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REPORT

from: Air Borders Evaluation Committee
to: Schengen Evaluation Working Party
Subject : Schengen evaluation of the new Member States
- LATVIA : report on Air Borders

This report was drafted by the Air Borders Evaluation Committee and will be brought to the attention of the Sch-Eval Working Party, which will ensure a report and the presentation of the follow-up thereto to the Council.

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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 11 to 12 July 2006 the air borders of the Latvian Republic.

Participants:

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Sweden	Mr. Fredrik WALLEN
Commission	Ms. Gabriela CALDAS
Council Secretariat	Mr. Aare EVISALU

The Evaluation Committees visited the Riga International Airport and evaluated the border security-related activities over there.

The Committee would like to thank the Ministry of Interior and the Central Board of the State Border Guard (SBG) of Latvia, the Riga Board of the SBG and the representatives of Riga International Airport for the excellent organisation of the visits, the hospitality, the open attitude and the commitment of the coordinators and interpreters who accompanied the Committee.

2. MANAGEMENT SUMMARY

The Committee is of the opinion that the border management strategy of the Latvian Republic actively developed by the Latvian authorities in recent years is comprehensive and based on the integrated border security model and therefore represents best practice in relation to 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.

The Committee found the organisation and the principles of activities of the State Border Guard of the Republic of Latvia to be in line with the Schengen principles. The existence of 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 fast data flow at all levels of the organisation. The professional and motivated personnel of the SBG at the Riga Airport BCP seem to be providing a good level of border control at the air borders that generally meets the Schengen requirements. However, the implementation of risk analysis in border control, training on knowledge of travel documents and methods of detection of counterfeited documents, verification of all entry conditions of third country nationals, improvement of the level of knowledge of English and some other issues should be further developed to guarantee the full implementation of the Schengen Acquis and to provide a high level of border control at the Latvian air borders. Necessary resources have been allocated to perform adequate border control at the air borders.

Current airport buildings and the infrastructure used for carrying out border checks are not fully in line with the Schengen standards and do not provide for separation of passengers of Schengen and non-Schengen flights. Necessary reconstructions have been planned and have to be implemented as a precondition for full accession to the Schengen area. The Committee is of the opinion that the competent authorities of the Republic of Latvia should further inform the Schengen Evaluation Working Party about progress in developing the required infrastructure. Adoption of the infrastructure for the separation of passengers of Schengen and non-Schengen flights according to the Schengen Acquis needs follow-up in due time.

The Committee would like to highlight the great efforts of the Ministry of Interior and the Central Board of the SBG in providing specialised and proper training for the border guard units and supplying them with the necessary modern border control equipment, transportation means, communication techniques and IT systems. The Committee stresses the need to continue the supplying of resources and the preparation for the implementation of SIS II, VIS, use of FADO at the border.

Current EU legislation formed the basis of the Committee's evaluation. The competent authorities of the Latvian Republic are aware of the fact that the new Schengen Borders Code will enter into force on 13 October 2006. All the procedures have to be adopted by that date.

The Committee notes that the statistical data presented by the State Border Guard were not fully consistent.

3. GENERAL INFORMATION

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

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.

Regarding the role of Latvia in the management of the external borders of the European Union, there are 437 km of external land borders with Belarus and Russia, 498 km of external sea borders and 4 international airports to be controlled by the Latvian authorities. After the full accession to the Schengen area, the border control will be lifted from the land borders with Estonia and Lithuania (931 km).

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 program 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.

The general strategy for the border management is widely based on the Schengen four tier integrated border security model. There are four 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 performed by 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 the total state border of Latvia (at the land-, sea- and air borders of Latvia). The State Border Guard is a centralised three-level (national, regional and local levels) organisation with a clear command line. There are land-, maritime- and aviation components in the structure of the SBG.

The activities in third countries, 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 being 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.

The first tier is covered by the Latvian diplomatic and consular representations abroad and police liaison officers. Also cooperation with carriers is in place.

The activities at the second tier consist of bilateral cooperation with neighbouring countries, and activities of the border commissioners.

The organisation of border management is based on a division of the border into segments (part of the state border falling within the area of the territorial boards of the SBG) and sectors (the smallest operational area at the state border). Border control is carried out by professional and specially trained personnel in possession of special equipment for border control. Intelligence and risk analysis provide a basis for border control measures. Border checks at border crossing points are performed by units of the SBG.

In addition to border surveillance and border checks, operational measures are implemented within the country as well. The goal of activities inside the country is to combat illegal immigration, to remove illegally residing foreigners and to combat crime.

Inland activities are mostly carried out by the Migration 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 rail stations, as a registration control in hotels, motels and other accommodation, and in 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.

In performing border control and inland alien control, active internal and international cooperation is carried out. Inter-agency cooperation is organised with the Police, Customs, Ministry of Foreign Affairs, Ministry of Transport, Ministry of Defence and Ministry of Agriculture.

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 to the Border Guard 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 could be involved in border surveillance in accordance with the procedures determined by the Cabinet of Ministers. General responsibility concerning tasks thus performed remains in all cases with the Minister for the Interior.

3.1.3. *Analysis of environment and threats*

There were 13,3 million persons who 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%.

There are 73 border crossing points at the Latvian border, 4 of them at airports.

There were 2 619 persons refused entry in 2003, 2 275 persons in 2004 and 1 449 persons in 2005.

The main reasons for refusals were the absence of valid travel documents, of valid vehicle documents, of valid visas or of documents justifying the purpose of the intended stay.

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.

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. There were 130 illegal migrants (58 at airports) detained on 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 Byelorussia, 1 citizen of Uzbekistan and one unidentified person.

The largest proportion of illegal immigrants detected at the state border tried to enter Latvia by crossing the Latvian–Lithuanian border at land border crossing points and exiting 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, Belarussians 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, by air – United Kingdom, Sweden, Denmark, Ireland.

