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

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

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NOTE

from : the Latvian delegation

to : the Schengen evaluation Working Party

No. prev. doc. : 6554/06 SCH-EVAL 23 COMIX 181

Subject : Schengen evaluation of the new Member States
- Questionnaire - Additional questions presented by the Commission Services -
Reply by LATVIA

Question 4

Could you please provide for further explanation on the different notions: border control point, border crossing point, common border control point and unilateral border control point?

All border crossing points at Latvian borders are subdivided into two categories:

- Border crossing points, depending on location and local specifications, are subdivided as follows:
 - At Latvian and Russian and at Latvian and Belarus border – railway and road border crossing points are in place. There are border crossing points in Latvian ports and airports as well. At these border crossing points persons and vehicles can cross the border and the goods and other objects can be moved through them;

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- At Latvian and Lithuanian and Latvian and Estonian border – common/joint border crossing points on roads and railway are places where persons and vehicles can cross the border and the goods and other objects can be moved through these points. Border guards of these countries work together in close co-operation and use data registers of both countries. The border checks on entry into the country usually are carried out. Border guards of the entry state are checking also the departure provisions of the neighbor country;
- At Latvian and Lithuanian and Latvian and Estonian border – unilateral land border crossing points are places where the state border can be crossed by persons and vehicles and through which the goods and other objects can be moved. These points are placed at insignificant border sections (minimal movement of persons and means of transport), where the border guards of one country, using data registers of the both countries, carry out control of provisions of entry/departure.
- Border crossing points for local traffic, which are established for border traffic at the border of Latvia and Belarus, are places, where the border can be crossed by citizens of the Republic of Latvia and neighboring country with their personal belongings without the customable goods and objects, as well as vehicles if their total mass does not exceed 3500 kg.

Which of these different crossing/control points are included in the Annex I to the Common Manual?

All border crossing points, where it is allowed to cross Latvian State border are established by the Cabinet of Ministers of the Republic of Latvia: „Regulations on establishing of the State border crossing places and location of the border control points and border crossing points for local traffic at the state border of the Republic of Latvia” and information about them is included in the Annex I of Schengen Common manual. They all were described above.

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Are there any external border crossing points reserved only to nationals of Latvia and to nationals of neighbouring countries?

Currently, only at the border of Latvia and Belarus 4 border crossing points for local traffic are established. These points are established for traffic of citizens of Latvia and Belarus in the border area. Among the above mentioned border crossing points for local traffic one is river border crossing point for local traffic, one is closed (Vorzoza).

Question 5 (p. 13)

Which criteria are used to for the calculation of the detection rate of illegal immigrants of +/- 80%?

All detected cases of illegal border crossing while carrying out of the surveillance of „green” border are documented; an act is drawn up regarding this fact with presence/participation of the border guard from the neighboring country.

The number of detected illegal immigrants and illegal border crossing cases has been taken into account during the evaluation of the activity of the State Border Guard subdivisions, which perform surveillance of „green border”.

Taking into account the above mentioned, the level of detection of illegal immigrants that crossed the „green border” can be evaluated as good.

Question 5 and 6

Could you explain the relation between the tables on page 13, on the one hand, and 16 and 17 on the other hand?

There is summarized information about the detained „green border” offenders on the page 13.

Reviewing these tables it is necessary to take into consideration that „green border” offenders are mainly local area citizens, they unconsciously cross the state border gathering berries or mushrooms, or they illegally cross the border to visit their relatives living in the neighboring country. In both cases they do not have intention to stay illegally in Latvia for a long period of time that is why they can not be considered as illegal immigrants in the direct sense of this word.

On pages 16-17 information regarding illegal immigrants detained at the border crossing points and at the „green border” was given. Purpose of these persons was illegal entry/exit from the Republic of Latvia.

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Questions 6 (p. 15) and 36

What kind of permit is requested to people staying in the border area between Latvia and Russia and Latvia and Belarus? Is this permit issued solely to Latvian nationals or also to third country nationals? In this latter case, do people need to be in possession of a travel document, a special permit and a visa?

In the border zone between Latvia and Russia and Latvia and Belarus in addition to the person identification document (passport) person must have a special permit, which is issued by the subdivision of the State Border Guard on the basis of person's application and after necessary checks has been performed. A third country national staying in the border zone must have valid travel document (if necessary Latvian entry visa) and the above mentioned special permit.

