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Latvia Detention Profile

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Located on the eastern coast of the Baltic Sea, Latvia shares borders with four countries—Estonia, Russia, Belarus, and Lithuania. Shortly after independence from the Soviet Union in 1991, Latvia restored its pre-1922 Constitution, and since joining the European Union in 2004 the country has become a key Euro frontier state. Latvia's immigration and asylum policies, including measures for detention and expulsion, have been developed to meet EU *acquis* standards. The country has received substantial financial and technical support from Nordic countries, the EU PHARE programme, and the International Organisation for Migration (IOM) to strengthen its legal framework and management capacity with respect to the treatment of irregular foreign nationals (IOM 2004, p.211).

Detention Policy

Latvia's *Immigration Law* (2002), which has been amended several times, contains provisions for the entry, residence, transit, exit, detention, and expulsion of non-citizens (OCMA website a; IOM 2004, p.211). Other laws regulating the forced removal of migrants from the country include the *Asylum Law* (2002); *Government Regulation on Forced Expulsion Order of Aliens and Stateless Persons* (2002); *Government Regulation on the Order on How Persons Cross the Border of the Republic of Latvia* (2002); *Order of Forced Expulsion of Foreigners, Their Travel Documents and Issuance Thereof* (2003), and *Order on How a Person, Whose Asylum Application Has Been Rejected, Should Be Expelled* (2003) (IOM 2004, p.212).

Grounds for expulsion. Section 41 of the *Immigration Law* provides for the expulsion of irregular migrants and asylum seekers (IOM 2004, p.212). Migrants issued an expulsion order are required to leave the country within seven days and cannot return for up to three years (OCMA website a). Migrants who cross the border or violate entry and residence requirements can be issued with an order of forcible expulsion by the Border Guard (subject to appeal). The Head of Office, or representative, can issue an order of forcible expulsion to migrants who fail to leave the country according to the terms of an expulsion order (not subject to appeal); who violate entry or residence rules; or who have completed a criminal sentence (LCHR 2005, p.23; OCMA website a). Those issued an order of forcible expulsion are escorted to the border by the State Border Guard and cannot return for up to five years (OCMA website a).

Grounds for detention. Section 51 of the *Immigration Law* stipulates that the State Police and Border Guard can detain immigrants on the following grounds: for illegally crossing the border or violating entry procedures; for infringement of conditions of residence, including overstaying a visa or working without the requisite work permit; for failing to leave within the specified terms of an expulsion order or in order to implement an order of forcible expulsion; and when a foreign national is perceived to be a threat to national security or public order and safety (Caritas Latvia 2010, p.261; LCHR 2005, p.17; IOM 2004, p.213).

The Border Guard can temporarily detain foreign nationals in various facilities, including: at all border checkpoints; at the detention premises at the border guard regional offices; or at the internment facility for illegal immigrants in Olaine, which is Latvia's only long-term dedicated immigration detention centre (Caritas Latvia 2010, p.261). Each authorised place of detention has its own internal rules, which must be communicated to new arrivals at the facility (LCHR 2005, p.21).

Length of detention and access to appeal. The State Police can detain persons who are suspected of having violated immigration procedures for up to three hours, during which time the person must be transferred to the Border Guard, which has the authority to detain without a judicial decision for up to 10 days. Detention beyond 10 days requires the decision of a judge, who can authorise detention for up to two months. If expulsion from the country is not possible within two months, the judge can extend the detention period to up to six months, which in turn can be extended three times. The total maximum period of detention cannot exceed 20 months (Puce 2007; LCHR 2005, p. 20). Migrants can appeal the judge's decision to extend their detention at the Riga Regional Court or with the prosecutor (EC 2005, p.20).

Prior to May 2003, foreign nationals accused of violating immigration laws could be detained for unlimited periods of time without a court decision and within a vague regulatory framework (Puce 2007). In 2003, observers noted that detention periods ranged from one to two weeks, to several years (Puce 2007). When the *Immigration Law* was adopted in May 2003, the court assumed responsibility for determining the lawfulness and length of detention (LCHR 2007, p.22). One observer noted that when the new law came into force, the court generally authorised the extension of detention periods for an additional six months and did not take into consideration the time detainees had already spent in custody when establishing their maximum length of detention (Puce 2007).

Detention of Minors. Section 51 of the *Immigration Law* stipulates that third-country minors who have not reached the age of 14 years cannot be detained in Latvia (Caritas Latvia 2010, p.262).

Detainee rights. Non-citizens detained because of violations of the *Immigration Law* have various rights, as outlined in the Latvian Centre for Human Rights brochure *Who Can Detain You and On What Grounds*. These include, *inter alia*: being informed of rights; knowing the reasons for detention; having access to an interpreter, legal aid, and consular representation; lodging complaints to a senior officer or prosecutor; disputing decisions made by authorities; having access to emergency medicine; and being accommodated separately from criminal detainees (LCHR 2005, p.18).

According to LCHR, many of these rights are not properly administered, particularly those involving the process and appointment of legal representation and access to court proceedings. Further, persons released from detention because they cannot be deported within 20 months are not granted any defined legal status and can therefore be re-detained (Puce 2007).