In 2005 officials of the State Border Guard detained 130 illegal immigrants. There were 122 persons detained at border crossing points: citizens of Moldova (46), Ukraine (32), Russian Federation (10), Kazakhstan (7) and other countries (27) and 8 persons 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. False documents were most often presented by nationals of: Moldova, Ukraine, Russia, Kazakhstan and Lithuania. 119 cases of forged passports were reported in 2005.

Illegal immigrants detained at the border at the BCP and between 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

In the first 6 month of 2006, officials of State Border Guard have detained 40 illegal immigrants at border crossing points and 10 persons at the "green" border. Modus operandi of the illegal immigrants have not been 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 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 Guards 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, since 1993 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 control (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.

The State Border Guard has signed cooperation protocols and agreements with the Coast Guards of the Swedish Kingdom, the Border Guard of the Republic of Hungary, the Border Guard of the Republic of Poland, the Dutch Rotterdam Sea Port Police and the Moldavian 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 .

An institute of authorized border representatives 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.

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

In respect of the EU external border management, the Latvian State Border Guard actively participates in cooperation with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (FRONTEX).

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 the FRONTEX.

There is a permanent contact point for cooperation with FRONTEX on the General Board of the CBG. 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, 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 as regional units of the SBG. There are 73 Border Crossing Points, 30 Border Guard Divisions and 30 immigration services/divisions and 1 illegal immigrant's residence centre subordinated to the Territorial Boards at local level.

The Latvian border management system is based on the territorial liability principle. The management authority of the territorial unit of the State Border Guard is liable for the border control and immigration supervision in the territory of its liability.

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 the Customs, the National Armed Forces 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; develops methodological instructions;
- an Immigration Service, which coordinates activities on combating illegal immigration, conducts investigations and organizes removal operations;
- a Criminal Investigation Service for the purpose of combating organized crime conducts investigations of criminal offences, performs operational investigations, cooperates with the State Police and criminal investigation structural units of the 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 and Immigration Services/Divisions are responsible for immigration control. The Illegal Immigrants Residence Centre Olaine comes under the Riga Board of the SBG.

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

The coordination and inter-agency cooperation is based on:

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

Co-operation is organized at three levels:

There is a Cooperation Group of Heads on 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, the Customs and the State Border Guard and has been established on the district level for information exchange, performing of joint risk analysis and planning actions with aim of fight against organized crime.

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

The regional cooperation groups consist of the officials of the State Police, the Customs and the State Border Guard and have been established at district level for information exchange, performing joint risk analysis and planning actions in the fight against organized crime.

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

This service is concerned with immigration control in the whole territory of the state, and with 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.

There is also a rapid reaction unit consisting of 10-15 persons at each territorial board staff which is specially trained for action in emergency situations (arresting armed criminals, searching buildings etc.).

3.3. Operational effectiveness

3.3.1. Resources

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 in the State Border Guard, 2,915 of them border guards, 192 civil servants and 154 border guard cadets.

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.

3.3.2. *Level of controls at external border*

There are necessary preconditions for efficient border control in Latvia: adequate legislation, strategy of border management responding to Schengen principles, special organisation for border control with centralised supervision and instructions, sufficient number of professional personnel and necessary technical equipment for border control at the air borders.

All persons crossing the border are being 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 being 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.

The Committee found the number of illegal immigrants entering Latvia illegally, as it was presented by representatives of the SBG, small compared with respective figures for central and southern European countries.

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

There is a rapid reaction unit consisting of 10-15 people at each territorial board. Its staff is specially trained for action in emergency situations (arresting of armed criminals, searching of buildings, cars, ships, etc.).

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

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 on land, sea or air.

3.4. Risk analysis, Intelligence and Data-flow management

3.4.1. Organisation

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.

Joint risk assessment is performed by the State Border Guard, the Police and the Customs once a year and a common document is drawn up. The Main Board of the SBG submits proposals for regular or tailored risk analyses to FRONTEX. The SBG seems to be aware of the CIRAM model, but there is no established organisation that is specifically concerned with risk analysis.

3.4.2. Methods

At central level, the joint risk assessment is performed by the State Border Guard, the Police and the Customs once a year and a common document is drawn up.

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, the Customs and the Sanitary Border Inspection carry out risk analysis in the framework of the regional cooperation groups. Statistical data and operational information is taken into account when operational and tactical risk analyses are carried out.

After obtaining the information on threats in specific areas, the necessary actions are taken and/or additional structural units are involved.

At local level the performance of risk analysis is the task of members of the structural units, border crossing points and border guarding divisions. Every shift is briefed about the risk indicators at the border crossing points before the beginning of the shift.

The State Border Guard cooperates with air carriers. The objective of this cooperation is to perform passenger risk analysis and increase the ability of air carriers to detect persons with invalid travel documents or illegal immigrants at the departure airport. Carriers provide information to the State Border Guard on suspicious persons.

3.4.3. Responsibilities

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 summarize 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 and risk indicators in 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 the specially set-up risk analysis working group prepares an overall summary and report that are sent to the Territorial Boards, the State Police, the Customs and to other cooperation bodies within the scope of competence. According to the summary report the Central Board of the SBG works out particular orders which are also available in each structural unit of the SBG.

3.4.4. Horizontal and vertical data flows

There is a constant and regular information exchange carried out among institutions regarding current problems and the latest developments in relation to illegal immigration and other cross-border crimes. The information obtained is summarized and analyzed, and is used to determine tendencies and trends, as well as the risk level in the relevant areas.

There are nine regional cooperation groups that 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 at the border area, joint actions to combat cross-border crime, the introduction of thorough border checks and the detection of suspicious persons.

3.5. Investigation and the policing of aliens

3.5.1. Legal background

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 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 a person (in border area, 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.

