication, etc were. They were also able to inform how to react in alarm situations.

Inter agency cooperation with the Police Department exists; there is however no practical cooperation with neighbouring countries in the sense of mixed patrols.

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7.3.2. *Situational awareness (description of methods of surveillance used in order to detect and identify potential illegal crossing of the border)*

Situational awareness is aimed at by various means and techniques. Risk analysis is used to determine surveillance levels. It serves as a basis for determining the significance of the specific green border territories (very important, important and less important). The use of staff and technical means is rationally planned on the basis of the significance of territories. The competence of both the local and regional team centre is constant surveillance and management in real time.

Latvia introduced a special borderland regime for persons over the age of 15 living in the area and workers, who must have personal identification documents and special permits issued by the heads of local border guard units. Permanent permits are issued to persons with real estate on the border land; temporary permits are issued for tourism, fishing and picking mushrooms in forests. The system of permits provides an additional instrument for control of persons moving in the border land.

The methods of surveillance are organized by human and technical means.

Patrols are executed according to the nature of the border, the environment and the seasons of the year on foot, by car, by off-the-road vehicles, by 4-wheel motorcycles (ATVs) and by motor-sledges for the green borders and by different kinds of boat on the rivers.

Patrols are supported by 64 service dogs, long range day surveillance cameras (27) long range night surveillance cameras (9), short range surveillance cameras (27) and an extensive array of sensors (infrared, seismic, magnetic, wire), all of which were demonstrated to the Committee.

The 20 surveillance towers play a significant role in Latvia. They are new (with 1 exception, all built in 2001-2002), modern and high and equipped with long range surveillance cameras (24 hour service) and long range binoculars. If not permanently manned they are used by the dog patrols during the dogs' resting time.

Air patrols are available but to a limited extent. The Aviation Service of the Border Guard, stationed in Rezneke, consists of 1 helicopter Agusta-Bell 206B, 2 Saphir-2M motor delta gliders and 1 Pegasus Quantum motor glider. The experts witnessed an air patrol on the green border with Belarus which was shortened because of bad weather conditions. The effectiveness of motor glider systems has not been evaluated.

A very important tool in Latvia's operational strategy is the UNIFORM system.

UNIFORM is a highly centralized technical management system, which gives a possibility to identify and detect objects, act promptly, as well as plan staff and obtain statistical data on border control results. The system is based on sensor fields consisting of different type of stationary and portable sensor, such as passive infrared ray, magnetic, seismic (land and water) sensors, etc. Sensor fields and/or individual sensors are installed according to the situation existing on the state border. The system is operated centrally by computer from the State Border Guard Boards where a special centre is set up in the duty room and is authorized to manage command and control mobile and foot patrols and, if necessary, send additional forces to the place of event.

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UNIFORM consists of 26 stationary work stations (3 at Central Board, 3 at Territorial Boards on the external border, 16 at BGDs and BCPs at the external border) and 4 mobile work stations with, for the moment, a reduced range of equipment connected to them: 4 IR sensors, 12 guarding sensor systems from surveillance towers and 7 Racial sensor systems. In the future more sensor sets will be integrated. At the time of the evaluation, 60,5 km of green border was covered by video surveillance systems and UNIFORM.

Situational awareness is enhanced by the cooperation with Russian and Belarusian counterparts in exchanging useful operational information, joint investigation of border violations and daily information exchange between duty officers of Border Guard Boards.

Finally, cooperation with the local population is an asset in the overall strategy. Many Border Guards are recruited locally and work practically in their own front yard.

7.3.3. *Reaction capability (ability to encounter incidents – routine situations and situations posing an intensified threat)*

Border units are able to reach any places in the border/frontier zone in good time and react adequately to normal/unusual circumstances. Reaction capability in routine matters should be sufficient. **The Committee valued positively the ability of officers to deal with incidents in routine situations.** Own patrols can arrive at the place of an incident within 30 minutes.

In case of major incidents the staff of the Border Guard Divisions is in first instance dependent on their own resources. Mobilization up to 100 % of the staff of the Division is said to be possible in 1 to 2 hours. Assistance from police stations is possible but cannot be quantified.

Air support is possible depending on availability but not immediately.

Each Territorial Board has a **Rapid Reaction Unit (RRU)** consisting of 10-15 people, specially trained for action in emergency situations (arresting armed criminals, searching buildings (cars, ships, etc.)). To strengthen the east border and performance of special operations in State territory, the RRU (30 people) of the College of the State Border Guard is used. These units are specially equipped and special attention is paid to mobility by land, sea and air. The Evaluation Committee was able to see an organised demonstration of the RRU.

