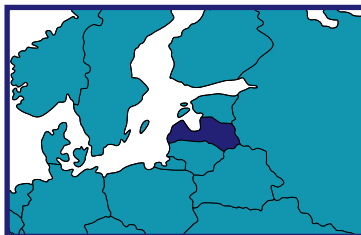


# LATVIA

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Migration is a very sensitive topic for most Latvians due to the experience with the Soviet internal migration policy.<sup>205</sup> Until now the strongly negative public opinion has made it impossible for policy makers to develop a long-term migration policy. A public opinion poll from 2008 also shows that 61 per cent of respondents do not support budgetary spending on integration policies.<sup>206</sup>

## Institutional and Policy Framework for Admission and Employment

The main agency for development and implementation of migration and asylum policies is the Office of Citizenship and Migration Affairs under the Ministry of the Interior.

A non-EU/EEA migrant who wishes to reside in Latvia for more than 90 days within half a year should have a residence permit. There are three types of permits: a temporary residence permit, a permanent resident permit or a permanent resident status of the European Community (EC). A migrant might still need a residence permit if he/she plans to be employed in Latvia during a stay that is shorter than 90 days.

Upon initial entry, only a temporary residence permit can be issued. Validity of the temporary residence permit depends on the purpose of stay:

- Not exceeding one year for self-employed migrants;

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<sup>205</sup> In 1989 just 52 per cent of population were ethnic Latvians, while before 1940 Latvians accounted for more than 77 per cent of the population. Source: Vēbers, E. (Red.) (1994). *Etnosituācija Latvijā: fakti un komentāri* [The ethnic situation in Latvia: facts and comments]. Rīga: Latvijas Zinātņu akadēmijas Filozofijas un socioloģijas institūts.

<sup>206</sup> “The effect of migration on ethnic relations in Latvia”, Sociālās Alternatīvas Institūts, 2008.

- Not exceeding five years for migrants arriving on the basis of a labour contract or a commercial agreement, or on the basis of another civil liability agreement. In case of a labour contract, the right to residence in Latvia is terminated as soon as the labour agreement expires.
- Not exceeding five years for a temporary residence permit for the purpose of cooperation in science.
- Temporary residence permits for the purpose of family reunification, for the same period of time as the validity of the permit of the sponsor. If a migrant has arrived in Latvia on the basis of an employment invitation and is willing to invite the members of the family to Latvia, they also need a supporting invitation from the employer.
- The temporary residence permit for the purpose of studies at an accredited educational establishment is issued for the period of the studies, but not exceeding one year.<sup>207</sup>

A work permit to a migrant can be issued on the basis of a visa, a residence permit or an identification document of the asylum seeker.

Migrants, who have obtained a permanent residence permit or an EU permanent resident status in Latvia, are able to access the national labour market without any restrictions.

Access to the national labour market is restricted for migrants with a temporary residence permit, as they are tied to one employer and a certain position within the company. In case of unemployment, migrant's residence and work permits are cancelled, and the migrant has to leave the country. If a migrant changes their employer in Latvia, a new work permit must be obtained, and the whole application procedure is repeated.

If a migrant is employed in more than one company or holds multiple positions at the same company, a separate work permit is necessary for each of these activities. Such requirement was introduced after authorities discovered multiple cases when migrants received temporary residence permits as board members at various businesses while in reality working as construction workers. Employers used such an arrangement in order to avoid the lengthy procedure for attracting foreign labour.

A migrant can work on an employment (*darba*) or a company (*uzņēmuma*) contract, the latter being the case if a foreign company is "lending" the employee to a Latvian company. To be able to work on an employment contract, a migrant can receive a work invitation and a work permit only after the advertised position had been vacant for one month, and if no qualified Latvian citizen, non-citizen, or EU citizen has applied. Since 2006, over 80 per cent of work invitations have been granted based on work contracts following the vacancy test (SEA).

The law also stipulates that migrant workers must receive at least the average national gross monthly salary, which is higher than the minimum wage applicable to native

<sup>207</sup> 31.10.2002., Law on Immigration.

workers (Table I).<sup>208</sup> Hence, many employers choose to employ migrant workers on work visas, for example, in cargo transportation, that allow the migrant to reside in the EU no longer than 180 days in a year.<sup>209</sup>

**Table I: Minimum monthly wage requirement for migrant and native workers, in LVL, 2006-2009.**

	Migrants	Natives
2006	246	90
2007	302	120
2008	398	160
2009	480	180

Source: Central Statistical Bureau; State Revenue Service.