There are 160 immigration officers in 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 immigration officers of the SBG in 2008 is about 400 officers.

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,
- 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 the territory of supervision of the immigration units of the territorial board,
- 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 performs the following activities:

- issuing of removal orders,
- decisions on forced return of an alien,
- imposing of entry ban,
- maintenance and updating of a list of aliens barred from entering the Republic of Latvia,
- issuing of standard travel documents, and
- decisions on admission of persons (issuing of return certificates).

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 Department (IMD) of the SBG to take over this person. 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, issuing of 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.

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 ensures the fulfilment of the tasks of Border Guard and to whom a special service rank is granted. A border guard is a specialised civil servant. Border Guard personnel comprises Border Guard officers, non-commissioned officers, other ranks, cadets, trainees and employees.

Available total staff of the SBG was 2915 officers and inspectors, of whom:

- 1830 were employed at the external borders;
- 931 border guards were employed at the future internal borders;
- 154 persons were assigned to the SBG's College.

There were 1881 male and 1034 female officers and inspectors. The number of vacant officers' and inspectors' posts in the SBG structure was 207. 598 officers and inspectors 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 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 were recruited in the last three years. This means that more than 20% of the personnel of the SBG has less than 3 years' experience.

The Committee was told that the personnel leaves the SBG to start activities in the private sector due to higher salaries there, because of reaching the age of retirement, to move to other services of the Ministry of Interior or due to unsatisfactory health conditions.

The professional certification of border guards takes place once every three years.

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 the use of an official position in bad faith.

3.6.2. Responsibilities of the Border Guards

Tasks of the Border Guard:

- 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 border, border zone and 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, and
- pre-trial investigation of criminal cases on illegal crossing of the state border and illegal trafficking of persons and other offences.

3.6.3. Selection criteria

The State Border Guard recruits citizens of the Republic of Latvia aged between 18 and 40 years 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. Persons have to pass the 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

The basic training is provided by the Border Guard College of the Ministry of Interior and by the Latvian Police Academy. The Border Guard College which previously operated as one of the units of the State Border Guard was recently placed under the direct authority of the Ministry of Interior.

The basic training of inspectors of the SBG 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 surveillance and border checks. The basic training courses are compulsory for border guards without higher education. The main objective is to prepare border guards for performance of their tasks. 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. In the 2003-2006 period, 309 border guards successfully completed the training course. It was explained to the experts that not all border guards complete 1015 hours of basic training. Border guards not used directly for border checks or border surveillance (logistics personnel, drivers) complete a shorter period of limited basic training.

The 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.

3.6.5. Further continuing education

Compulsory retraining courses have been 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 for false documents, training of dog handlers, training of IT specialists, training of immigration officers and training for personnel of rapid reaction units.

The training on Schengen Acquis is based on the materials of the “EU Training Day” (8 hour training for each border guard), and on special "Schengen acquis training course" with 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 by the Latvian Police Academy. Training abroad is also used to improve the professional skills of the border guards.

3.6.6. Linguistic training

There are 649 inspectors and officers who have some skills in English, German or French. 464 of them have English skills. More than 90% of the border guards knows Russian language at the level of everyday speech. Border Guards have language courses (English or German) also in the State Border Guard School (for inspectors - 80 hours) and the State Border Guard College (for officers - 50 hours, who also had passed 80 hours language courses during education in the State Border Guard School). Additional language courses have been provided for three different level of knowledge of language. The duration of the course is usually 3 month and courses have been arranged in Latvia or in other countries. 428 border guard officers and inspectors have passed this training in Latvia and 136 persons outside the country.

3.6.7. Specialised document checking training

The basic level training is provided to all inspectors of the SBG in modules of 45 hours during their basic training at the Border Guard School, which includes training on document protection elements and methods of detection of forgery.

The second "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.

The third (expert) level is provided over a year for border guards used as experts on the detection of forged document.

Practical training on the detection of the false documents is carried out every year at the 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 trainings.

The Committee was told that the knowledge and skills of the staff are regularly updated carrying out training on forged documents at workplaces. Border guards improve their knowledge about document protection, methods on detection of forged documents and etc. through self-training. Expertise division of the SBG and SBG experts prepares 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.

Within the framework of “European Union training day” border guard personnel had 3 hours of document training based on materials prepared by Ad-hoc Centre for Border Guard Training. Different courses and seminars are organized within the framework of international projects.

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”,
- 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 in which 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 shall 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 in accordance with their 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 an administrative violation report regarding violations of the procedures for entry and residence of aliens.

The Immigration Department (IMD) within the SBG consists of 160 persons. These persons are distributed between the central office in Riga and several regional offices. In the Riga Board of the SBC, 30 persons are concerned with expulsion and asylum. Another 35 persons work in the centre for illegal migrants, 30 km from Riga. The central office consists of two units. One is concerned with expulsion and control, another with asylum. The IMD is also concerned with decisions on visas issued at the borders, when these are to be issued for humanitarian reasons or in the interest of the State.

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 shall 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 into 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 shall not be disputable or subject to appeal.

An official of the State Border Guard shall within three working days inform in writing the Office for Citizenship and Migration Affairs of the forcible expulsion decisions. 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 the expulsion order or a decision regarding the forcible expulsion of an alien, and the detention or keeping under guard of an alien shall be covered by the State budget. Some expenses referred to in the Immigration Law shall be recovered 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.

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

In 2004 6 persons have been readmitted, 3 to Egypt via Riga airport, 2 to Ukraine via Lithuania and 1 to Austria via Riga Airport.

In 2005 6 persons were readmitted, 5 of them to Ukraine via LTU and 1 to Estonia.

In 2006 3 persons, 1 of them to Ukraine via LTU, 1 to Moldova via LTU and 1 to Estonia

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, one of which was made at the airport.

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 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, cooperation with the State Police and the Customs criminal investigation structural units by exchanging intelligence information, and for the purposes of planning and carrying out special operations.