The reaction capability in routine situations has been tested; mobile patrols assisted a foot patrol within a reasonable time. The reaction capability of the RRU was not tested in a real situation, but taking into account the centralised situation of the Territorial Boards in its area, a reaction time of 1 hour should be possible.

Intensive threats can be dealt with by mobilising the staff of several Boards. In cases of serious armed attacks and/or serious criminal threats, the Border Guard Law provides for assistance from the armed forces.

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7.3.4. Availability and permanency of the above mentioned (human and technical) resources

Human resources

The evaluated area secures 163 km of external border at different levels of importance. For this purpose, 206 border guards are available. With this number the duty system of the Latvian State Border Guard allows a minimal but for the actual circumstances sufficient presence of manpower at the green border, taking into account that a mobilisation of 100% of staff seems to be possible in 1 to 2 hours. This possibility has however not been tested.

Technical means

There is no integrated electronic surveillance system that covers the entire border, detects and identifies targets and enables immediate reaction. The UNIFORM system is a system of this kind but for the moment is still under development and rather limited in use.

The long range day surveillance systems cover a total of 162 km which is considerable, but the long range night surveillance systems are rather limited (covering less than 20km).

Latvia does not have powerful fixed and mobile heat-sensing cameras, systems that could be used in areas which are difficult because of the terrain, accessibility and distances. The surveillance towers would be perfect for such systems.

Service dogs and light portable equipment seem to be available in sufficient quantities. However, there are insufficient numbers of vehicles, particularly off-the-road vehicles, quads and snowmobiles.

Air support is for the moment limited to less than 1 hour/day.

Communication

The SBG has its own independent telephone and radiotelephone communication system. The unified MOTOROLA Smart Zone ASTRO radio communication network (APC025 (UHF diapason) standard) of the Ministry of Interior is used to for radio communications. The digital radio system TETRA is not yet installed. The current system provides communication in directing, interacting and alarming. Officers performing tasks at the green border have individually assigned radiotelephones. They also use mobile telephone in places where there is no access via radio (due to difficulties of a terrain).

The lack of a modern radio network system limits the cooperation between law enforcement authorities in practice.

The SBG installed retransmission stations in order to ensure the communication range throughout the area of responsibility of each organizational border unit. Telephone connections with the border services of neighbouring countries are accessible.

The Central Board, territorial boards and their structural sections are equipped with radio communication units. At the eastern green border, the zone coverage is 70% by stationary and 50% by portable radio stations.

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The 3 evaluated Boards dispose of 43 stationary radio stations; 85 mobile radio stations and 300 portable radio stations.

In addition to the radio network, the Border Guard units can count on the telephone network of the Ministry of Interior, the public electronic communication networks (Latt Telekom), the Intranet of the State Border Guard, the national data transmission network (NDT Network), the closed e-mail of the Uniform system network, the e-mail of the State Border Guard and faxes and service mobile telephones.

8. CONCLUSIONS AND RECOMMENDATIONS FROM THE VISITED SITES

1. The Committee found that the shift leaders and border guards at the first and second line are aware of risk indicators established for the external land border of the Republic of Latvia and also of the risk indicators specific to their own border crossing points.
2. The Committee valued positively the availability of Investigation Service staff for criminal intelligence and investigation of crimes at regional and local level.
3. The Committee stresses that the border crossing points were almost 100% manned. The number of border guards seems to be sufficient for carrying out border checks at the proper level. The Committee was of the opinion that the level of checks could be raised by redeploying for border checks border guards whose tasks at border crossing points currently consist mainly of operating traffic lights and barriers.
4. The Committee was of the opinion that the existing control facilities and the signposting at all road border crossing points were broadly in line with the Schengen requirements. Border crossing points were properly fenced and perimeters were guarded by sensors and monitored by video systems. There was no sufficient fencing at the railway border crossing point of Zilupe, where first line checks on passengers boarding trains were carried out on the open platform.
5. The Committee found the quantity and quality of the equipment at the international road border crossing points to be sufficient and in line with Council Recommendation of 28 May 1998 on the provision of forgery detection equipment at ports of entry to the European Union and best practice of the Schengen Catalogue. However, the quality and technical condition of some items of equipment at the Zilupe border crossing point were found to be not satisfactory. The Committee is of the opinion that there is a clear need to purchase new electronic equipment for the first line that provides permanent online access to the available databases.
6. All visited border crossing points and border guard divisions were connected to a computer network and had internet and intranet facilities for carrying out border controls. At the border crossing point of Zilupe the speed of the data network was found to be unsatisfactory, with responses to request taking an average of up to three minutes.