In accordance with amendments to the Immigration Law (in force as of 1 July 2010) temporary residence and work permits will be granted to persons who have invested no less than LVL 25,000 (EUR 35,570) in Latvia, created at least five new full-time workplaces that are occupied with at least half of the workers being Latvian nationals, non-citizens of Latvia, citizens of other EU/EEA countries, and have paid no less than LVL 10,000 (EUR 14,228) in taxes in one year.

Self-employed migrants may receive a temporary residence permit of up to one year based on a business plan that is verified by a qualified auditor, together with proof of sufficient financial means for the designated period of time, and other criteria. This procedure needs to be repeated the following year for the extension of the permit. If a migrant wishes to temporarily reside in Latvia as a businessperson, receiving a permit for up to five years, he/she needs to be registered in the Commercial Register.

Migrants arriving in Latvia to live with their spouse who is a citizen of Latvia, a non-citizen of Latvia<sup>210</sup> or a migrant with a permanent residence permit; and migrants arriving to pursue studies at an accredited educational establishment can obtain a work permit without the employer's invitation, and have a right to work for any employer. Non-EU students are allowed to work for not more than for 20 hours a week.

Highly qualified specialists, such as scientists, artists, sports coaches, educators can receive a work permit on the basis of a document proving their activities in Latvia, without the employer's invitation.

Asylum-seekers whose applications have not been lawfully processed within one year, can obtain a work permit without the approval of an employer's invitation at a branch of the State Employment Agency (SEA). Prior to 1 March 2010 not a single asylum seeker had applied for a work permit, as decisions on the granting or refusal of refugee or an alternative status are usually taken within one year from the submission of an application.

<sup>208</sup> Cabinet of Ministers regulation No. 515 "Regulations regarding the Amount of Necessary Financial Means of Aliens and Procedures for the Determination of the Existence of Financial Means" adopted on 12 June 2005.

<sup>209</sup> Ibidem.

<sup>210</sup> A special legal status given to permanent residents of Latvia who have neither become Latvian citizens, nor are citizens of another country. Most of them arrived in Latvia during the Soviet era and subsequently lost their Soviet Union citizenship in 1991 when Latvia regained independence.

Experts and employers tend to criticize the procedure and costs related to recruiting third-country nationals (Akule et al., 2009). The current residence permit procedure is complicated, as two state institutions (OCMA and SEA) are involved in the procedure and the documents must be submitted to each of them separately. Prior to July 2008, the procedure also involved substantial costs to the employer, especially in comparison to Estonia and Lithuania, which provided further incentives for irregular employment of migrants in Latvia.<sup>211</sup>

## Institutional and Policy Framework for Integration

Until 2007 there was no systematic attention to the issue of migrant integration. The driving force behind the current integration activities seems to be the available funding (European Fund for the Integration of Third Country Nationals (EIF) in particular), pressure from the civil society and the EU agenda. To date, there is no policy document on migrant integration policy in Latvia.<sup>212</sup>

Accessibility of the Latvian labour market is related to knowledge of the Latvian language as for some occupations certain language skills are required by law. The state can set the requirements for the necessary state language proficiency in the regulated professions.<sup>213</sup> In practice these regulations are waived in private business and workers with various qualifications are employed without knowing Latvian, if no motivation arises from business needs (Akule et al., 2009).

Up to mid-2009 there were no governmentally sponsored Latvian language classes, study materials, or other tools for language learning for migrants available (Kesane, Kasa, 2008). However, in order to develop a language acquisition program for migrants, the Latvian Language Agency has surveyed labour migrants about their language use, views on the necessity to learn the Latvian language, and intentions regarding their stay in the country.<sup>214</sup>

As of mid-2009 Latvia has started to implement EIF-funded activities. Several initiatives have been started by the state institutions and NGOs to provide free Latvian language courses for some migrants. Unfortunately these initiatives are project-based and are limited in time and scope.<sup>215</sup>

In 2009 the National Integration Centre for Immigrants was opened to provide third-country nationals with information on public and private services. The centre provided

<sup>211</sup> Government' fee for issuing 1 work permit for the period of 1 year per guest worker was 533 LVL (760 EUR), which was almost 6 times higher than in neighboring Lithuania and almost 8 times that of Estonia. Source: Ministry of the Interior (29.04.2008). *Informatīvais ziņojums par ekonomisko migrāciju Baltijas valstīs* [A report on economic migration in Baltic countries].

<sup>212</sup> The Government declaration of 2006 included a goal for the Secretariat of the Special Portfolio Minister for Social Integration to adopt a policy document on migrant integration before 31 December 2009; this was not done by March 2010 partly due to reorganization of the Secretariat. The Ministry of Justice plans to adopt a policy document on migrant integration during the course of 2010.