A coordination centre for operational cooperation has been set up by the Criminal Police Board in which the officials of the State Border Guard and the 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 for information exchange, performing of joint risk analysis and planning actions in the fight against organized crime.

There is an institute of authorized border representatives whose 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.

Criminal investigation services plan and implement joint operations on combating 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 the neighbouring countries (gathering and analysing information, planning of joint operations, inspection and detection of suspicious persons, etc.).

Cooperation agreements have been signed between the State Border Guard, and the Russian and Belarusian immigration services on the fight against illegal immigration. It was explained to the Committee that, as a result of cooperation with Russian and Belarusian immigration services, the threat of illegal immigration from Russian and Belarus has been substantially decreased.

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's experts to illegal migration risk countries such as Ukraine and Moldova.

3.7.4. *Implementation of carrier liability*

Article 114² of the Administrative Offences Code states that for the 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, if the above-mentioned persons are not in possession of the travel document necessary for crossing the state border and if the carriage was made by air transport, a fine of LVL 1700 to LVL 2800 for each person carried is imposed on natural persons or legal entities. In accordance with the provisions of Administrative Offences Code, the State Border Guard is entitled to impose sanctions on carriers which do not comply with the requirements of the law.

Article 114³ of the Administrative Offences Code (amended in 22 June, 2006) foresees that sanctions should be imposed on carriers which make carriages by air transport from the country other than the Member State of the European Union or European Economic Area to the Republic of Latvia and have not transmitted data or have transmitted incomplete or false data on third country nationals or stateless persons, a fine in the amount of LVL 2000 to 3300 is imposed on natural persons or legal entities.

The Head of the State Border Guard and the heads of territorial boards are entitled to make decisions on administrative cases.

There were 3 sanctions imposed on carriers with total amount of fine LVL 5200 in 2005 and 1 sanction with amount of fine LVL 1700 during the first six months of 2006. In addition to these fines in 14 cases in 2005 and in 2 cases in 2006 upbraid was declared according to Article 21 of Administrative Offences Code of the Republic of Latvia.

3.8. Comments and recommendations of the Evaluation Committee:

The experts were appreciative of the following facts:

- The border management strategy in Latvia is comprehensive and based on the integrated border security model of the EU. The Committee is of the opinion that the strategy represents best practice in relation to application of the Schengen acquis.
- The relevant national legislation seems to largely reflect the Schengen acquis and provide the necessary legislative basis for border management.
- 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.
- 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.

- The Committee regarded as comprehensive the system of basic professional training and the further training courses given to border guards. The Committee highlights the extensive language training provided in 2005 and 2006.

The experts took special note of the following items:

- The number of personnel seemed to be sufficient for border management at the air borders of Latvia. However the Committee found that there are some problems with high turnover of personnel. Appropriate counter-measures to resolve the problem of high staff turnover are recommended.
- It was explained to the Committee that the operations carried out at external borders and inside the country should be intelligence based. The SBG seems to be aware of the CIRAM model, but there is no established organisation specifically responsible for risk analysis. Joint risk analysis is carried out by representatives of the State Border Guard, State Police, Customs and Sanitary Border Inspection. The risk analysis seems to be carried out at the national, regional and local level. However the Committee invites the SBG to increase the carrying out of tailored risk analysis and use of the products of risk analysis at the tactical level.
- International cooperation seems to be well organised at national and regional levels. However the Committee recommends the SBG to ensure every-day practical contacts between local units and their counterparts in foreign countries.
- The Committee stresses the importance of active preventive measures at the first tier of the border security model. Accordingly, consideration should also be given to extending the Immigration Liaison Officers network. In this respect the Latvian authorities are encouraged to consider the introduction of joint liaison officers together with other Member States of the European Union.
- The Committee were not clear about the benefits of the system whereby the SBG-college is not under the direct command of the Chief of the SBG, and is of the opinion that the State Border Guard should have a real possibility to influence the content of education.

The experts consider that there is room for improvement in relation to the following points:

- The Committee is of the opinion that the Latvian practice of imposing sanctions on carriers is not fully in line with Council Directive 2001/51/EC. The SBG should consider imposing a fine on carriers in every case of infringements of the law. The Committee recommends not to account the upbraids as a sanction.

4. RIGA INTERNATIONAL AIRPORT

4.1. General information

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

Riga Airport is the biggest airport in Latvia, owned by the joint stock company "Riga International Airport". The airport is used for international passenger traffic, general aviation and cargo traffic and operates 24 hours per day.

The annual number of the passengers who crossed the border in 2005 was 1 864 495, an increase of approximately 80% compared with 2004. Since 2003 the passenger flow has increased about 2,6 times. Low-cost airlines have entered Latvia's aviation market and have changed significantly the structure of flights, passengers and airport services.

There were 21 599 flights to the Schengen countries and 11 630 non-Schengen flights (about 35% of all flights and 46% of passengers). 16 airlines operated flights from Riga Airport in 2005.

There are scheduled flights to 21 Schengen destinations and to 17 non-Schengen destinations. Germany accounts for the largest number of passengers, while the United Kingdom ranks second, followed by Finland, Sweden and Denmark

There are 3 terminals at Riga Airport: old and new passenger terminals and a cargo terminal.

Construction of a new passenger terminal was undertaken due to increasing passenger flow as well as to comply with Schengen requirements. Completion of the works is envisaged in September 2006.

The border security related duties at Riga Airport are carried out by the Riga Airport Border Control Point (BCP), which belongs to the Riga Board of the SBG. The Riga Airport Border Control Point consists of the head of the BCP, a deputy head, a chief inspector, 2 document experts, 14 senior inspectors, 70 inspectors and 2 inspectors-dog handlers.