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7. The level of checks was found to be mainly sufficient. The Committee noted that register and database checks were made on all non-EU citizens. The system of registers is sufficient and functions well. The possibility of using the visa register directly in the first line is worth mentioning. However, the experts noted that only one third of travellers at the first line at Zilupe border crossing point were checked in the databases (inside the train) because of a lack of appropriate equipment (passport readers).
8. The Committee values positively the fact that many border guards are able to speak Russian and encourages the State Border Guard to continue to promote language skills in other languages necessary for carrying out border checks.
9. The Committee identified limited questioning of passengers at the first line and limited verification of the sufficiency of means of subsistence at the first line as general weaknesses in border check procedures.
10. During border checks at the Zilupe border crossing point, only rarely were passports examined using technical means. A random approach to the examination of travel documents by technical means was also observed by experts at several road border crossing points.
11. Travel documents of all third country nationals were stamped regularly on entry and exit. The experts observed that stamps were not always affixed correctly as sometimes affixed stamps covered the machine readable zone of the visa.
12. Thorough checks at the second line are carried out rather seldom. Taking into account the amount and character of the passenger flow at the road border crossing points, this may be reasonable. However at the Zilupe railway border crossing point the experts observed that second line checks were not carried out even in cases where they were thoroughly justified.
13. The Committee found that not sufficient number of border guards in the territorial boards had undergone additional training in profiling and detecting falsified documents and recommends providing training on profiling to all personnel used for border checks. As a result of the evaluation, the Committee is of the opinion that training on document examination and detection of forged documents should be provided regularly to all border crossing point staff.
14. The Committee recommends that officers who perform the duty of shift leader at the Grebneva BCP need to be additionally trained in visa issuing procedures.
15. The Committee is of the opinion that the cooperation with the Border Guard Service of the Russian Federation at local level could be improved and the meetings between BCP chiefs and their Russian counterparts could be organised more frequently for exchange of information on the situation on both sides of the border.

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9. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

1. Latvia has a very important land border with Russia and Belarus. The lack of a border agreement and demarcation of the border with Russia does not hamper the border control in practice or raise any serious problems relating to effective implementation of the Schengen requirements. The border situation in Latvia is currently stable. Latvia is not, generally speaking, a destination for illegal migrants but rather a transit country to Western Europe. Most of the illegal migrants are from the former USSR. Some evidence of organised smuggling of people exists and the Committee was informed about that. One explanation for the relatively calm situation is also the functioning border security system in the neighbouring countries. The Committee recommends that the situational awareness be maintained so that any change in the current trends and in the prevailing security environment can be detected at an early stage and the necessary measures adopted in good time.
2. The general strategy for border management is very well structured and is widely based on the Schengen border security model. All elements of the 4-tier border security model are covered in the strategy. The combination of border control and combating illegal immigration is, in particular, very well organised. At the first level of the border security system (visa issuing process in consulates), the border guards' direct connection to the visa database at crossing points is considered to be a very useful instrument. Legal bases for efficient work are in place and powers of the border guards are sufficient.
3. Local border traffic is based on the Agreement between the Government of the Republic of Latvia and the Republic of Belarus on simplified issuing visas for border residents. The Agreement was found to be in line with the provisions of the Proposal for a Regulation of the European Parliament and the Council laying down rules on local border traffic at the external borders of the Member States. However as the Agreement differs from the Regulation in a number of respects, Latvia is invited to amend the Agreement after adoption of the Regulation to guarantee the conformity of local border traffic with the Regulation.
4. The Committee found the organisation of the State Border Guard Service of the Latvian Republic to be centralised and clearly structured. A direct command line between Border Guard units at central, regional and local level ensures a common approach to border control, a unified planning system and an extensive and fast data flow at all levels of the organisation. The Latvian Border Guard is a fully professional and independent organisation, with responsibility for border security in Latvia as its main task. The SBG has all variety of own resources at its disposal (excluding sea borders) and the commanding structure is clear. This guarantees a unified approach and rapid reaction along all borders. The organisation can be regarded as best practice in accordance with the Schengen Catalogue.
5. International cooperation is extensive and clearly organised. Cooperation with Russia and Belarus in border matters exists, functions in a satisfactory manner at all levels and is regulated by agreements. Cooperation between border security professionals functions well. The working language is Russian. The very good Russian language skills of Latvian border guards facilitate practical co-operation significantly. The Committee encourages the

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development of practical cooperation with Border Guard Services of the Russian Federation and the Republic of Belarus at the local level. The Committee also recommends continuing and further developing well coordinated cooperation between Lithuania, Latvia and Estonia in border control issues in order to meet future challenges and foreseeable growing pressure at these borders. This cooperation could also include cooperation at consular level as regards pre-entry checks made by consulates when issuing visas.