Question 9 (p. 22)

Are Armed Forces (Infantry) involved also in the surveillance of the green border? If so, what are exactly their tasks and how is cooperation with the Border Guard and the Police ensured?

National armed forces are not involved in the surveillance of the „green border”.

Question 15

What is the timetable for the planned reinforcement of technical equipment?

It is planned to implement all technical provision projects mentioned in the answer to the Question 15 until 31.12.2006.

Question 16

Could you please provide more information on the role, coordination and respective responsibilities of the authorities involved in sea border surveillance?

Ventspils board of the State Border Guard ensures the surveillance of the „blue border” (498 km) of Republic of Latvia. On the basis of risk analyses it uses technical resources of the State Border Guard and also resources of co-operation institutions

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In cases which are provided in the special Latvian border control plan sea area inspections are carried out by inspection units of Ventspils Board of State Border Guard which are located on board floating means of the Naval forces and aircrafts of the Air forces of the National Armed forces. These units are trained to carry out inspections of the floating means inter alia under water. Usage of technical surveillance improves surveillance of sea and air, for example, identification of targets detected on the sea.

Reacting on changes of the operative situation in the sea the State Border Guard in case of necessity uses floating means of the National armed forces, which transports specially trained staff of the State Border Guard from the border crossing points of Latvian ports for the purpose of inspection of suspicious floating means

The technical border surveillance is carried out by using:

- technical resources of the State Border Guard:
 - vessels, cutters and aircrafts;
 - sea video surveillance system, which is installed in all Latvian ports.
- Resources of co-operation services:
 - vessels and aircrafts (Naval forces and Air forces of the National armed forces);
 - sea surveillance radio location system (Naval forces of the National armed forces), which is installed at the seacoast of Latvia;
 - data registers of accounting of floating means in the ports (Administration of the Latvian ports), which are set up in the biggest Latvian ports;
 - Automatical identification system of vessels (AIS) (Communication Ministry), which is set up in the biggest Latvian ports.

All received information is updated in the regime of real time and is collected into centralized situation control system.

Communication with respective authorities of other countries and Baltic Sea Region Border Control Conference, joint operations, surveillance of vessels from the schedule of suspicious vessels (LOSS) and exchange of experience have a significant role in decreasing a risk of illegal immigration.

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Question 17

Are there any reasons for the dramatic decrease in the number of persons refused at the sea border?

The number of refusals of entry for 6 months in 2005 is mentioned in the answer on the question 17, but the total number of refusals in 2005 has reached 2683 that is by 18% more than in 2004.

Number of refusals in 2004 decreased basically because of the following reasons:

- Movement of passenger ferries has considerably decreased;
- Persons who have the right of free movement mainly use ferries. After Latvia joined EU Latvian legislation does not determine validity of travel documents more than 3 months than the stipulated term of stay any more.

On which main grounds entry was refused in 2004 and 2005 to Lithuanian and Estonian citizens?

Entry was refused basically for citizens of Lithuania and Estonia because of the following reasons:

- traveling without travel documents;
- travel documents validity has expired.

Question 23

Could you provide information on how controls on cruise ships, fishing vessels and pleasure boats are carried out?

In addition to the types of border control described in the answer to the question 23 (simplified, standard, reinforced) there exist a special type for:

- 1) Cruise ships. Shipmaster or ship agent has to submit the list of ship passengers 6 hours before the ship arrival at the port. Border check of passengers is carried out in the specially equipped rooms in the premises of port.
- 2) Fishing and pleasure vessels. Border checks of fishing and pleasure vessels are carried out in general order, as well as in case, if not leaving the waters which are under the jurisdiction of the Republic of Latvia, there is a suspicion about violation of the state border crossing provisions.

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Shall masters send crew and passenger lists in advance?

In accordance with the legislation of the Republic of Latvia until November 22, 2005 a shipmaster, an owner, an operator or a ship agent had to inform the border guards about the arrival or departure of the vessel from the port 2 hours before.