The number of forged documents discovered at Riga Airport BCP has increased since 2003 by approximately 55%. There were 62 persons detained for use of forged documents at the BCP in 2005.

The number of wanted persons detained by the BCP has increased from 56 persons in 2004 to 128 persons in 2005. It was explained to the Committee that this as a result of improved profiling of passengers.

There were only 7 wanted persons detained during the first six months of 2006.

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

Cooperation at the level of the airport is organised between SBG and the Customs, the Police, the Administrative Service of Crisis Aviation, the Airport Passenger Service Unit, the Sanitary Border Inspection, the Public Health Agency, the Presidential Secretariat of the Republic of Latvia, the Consular Department of the Ministry of Foreign Affairs, the airlines and the Patrol Service.

International cooperation is carried out with the foreign border control and immigration control authorities and with the carriers. Airport Riga BCP has participated in 4 joint operations organised in the framework of the Air Borders Centre of the FRONTEX in 2005.

4.1.3. Risk analysis and intelligence functions

Risk analysis at the Riga Airport BCP is carried out by the head of the border crossing point, the head of the shift and by border guards in the shift.

For the risk analysis by the head of the border crossing point, the following information is used:

- results of the border checks at the BCP,
- results of immigration control,
- information from the carriers about passengers,
- information from border enforcement authorities of other countries, and
- information from State and municipal authorities and public sources.

The only information obtained at regional level is information about the results of immigration control. The border guards are briefed about the current situation at the BCP and about the risk indicators before the beginning of the shift.

4.2. Infrastructure and equipment

4.2.1. Signposting

The separate lines for EU, EEA and CH citizens and passengers in possession of all other passports were marked with the pictograms provided in Council Decision of 29 April 2004 (2004/581/EC) determining the minimum indications to be used on signs at external border crossing points.

4.2.2. Separation of flows

There are two passenger terminals at Riga Airport (old and new terminals). All passengers flows are handled in these terminals.

Departures and arrivals are separated, as are passengers from Schengen and non-Schengen flights at arrivals. There are two arrival areas on the ground floor (in the old and new terminals) and one departure area on the first floor in the old terminal.

In the new terminal the arrival area is already used for flights coming from third countries. There are no conditions for separation of departing passengers of Schengen and non-Schengen flights yet. The Committee was informed that the departure area in the new terminal will be ready at the end of 2006. The experts were informed that, after the abolition of the border checks at internal borders, the new terminal will be used for non-Schengen traffic. Close to the arrival area in the new terminal, there is a special area foreseen for transit passengers.

4.2.3. *Lanes for checks*

There are 6 lanes for checks at departures allowing for separate checks of persons enjoying the Community right of free movement and all other persons. One of these is a special lane for border checks of "diplomatic, UN and European Commission pass holders".

At the arrivals area, there are six lanes in both terminals.

There is a separate control lane for border checks on the crews of the passenger and cargo planes, but the crews may use also the lanes for border checks on passengers.

The border checks on the crews and passengers of general aviation are carried out at the lanes for checks on passengers.

The experts noted that there was no effective physical separation at the departure areas above the booths. The current glass wall is too low to prevent the possible exchange of documents in this area.

4.2.4. *Control facilities*

In the old terminal there are 3 control booths with two working positions each at arrivals and 3 control booths with two working positions each at departures.

Anticipating the full implementation of the Schengen Acquis, a new terminal has already been built at Riga airport. In the new terminal there are 3 booths with 2 working positions each at arrivals.

Three booths are also envisaged for the departure area.

All booths are spacious and facing the passengers. The side and back glass walls of the booths at departures are made from matt glass to prevent passengers from seeing the computer screen. The experts noted that there was no door or any obstacle between the booths at departures.

The experts considered that the construction of doors between the booths at arrivals in the new terminal was not user-friendly, as passengers found it difficult to open the doors.

The second-line office is close to the departure area. It consists of the office of the duty officer and one room for the second-line officers. This room is also used for interviews.

At the old terminal there is also a room for document experts close to the arrival area.

At the new terminal there is also a second-line office. Close to the booth there is a small room for refused persons.

The room for issuing visas is situated separately in the arrivals hall. The glass walls of the room provide the possibility for observation of the passengers' queue if needed.

4.2.5. Equipment: first-line, second-line, mobile

For the border checks at the first line, all the booths were equipped with two computers in combination with an optical passport reader, a document checking device (containing a magnifying glass, a retro-reflective lamp and a UV light) and an additional magnifying glass and retro-reflective lamp

The second-line office at departures was equipped with 2 computer working stations, a printer and a flat-bed scanner.

The second-line office at arrivals in the old terminal is equipped with a video spectral comparator VSC-4, a stereomicroscope, a computer working station and a collection of passports specimens.

There were two computers, two scanners, two visa printers and a document checking device (containing a magnifying glass, a retro-reflective lamp and a UV light) in the room for issuing visas.

The second-line office at arrivals in the new terminal was equipped with equipment for thorough checks of documents - VSC 5000, microscope, document catalogue, a computer with a line to the national register of specimens of documents and other equipment for checks of documents.

There were an Edison catalogue with specimens of documents and the Atlas of passports with specimens of passports and some IDs issued in Belarus in 2004. The Committee was informed by the document expert of the BCP that the information about passports in Atlas is more comprehensive than that in the Edison database.

The printed and digital versions of the document bulletins issued by the Travel Documents Assessment Centre of the SBG were available at the second line.

There were 9 entry and 9 exit stamps for stamping of the travel documents of third-country nationals at the BCP. The head of the shift has personal entry and exit stamps with registration number 902. There should be 12 entry and 12 exit stamps at the BCP, but three entry and three exit stamps were removed from use for one year as a result of a criminal investigation.

There is a flat-bed scanning device for scanning the fingerprints from the dactyloscopic card for consultation in the EURODAC system at Riga Airport BCP.

The experts found the equipment at the first and second line to be 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.