6. The Committee is of the opinion that the current number of border guard personnel deployed for border control at the external land border of Latvia is in general appropriate in the light of current passenger flows and the situation at the border. The duty system of the Latvian State Border Guard provides a minimal but, in the present circumstances, sufficient presence of manpower at the green border. However the number of personnel could be increased at some Border Guard Divisions (Stations) and crossing points as described in this report.
7. The Committee is of the opinion that the threat of illegal immigration at land borders may increase in the future. In relation to the main modus operandi currently used by illegal migrants (i.e. arriving in Latvia legally with the necessary travel documents and Latvian visas and then obtaining forged documents in Latvia to leave Latvia and enter other EU countries), the Committee underlines the importance of the preliminary control of aliens by consulates during the visa-issuing process and the role of inland alien control, especially after the abolition of border checks at internal borders. Changes in the labour market could be a substantial factor in bringing about an increase in the number of economic migrants and illegal migrants in Latvia. The Committee recommends strengthening direct and practical cooperation between the Border Guard and consulates on this issue and considering the possibility of document advisers working at consulates.
8. National inter-agency cooperation is based on agreements and it is implemented at all levels.
9. Situational awareness is good and the Latvian authorities are well aware of the situation at the borders. Risk areas and possible threats are known to the Border Guard; the methods of surveillance are various and adequate. Practical arrangements and resources are deployed on the basis of risk assessment. Reaction capability has been tested and found satisfactory. The Committee appreciates the measures taken by the Latvian Border Guard to create the risk analysis system and recommends working out the overall conception of risk analyses. More effort should be put into the regular distribution of analysed information to the local level for use in border control at the level of the BCP, shifts and individual border guards performing border checks.
10. The Committee stresses the importance of Latvia's unified system for combating illegal immigration whereby a single organisation has full responsibility for combating illegal immigration at the border and within the country as a whole and where border control and inland migration control measures are implemented by one and the same body. This model is considered to represent best practice.
11. The Committee appreciated that checks are broadly carried out according to Schengen rules and the equipment are mainly acceptable. However, the committee observed equally that at Zilupe BCP and at some other crossing points checks and the equipment do not fully meet the Schengen requirements. The Committee recommends to improve the situation at these border crossing points.

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12. Infrastructures as well as working conditions were considered to be quite good everywhere. The Committee is of the opinion that the infrastructure used for border checks at the Zilupe railway border crossing point does not fully meet Schengen requirements. The Committee invites the responsible authorities of the Latvia to plug existing gaps and to inform the Schengen Evaluation Working Party about the completion of construction work.
13. The border guards are in general well trained professionals. However, those border guards at the BGD who have received only very short 5 weeks' basic training cannot be considered to be properly trained professionals. The Committee is of the opinion that the level of professionalism in these cases is questionable. The Committee recommends that the training system should be improved and that these border guards should be provided with additional training. Motivation is good and the border guards are disciplined and clearly respect their own work. The language skills of the border guards and in particular their command of Russian language is very adequate to the current needs. The Committee encourages Latvia to continue and promote the use of other languages as it has been doing in recent years.
14. Border surveillance is organised and carried out for the main purposes of preventing unauthorised border crossings, countering cross-border criminality and taking measures against persons who have crossed the border illegally. The Latvian Border Guard should continue to meet the objectives of the strategy of the Border Guard, relying on its own potential but in close cooperation with the national law enforcement agencies.
15. Border surveillance is practically implemented on international level in cooperation with the relevant neighbouring states. The importance of cooperation and exchange of information between the competent authorities of the different States, EU Member States and others cannot be underestimated. Common positions on migration issues have to be elaborated together with these countries.
16. Border surveillance is based on patrolling, management and communication systems and technical surveillance systems. Tactics and techniques are changed whenever there is a need to adapt them to the border situation and the information gathered.
17. Command, control and decision making for border surveillance are professional. Tactics are based on plans and guidelines at central, regional and local level. Commanding officers are aware of the current operational and situational needs on the green border. Executing officers know their tasks and missions and show excellent ability in dealing with incidents in routine situations.
18. The UNIFORM system is a state-of-the-art, border protection tool. The system should enable to detect and respond to all border violations, day and night and in different weather conditions. Latvia is invited to implement and further develop this system as much as possible.
19. The reaction capability in routine situations was tested by the experts and found to be sufficient. The Committee recommends organising a training programme in crisis management at the green border (practical exercises on full scale operations dealing with intensive threats).

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20. The technical equipment of the SBGS is sufficient to perform adequately surveillance tasks and is appropriate to the current border situation. In the short term, Latvia should further develop the technical means (vehicles, sensors, thermal vision equipment, and to develop mobility in all the conditions) and plan the reinforcement of the external borders by human resources actually stationed at the internal borders.

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