After the amendments adopted on November 22, 2005 a shipmaster, an owner, a operator or a ship agent, using email or facsimile informs the border guards and other competent authorities about arrival of the vessel at least 6 hours before and submit information about the type, flag, name, port of arrival or departure of the vessel, type of cargo, crew and passengers, but about departure of the vessel from the port – at least 2 hours before departure.

If it is necessary, border guards, taking into account the risk analyses, have the right to require the list of crew and passengers for carrying out of checks before the arrival of the vessel at the port.

Usually the lists of the passengers of ferries are sent to the border guards before the arrival at the port.

Question 27

What is the exact timetable for the reconstruction of the airport of Riga?

The first stage of the reconstruction will be completed on March 26, 2006, but the second one – on December 31, 2006.

Question 42

Do you intend to adapt the maximum amount of financial penalties to be imposed on carriers according to Article 4 (1) of Council Directive 2001/51/EC?

Appropriate amendments have been incorporated into the legislation of Latvia on March 17, 2005. Taking into account the currency exchange rates on the date mentioned in the Council Directive 2001/51/EC the maximum amount of financial penalties is in line with the one of the Directive.

Question 44:

Is there an explanation for the significant decrease of penalties imposed in 2005?

Before the amendments of the national legislation (March 17, 2005) administrative penalties could be imposed both for carriage of third country nationals and citizens of the European Union or European Economic Area. Currently, the administrative liability is only for carriage of citizens of countries other than the Member States of the European Union or European Economic Area from these countries to the Republic of Latvia.

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Question 48

How often are the stamp codes changed?

The order of change of codes of the border crossing stamps is defined by the normative act of the State Border Guard. It provides to change codes of stamps once a month, after the appropriate order has been received.

Additional clarification - Visa

69. Do you require travel medical insurance also from nationals of third countries listed in Annex II of Council Regulation 539/2001?

Health insurance is also required from nationals of countries mentioned in Annex II of Council Regulation 539/2001 and that may be checked upon entry. Cases when Health insurance is not required are listed in Regulations of the Cabinet of Ministers No 691 of 12 December 2003

„Regulations on Foreigners' Health Insurance”, for example:

- holders of diplomatic or service(official) passport;
- member of foreign delegation arriving in Latvia on official visit or crosses the territory of the Republic of Latvia in transit;
- holders of permanent residence permit in the Republic of Latvia.

72. Do you give the grounds for refusal in case of family members of EU citizens?

In accordance with the current national legislation there is no duty to explain the reason for refusing a visa.

The planned amendments in the national legislation foresee to introduce a written form of a visa refusal for family members of EU citizens with an explanation on the grounds of the decision and rights to appeal visa refusal.

73. Do you issue visas free of charge to citizens of third countries on the basis of nationality?

Visas free of charge are issued to certain categories of persons on the basis of bilateral agreements (for more information see the Latvian replies in doc: 15561/05 SCH-EVAL 120 COMIX 825) or decisions of the Government of the Republic of Latvia.

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For citizens of Ukraine – according to the decision of the Government of the Republic of Latvia B-visas and single entry C-visas of the Republic of Latvia are issued free of charge. This decision will remain in force until Latvia joins the Schengen Agreement or until the Agreement between European Community and Ukraine on the facilitation of the issuance of visas will enter into force. For citizens of Georgia - according to the decision of the Government of the Republic of Latvia B-visas and single entry C-visas of the Republic of Latvia are issued free of charge. This regulation will remain in force until Latvia joins the Schengen Agreement.

74. How many visas have been issued at the border to seafarers?

The statistics are given on the Latvian B visas issued for seafarers during last three years

Year/Category of the visa	2003	2004	2005
“B”	797	2605	2337

75. Do you issue visas at the border to family members of Union citizens?

According to the Cabinet Regulations No 914 adopted on 9 November 2004 “Procedures for the Entry into and Residence in the Republic of Latvia of Citizens of European Union Member States and European Economic Area States and their Family Members” visas at the border may be issued to family members of Union citizens if a family member travels together with a member of his or her family who is a Union citizen.

There will be amendments introduced in the Regulations mentioned above. It will be supplemented with the provisions stating that visas at the border may be issued to family members of Union citizens in cases when it is not possible to obtain a visa at the consular missions of Latvia and in the cases if a family member enters the Republic of Latvia in order to reside together with the family member who is a Union citizen.