4.2.6. Communication

For communication the border guard use telephones, VHF radio transmitters, mobile phones, fax devices and computers. All computers at the first line are connected to the intranet and there is a phone in every control booth. In addition there are 4 internet phones at the border crossing point.

4.2.7. Access control / fencing

The entire perimeter of the airport is fenced. The CCTV camera system is used for the surveillance of the territory and perimeter of the airport. There are 2 rotating cameras for the control of the perimeter. All exits from the terminals to the airport operating zone are equipped with card readers. The Patrol Service (private company, hired by the airport authority) is responsible for the security control of entrance from landside to airside, security control at the entrances to security restricted areas and for supervision of the perimeter, fencing, and airport emergency gates. The Patrol Service carries out controls on traffic inside the airport perimeter, controls on movement of people on airside, protection and patrol of airport property and video surveillance.

4.2.8. Detention / readmission premises

There are no detention rooms available for the BCP at Riga Airport. In case of need the detention rooms of the Police unit at the airport can be used. There is a room for refused persons in the new terminal.

4.2.9. *Storage of blank visas*

Blank visas are kept in a special safe in the office for issuing visas. The head of the BCP has the key and is responsible for providing it to the shift leader. The use of visa stickers is registered in a special journal.

4.3. **Controls and procedures**

4.3.1. *Traffic handling / traffic modes*

All border checks were carried out in two passenger terminals. Passenger planes parked at the gates or on the apron.

The transport of passengers from/to the planes parked on the apron is usually by bus, but when the plane is parked close to the arrival hall passengers can walk from/to the plane on the apron.

On the apron they are escorted by a representative of the operator and monitored by border guards from the arrivals hall. The experts observed that some passengers began to walk in the wrong direction as the doors of the arrivals hall were not open. After the representative of the operator entered the arrivals hall, there were no officials dealing with the passengers on the apron.

The Committee feels that better attention could be paid to the supervision of passengers walking on the apron to/from the planes.

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 subject to a minimum check, and third country nationals were submitted to thorough checks. All third country nationals were checked in the computer databases.

The experts were of the opinion that the knowledge of EU legislation, immigration regulations and related documents (visa requirements, etc) of the border guards in shift during the inspection was good. However, it was noticed that the border guards do not always use their knowledge in practice. The experts are of the opinion that some officers at the first line do not have enough experience of interviewing passengers for verification of the conditions for entry. The level of knowledge of English of some border guards limited their ability to carry out thorough checks on third country nationals.

The available technical equipment was used during border checks. However the experts noted that some of the border guards were not using the UV light sources for thorough scrutiny of the travel documents.

If need be thorough checks on EU-nationals and additional thorough checks on third country nationals are carried out in the second-line office, which is located next to the control booths.

All passports of third country nationals were stamped. Stamping was generally carried out correctly. Stamps are issued to the border guards on shift duty by the duty officer and each border guard has to sign on reception and delivery of the stamps. The assignment of the stamp is also registered in the internal database, which also indicates when security codes need to be changed. The shift leader keeps the registration book of the stamps.

The numerical security codes for uniform entry/exit stamps are changed once a month.

Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data is adopted in the amendments to the Law On Aviation. However Article 84¹ of the Law obliges carriers to transmit the data only regarding third country nationals and stateless persons, not all passengers. There are no penalties imposed on carriers which fail to transmit data or transmit incomplete or false data.

4.3.3. *Use of registers*

The State Border Guard electronic information system REIS 2002 was used for border checks of third country nationals and for thorough checks on EU citizens. REIS-2002 is linked to the Register on Entry ban, Register on Invalid Documents, Population Register and Wanted persons' information system ("Filters"). In addition, a LOSS list has been set up which includes information on suspected ships. Information on wanted persons and invalid documents 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 can also be used in the process of border checks.

Also available at the second line are the national register of means of transport, the database on civil liability insurance policies of transport owners, the Estonian and Lithuanian databases of invalid documents, the Estonian, Lithuanian, Italian and Czech databases on authentic documents and a database of specimens of travel documents and specimens of Schengen stamps of the Member States prepared and administrated by Expertise Division of the SBG and in the Information Centre of the Ministry of Interior.

4.3.4. Use of the Common Manual

The Common Manual and the Borders Code were electronically available in the booths in English and in Latvian.

4.3.5. Processing of refusals and asylum applications

The decision to refuse entry is made by the head of shift or head of the BCP. The refusals of entry are recorded in a special journal by the duty officer. A standard form established by the Council Decision 2004/574/EC is filled in and handed to the alien concerned. The Committee found that the forms were filled in correctly.

There were 40 persons refused entry at Riga Airport in 2003, 75 persons in 2004 and 98 persons in 2005. In terms of nationality, Russia, Ukraine, USA, Turkey and Armenia were the top five in 2005.

No asylum applications have been submitted at the Border Crossing Point in the last three years. However, the Committee noted that the border guards are well aware of the procedures which need to be followed in the case of asylum applications.

4.3.6. Issuance of visas

Three types of visa can be issued at the airport. This concerns visas for seamen in transit and visas on humanitarian grounds for family members of EU-citizens who are not in possession of a residence permit. 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.

There were 1494 visas issued at the BCP in 2005, 898 C and 596 B visas. The Committee was informed that the State Border Guard is competent to issue airport transit visas on humanitarian grounds, where State interests are involved or where a request is received from the Ministry of Foreign Affairs. However no airport transit visas have been issued since 2003.

4.3.7. 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 refusals 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.

The second-line activities are carried out by the head of the shift, the duty officer or by the document experts.

The experts found that some passengers were interviewed quite extensively at the first line, without using the possibility of the second line. During the visit of the experts, no passengers were directed to the second-line check. The Committee feels that more use could be made of the second-line facilities that are available to the border guards.