<sup>213</sup> <http://www.patverums-dm.lv>

<sup>214</sup> Interviews in Riga with 20 labour migrants from Ukraine, Lithuania, India, Rumania, Belarus, Uzbekistan, Moldova. Source: „Migrācijas ietekme uz valodas vidi Latvijā”, Latvian Language Agency, Zinātne, 2009

<sup>215</sup> There are no specific data available on the numbers and profiles of migrants participating in Latvian language courses as reports have not yet been summarised and analysed.

free-of-charge legal and social workers' consultations, Latvian language classes, re-qualification and qualification improvement courses. These services were available to legally residing third-country nationals with temporary residence permits that are otherwise excluded from receiving these services from SEA. However, the Centre was operational only in November-December 2009,<sup>216</sup> and assisted approximately 30 migrants. The future of this Centre depends on the available funding.

## Active Labour Market Measures

Migrant workers with temporary residence permits are neither eligible for unemployment benefits, nor for support services pertaining to re-qualification and job-matching. Persons holding permanent residence permits or long-term EC resident status in Latvia can receive unemployment benefits and the mentioned services. SEA data shows that only a part of this category of migrants use these opportunities (Table 2). This can be explained by limited funding available for these services,<sup>217</sup> and limited interest by the unemployed in pursuing official channels.

**Table 2: Number of permanent residents using services available to the unemployed,\* 2005-2009**

	2005	2006	2007	2008	2009
Paid temporary work	76	46	29	33	60
Traineeship with the employer					3
Training (improvement of qualification)	79	60	20	10	42
Acquiring working skills, with/without a subsidy			1	2	80
Measures to increase competitiveness	2,305	1,969	322	612	1,398
Informal education	305	303	84	81	184
Measures to help start business or self-employment				2	2
Measures for specific groups**	6	5	7	7	
Complex support measures					41

Source: unpublished SEA data.

\*Unemployment persons are entitled to use as many services entitled to them as possible, so one person can be enrolled in several programs or measures.

\*\*Specific groups are long-term unemployed, persons having completed a prison sentence, persons returning to work after parental leave, and persons with special needs.

<sup>216</sup> The centre was opened and maintained as an EIF project. As the 2009 annual program for the Fund is still not operational, funding for the Centre ended on December 2009.

<sup>217</sup> For example, since 2009 the most popular measure was acquiring working skills with a subsidy (LVL 100 or EUR 142 per month), but there are limited vacancies available, so unemployed persons must queue to wait for their turn. Source: Interview with Ilze Berzina, head of Department of Statistics, State Employment Agency, March 2010.

## Discrimination in Employment

Latvian legislation provides a general anti-discrimination framework, including protection from discrimination based on race, ethnic or social origin and other circumstances. However, direct and indirect discrimination persists in the society and, in some cases even in the legislation.

Until March 2010 children of migrants with temporary residence permits were not entitled to free compulsory education,<sup>218</sup> and migrant workers with temporary residence permits are not entitled to any public social services (state-guaranteed healthcare, social aid, and unemployment benefits) or to state-guaranteed legal aid.

Interviewed migrants and employers in Latvia did not find the current forms of recruitment discriminatory towards migrants (Akule, Lulle, 2009). Research shows that labour market discrimination predominantly occurs in the workplace in the absence of a written work contract and irregular employment. According to the State Labour Inspectorate and SEA, the most common violations are failure to pay or delay paying the verbally agreed salary, requests to work longer hours, and violating workers' rights to paid sick leave and vacation (Akule et al., 2009).

The State Labour Inspectorate is the main state institution tasked with ensuring the protection of migrant labour rights. Inspections are carried out regularly to check employment conditions and work safety, but without a particular focus on tracing irregularities in companies employing foreigners. Until now state institutions have received only a few official complaints on violations of labour rights of migrants, for example, eight official complaints from migrant workers (Ukrainians, Moldovans, Poles, Estonians) in 2007. Some of these complaints were well founded, and employers were fined.

Several international reports indicate that, in comparison to other countries, Latvia has one of the most hostile public attitudes in the EU against migrants. Only a few official complaints have been filed on discrimination on the basis of race, language, religion, and ethnicity, which demonstrates the lack of awareness on the part of migrants on their rights and pathways to seeking protection with the state authorities (Kesane, Kasa, 2008).

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<sup>218</sup> According to amendments in Education Law – in force as of 26 March 2010 - migrants with valid residence permits and other legally residing foreigners have the right to free primary and secondary education (high school level). The amendments also include a discrimination ban, stressing that all people have the right to education. See <http://www.likumi.lv/doc.php?id=206963>

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