81. Can you give examples of categories of persons submitted to prior consultation?

Immigration Law (article 4, paragraph 8) states that when issuing visa to a foreigner who is a national of particular country included in the list adopted by the Cabinet of Ministers or who has received the refugee status or status of stateless person in another country, the responsible official

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examines the information available in order to check whether by entering in Latvia the foreigner will not cause a threat to national security or to public order and safety. The Cabinet of Ministers has adopted the list mentioned above on 14 February 2006 by Cabinet Regulations No 149 on states whose nationals are subject to additional checks (prior consultations) when issuing a visa or a residence permit.

Additional questions- Visa

- *Are your diplomatic missions and consular posts empowered to issue residence permits?*

Under Latvian legislation the decisions on residence permits are made and residence permits issued by the Office of Citizenship and Migration Affairs. Usually foreigner submits documents for residence permit to the diplomatic or consular representations of Latvia (only in specific cases stipulated in legal provisions when foreigner is already present in Latvia, he/she is allowed to submit documents directly to the Office of Citizenship and Migration Affairs), which then are forwarded to the Office of Citizenship and Migration Affairs for examination and decision making. If the decision is positive, the diplomatic or consular representation issues a visa for the person to enter the Republic of Latvia to receive a residence permit.

- *In Annex 15 CCI your country provides no form for proof of invitation, sponsorship and accommodation.*

Are there no legal provisions/administrative rules or practices on such forms?

According to Latvian legislation (Immigration Law and Cabinet Regulation No 217 adopted on 29 April 2003 “Visa Regulations”) when applying for visa foreigner has to have an invitation or other documentary evidence proving his/her purpose of entry and stay.

Pursuant to Cabinet Regulation No 183, adopted on 15 April 2003 “Procedures for Approval of Invitations” invitation is in a form of electronic document stored in electronic information system - The Database of Invitations - which itself is one of subsystems of the Visa Information System. Invitations are approved by the Office of Citizenship and Migration Affairs.

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In practice the procedure of invitation approval is as follows:

The host (either natural or legal person) presents personal identification document and submits an application for invitation (invitation letter for legal persons; information on the foreigner for natural persons). The Immigration Law declares that the liability for timely departure of the invited foreigner and also, if necessary, liability to cover costs of living during his/her stay in Latvia, as well as expenses of foreigner's health care and returning to home country is born by the host.

Officer from the Office of Citizenship and Migration Affairs interviews the host and enters the obtained data into the Database of Invitations. If the host is willing to cover all expenses resulting from the alien's stay in Latvia and to provide him/her with accommodation, he/she expresses this readiness to the officer who then makes a corresponding record in the Database of Invitations. Afterwards, the invitation form is printed out and signed by the host (the signed invitation forms are stored in the Office of Citizenship and Migration Affairs). Each invitation receives its own number. Examination of the information available on the host and the foreigner is carried out respectively in the Database of Population Register and the Database of Entry Bans; data on legal persons are also verified in the Commercial Register. Before the invitation is approved, other additional examinations are also possible.

Invitations are approved within two days (if additional examination or additional information is required, the term of approval may be extended to 5 days). When applying for visa foreigner is asked of the number of his/her invitation but no paper-form invitation is requested.

The Database of Invitations is working on-line and is accessible in all divisions of the Office of Citizenship and Migration Affairs, as well as in all Latvian representations and in the State Border Guard.

- *Please describe the practice followed when issuing visas to applicants who are non-residents in the country where they lodge their application?*

Non-residents of countries where the representation is located additionally have to prove that they are in the country legally. There are no other differences from general practice. There are no restrictions for foreigners as to which Latvian representation one may apply to for a visa.

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- *Please describe the practice followed when issuing visas to holders of travel documents which you do not recognise?*

In the case if an unrecognised travel document is presented, a visa may be issued on a Form for Affixing a Visa, pursuant to a decision of the Head of the Office of Citizenship and Migration Affairs, Head of the National Border Guard, Director of the Consular Department, or their deputies, if it is in compliance with international legal norms, state interests of Latvia or is related to *force majeure* or humane considerations.

The Form for Affixing a Visa is fully in compliance with the Council Regulation 333/2002/EC on a uniform format for forms for affixing the visa issued by Member States to persons holding travel documents not recognised by the Member State drawing up the form.

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