4.4. Border surveillance

4.4.1. Tactics applied, including border patrolling, command and control systems.

For surveillance of the perimeter and territory of the airport, a video surveillance system based on 50 CCTV cameras and patrolling of the perimeter and the territory of the airport is used.

A CCTV camera system for monitoring passenger flows and the border checks area at arrivals and departures consisting of 25 cameras is used by Riga Airport BCP. The use and storage of video data is made possible by a decision of the Cabinet of Ministers pursuant to Article 11 of the Border Guard Law. It seems to the experts that the use of this system can contribute to improving the level of border security.

Surveillance of the territory of the airport is carried out by the airport security authority and by the airport police unit. Patrolling is performed by the airport security authority. At night, the border guards take part in patrolling.

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

There are special plans for activities in extraordinary situations at airports, for example the "Airplane" plan to combat terrorism – the Security Police is responsible and the State Border Guard carries out passenger profiling and identification. Riga airport BCP has other plans for activities in special situations. After obtaining the information on threats in specific areas, the necessary actions are taken and/or the additional structural units are involved.

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

In 2 hours 100% of border control personnel can be present at border control areas (approximately 1 hour is necessary for the 40% of personnel which is off-duty to appear). The quick reaction unit of the territorial board consisting of 10-15 border guards can be used in case of need

A special plan has been drawn up to deal with special situations at the airport (terrorist attacks). The State Border Guard, the Security Service and the Police are responsible for the first measures. For the special measures, a special "OMEGA" force (located in RIGA) is used.

4.4.4. *Availability and location of the above-mentioned (human and technical) resources*

The State Border Guard personnel is permanently located at Airport Riga. There are 9 – 15 border guards during the day-time and 7 – 11 border guards during the night time at the airport..

4.5. Staff and training

4.5.1. *Adequacy and the level of professionalism*

There are 91 posts for staff at BCP Riga Airport. Currently 80 posts have been filled. There are 2 administrative members of staff and 78 border guards for the first and second line. The Committee was informed that 100% of the border guards have had training for work at the first line and 35% of border guards have had training for work at the second line. There are two third-level document experts at the BCP. The experts were informed that the average age of the staff is approx. 30 years.

4.5.2. Basic training

All border guards had passed the basic border guard training corresponding to their functions at the BCP.

4.5.3. Further continuing education

In-service training (8 hours a month) has been provided to all border guards.

4.5.4. Linguistic skills and training

Language	%	Basic level	Medium level	Advanced level
English	86	19	65	2
Russian	100	-	10	90
Other	26	10	16	

The experts had some doubts relating to the figures for knowledge of English, as the border guards in the shift during the visit of the Committee generally had a basic level of knowledge of English.

4.5.5. Specialised document checking skills and training

All border guards had passed special document checking training during their basic border guard training.

The document experts of the BCP provide at least 2-3 hours of document checks and forged document detection per week for the first line border guards. There is training for the experts organised at regional level

4.5.6. Availability and location of staff

The border guards at the airport work in a shift system. Shifts are from 9 am to 9 pm and from 9 pm to 9 am. Usually the day shift includes 9 – 15 border guards and the night shift 7 – 11 border guards. The Committee was informed that the number of staff depends on the expected flights. The duration of the shift for border guards is 8-12 hours.

The shift consists of a head of shift, a duty officer, a border guard for document inspection, border guards for border checks at first line, border guards for transport inspection, border guards for patrolling and a dog handler.

The experts found that every first line border guard performs about 8,5 thousand border checks on non-Schengen passengers per year and the number of personnel for the border checks was assessed as sufficient to perform high quality checks.

4.6. Readmission, expulsion and illegal immigration, carrier liability

4.6.1. Particular cases (UMIs, persons constituting a threat to public security)

During 2004-2006 period, 4 persons were readmitted via Riga Airport, 3 to Egypt and one to Austria.

Persons expelled through Riga airport:

2003	2004	2005	2006 (6 months)
41	23	28	5

4.6.2. Means deployed to combat illegal immigration networks

There were no special means deployed to combat illegal immigration networks in Riga Airport BCP. Criminal Investigation and Immigration Service of Riga Board of the SBG together with BCP authorities carries out special activities in airport "Riga".

4.6.3. Sanctions imposed on carriers

The number of fines imposed on air carriers has decreased notably since 2004. There were 59 cases of imposing fines on air carriers in 2004 and 3 cases in 2005. During the same period, the number of refusals has increased from 75 cases of refusal of entry in 2004 to 98 refusals in 2005. There were 31 passengers refused entry due to the absence of valid travel documents and 57 passengers due to absence of visas. This means that in 88 cases there was a reason to use the sanctions on carriers under Latvian legislation.

4.7. Comments and recommendations of the Evaluation Committee:

The experts were appreciative of the following facts:

- The quantity and quality of the personnel was appropriate to perform the given tasks and the Committee was of the opinion that the border guards at service were well motivated.
- The technical equipment at the first line was found to be adequate in quantity and quality.
- Cooperation between the authorities operating at the airport was found to be well organised and efficient.
- The Committee evaluated in a positive light the possibility of providing a high level of expertise on documents at the BCP as a result of the presence of a third level document experts in the structure of the BCP.

The experts took special note of the following points:

- The procedures for border checks were found to be generally in line with Schengen requirements. However, the Committee is of the opinion that verification of the conditions governing entry should be improved. The equipment available was not used sufficiently by the border guards. The Committee recommends regular use of the equipment that is available in the booths for thorough scrutiny of the travel documents of third country nationals.
- The Committee appreciates the number of border guards speaking foreign languages and the measures implemented to improve language skills. However, experts were of the opinion that the level of knowledge of English of some border guards limited their ability to carry out thorough checks of third-country nationals.
- The Committee was of the opinion that border guards at the first line should be encouraged to make use more often of the possibilities for thorough control at the second line in cases where this is justified.
- The experts question whether the arrival area in the new terminal with just three double booths will have enough space and capacity to check all incoming passengers from third countries when the amount of non-Schengen passengers increases.

- It is recommended that the height of the wall in the departure areas above the booths be increased or that another solution be sought to prevent illegal contacts.
- The reconstruction work in the departures area of the new terminal has not been completed. Only plans for the installation of the control facilities were presented. The experts found the planned separation of the passengers of Schengen and non-Schengen flights to be in line with Schengen requirements.
- Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data is adopted in the amendments to the Law On Aviation. However the Article 84¹ of the Law obliges carriers to transmit only data regarding third-country nationals and stateless persons, not all passengers. There are no sanctions imposed on carriers which have not transmitted data or have transmitted incomplete or false data.

The experts consider that there is room for improvement in relation to the following points

- The experts recommend improving the procedure for the transfer of passengers from/to planes parked at the apron. The Committee is of the opinion that buses should be used and more precise surveillance should be organised by the airport operator and the BCP.
- The Committee invites Latvian authorities to follow in practice the Council Directive 2001/51/EC on imposing sanctions on carriers.

5. GENERAL CONCLUSIONS INCLUDING RECOMMENDATIONS AND FOLLOW-UP

- The border management strategy in the Latvian Republic is comprehensive and based on the integrated border security model and on the particular national strategic plans and programs. The Committee is of the opinion that the general strategy represents best practice in relation to application of the Schengen acquis.
- 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 exists between Border Guard units at central, regional and local level, ensuring a consistent approach to border control, a unified planning system and an extensive and fast data flow at all levels of the organisation.
- The Committee highlights the Latvian unified system of combating illegal immigration, according to which one organisation bears full responsibility for combating illegal immigration at the border as well as inside the country and where border control measures and migration control measures are implemented coherently.
- Inter-agency cooperation seemed to the experts to be tight and efficient. In particular, the Committee points out the integrated and systematic approach of the Latvian SBG and cooperating authorities in tackling border-related threats and risks.
- The Committee appreciates the extensive international cooperation carried out by the State Border Guard service at central and regional level and the contacts with the authorities carrying out border control at the main airports of destination.
- Corresponding national legislation generally seems to reflect the Schengen Acquis. The Committee noted that Council Directive 2004/82/EC of 29 April 2004 on the obligation of carriers to communicate passenger data is adopted in the amendments to the Law On Aviation. However, Article 84¹ of the Law obliges carriers to transmit only data regarding third country nationals and stateless persons, not all passengers. There are no sanctions imposed on carriers which fail to transmit data or transmit incomplete or false data.
- The Committee is of the opinion that the number of border guard personnel used for border checks at Riga Airport BCP is appropriate in the light of the current flow of passengers and is sufficient for carrying out border checks after full accession to the Schengen area. However the Committee found that there are some problems with the turnover of personnel.

- The Committee appreciated the professionalism and attitude of the border guard personnel toward their duties. The Committee is of the opinion that, in relation to air borders, Latvia is providing a good level of border management that generally meets the Schengen requirements. Experts found border checks to be efficient, with some minor exceptions.
- The system of basic training for border guards seemed comprehensive and efficient. The Committee was satisfied with the content of the curriculum for border guard training. However, the Committee saw a need to improve training in relation to profiling of passengers and verification of all entry conditions of third country nationals.
- A significant percentage of border guards recruited in the 2004-2006 period has not had full basic border guard training. The Committee was not convinced that only border guards with full basic training are performing border controls. The Committee did not get a clear explanation of the benefits of not placing the SBG college under the direct command of the Head of the SBG. The experts were of the opinion that the SBG should have a decisive role as regards the content of the curriculum of the border guard basic training.
- The Committee noted the general level of knowledge of foreign languages of the border guards. In particular, the Committee draws attention to the high percentage of border guards with Russian language skills. The Committee highlights the measures implemented to improve knowledge of English in 2005 and 2006. However, the Committee is of the opinion that additional training to upgrade the level of knowledge of English is required.
- The Latvian authorities are well aware of the situation at the borders. The Committee appreciates the measures taken by the Latvian Border Guard in relation to the creation of the risk analysis system and recommends working out the overall conception of the risk analyses. Developments would be welcome in relation to joint risk analysis together with the authorities involved in border management and combating illegal immigration and the regular distribution of analyzed information to local level for use in border control at the level of the BCP, the shifts and by individual Border Guards performing border checks.
- The Committee stresses the importance of active preventive measures at the first tier of the integrated border security model. As a result, consideration should be given to extending the Immigration Liaison Officers network. In this respect, the Latvian authorities are encouraged to consider the introduction of a joint liaison officer or document adviser in conjunction with other Member States of the European Union.

- The Committee invites Latvian authorities to follow in practice the Council Directive [2001/51/EC](#) on imposing sanctions on carriers.
- The Committee is of the opinion that the threat of illegal immigration at the air borders of Latvia is not currently high compared with the situation at the land borders. The transit of illegal immigrants via air borders remains at a low level. The main modus operandi currently used by illegal migrants is to arrive in Latvia legally in possession of the necessary travel documents and Latvian visas, obtain forged documents in Latvia to be used to exit Latvia and enter other EU countries. Regarding this modus operandi, the Committee stresses the importance of preliminary controls on aliens in the process of issuing visa in consulates and the role of alien control inland, especially after border checks at internal borders have been abolished.
- The Committee is of the opinion that the infrastructure used for border checks at Riga Airport does not respond fully to Schengen requirements. There is no readiness yet for the separation of passengers from Schengen and non-Schengen flights. The Committee invites the competent authorities of Latvia to resolve existing gaps in the infrastructure and to ensure the separation of passengers. Latvia is invited to inform the Schengen Evaluation Working Party about the completion of construction works. The follow-up is needed in due time.

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