Asylum seekers. The Latvian government adopted a new *Asylum Law* on 15 June 2009 (European Migration Network 2009, p.7). Section 9 of this law stipulates that the Border Guard has the right to detain an asylum seeker for up to seven days when the asylum seeker's identity has not been confirmed; when evidence shows the asylum seeker is attempting to misuse the asylum procedure; or when the asylum seeker poses a threat to public order and national security (Caritas Latvia 2010, p.262). Once the identity of an asylum seeker has been determined they are transferred to a non-secure reception centre for asylum seekers – the “Mucenieki” Reception Centre (Puce 2007; LCHR 2007, p.22).

A negative status decision issued to an asylum seeker can be appealed in the district administrative court (Asylum Law, Sec. 30 in Caritas Latvia 2010, p.262).

Before June 2009 asylum seekers were detained alongside irregular migrants at the Olaine facility. In 2009, Caritas Latvia interviewed eight asylum seekers aged between 18 to 32 years who had all been detained for over a year, and in three cases for 20 months (Caritas Latvia 2009, p.264).

In 2008, the UN Committee against Torture (CAT) voiced concerns over the treatment and detention of asylum seekers in Latvia, arguing that there was a “lack of clarity on the total number of persons seeking asylum in the State party as well as the low asylum recognition rate.” The committee also stated that it was concerned about “the detention policy applied to asylum-seekers and at the short time limits, in particular for the submission of an appeal under the accelerated asylum procedure,” adding that “detained foreigners, including asylum-seekers, have the right to contact the consular services of their respective country and are entitled to receive legal aid but is concerned at information provided by the State party delegation that no asylum-seekers have requested such legal aid” (CAT 2008, p.4).

Detention Infrastructure

Latvia operates one dedicated migrant detention centre—the Olaine Detention Camp for Illegal Immigrants (Caritas Latvia 2010, p.262; Puce 2007). In addition, every border checkpoint on Latvia's eastern border has premises to hold potential asylum seekers, including the temporary holding facility for illegal immigrants at the State Border Guard (SBG) Headquarters (5 Rudolfa street), and the SBG Daugavpils administration centre at the Silene border crossing point (Puce and Gravere 2006, p.86).

The Olaine Detention Camp for Illegal Immigrants is located 25 kilometres from Riga and is operated under the authority of the Special Multi-Branch Prosecutor's Office. With an official capacity of 50, the facility is used to detain asylum seekers; migrants who have violated immigration laws and who are awaiting expulsion; and non-citizens who have stayed in Latvia following the collapse of the Soviet Union but who failed to regularise their status (Puce 2007).

The Olaine facility is comprised of two two-storey buildings, which according to a 2007 LCHR report are in poor condition and in need

of repair, with damaged walls, windows, doors, water pipes, plumbing, and limited ventilation. Women and children are housed on the ground floor of the facility and are segregated from the men, who stay on the second floor. Those detained after serving a prison sentence are, as far as can be arranged, detained separately from non-criminal detainees. Paramedics provide emergency medical assistance and there is no psychological support for detainees. Detainees are provided with a weekly supply of food, which they prepare themselves, and have access to a telephone, mail, and visitors. Activities and education are limited (Puce 2007; LHCR 2007, p.21; LCHR 2006, p.95). In 2010, Caritas Latvia produced a detailed report on conditions in the Olaine facility, which was based on interviews conducted with detainees (see JRS-Europe, *Becoming Vulnerable in Detention*, pp. 265-269).

Before 1999, immigrants were accommodated in the Illegal Migrant Detention Centre on Gaizina Street, in Riga (LHCR 2007, p.21). This facility was closed by Latvian authorities in 2001 following recommendations made by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment (CPT), which urged the removal of all irregular migrants from the “totally unacceptable” conditions and “inhuman and degrading treatment” at the facility. Detainees were subsequently transferred to the Olaine facility (Puce 2007).

The main facility used to accommodate asylum seekers is the non-secure “Mucenieki” Reception Centre, which has a capacity to hold up to 200 people. It was established with the assistance of the European Commission through a number of Twinning projects. Before 2007, it remained largely empty (Puce 2007; LHCR 2007, p.22).

Facts & Figures

Latvia maintains one dedicated migrant detention centre, the Olaine Detention Camp for Illegal Immigrants, which has a capacity of 50.

In 2009, 409 people were refused entry to the Schengen area at Latvian borders, and 25 people were forcibly removed from the country (European Migration Network 2009, p.16).

Between 2004 and 2008, 288 people were issued expulsion orders and 825 people were forcibly expelled from Latvia, 196 of whom were expelled in 2008 (OCMA website a).

In 2008, 51 people applied for asylum in Latvia. One person was granted alternative protection; two people were granted refugee status; and 21 were given negative decisions (OCMA website b). Between 1998 and 2008, a total of 254 people applied for asylum in Latvia, the majority of whom came from Russia, Georgia, Afghanistan, Armenia, Azerbaijan, and Belarus (OCMA website b). A total of 17 people were granted refugee status during that time, including 12 adults and five minors. At the end of 2008, there were 36 pending asylum applications in the country (UNHCR 2009).

Since joining the European Union in 2004, the Dublin regulation—which established the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national—became binding for Latvia. In 2008, Latvia received 52 requests from other EU members states to process asylum applications, including four from Germany, seven from Lithuania, three from Slovakia, 25 from Sweden, one from Estonia, six from Norway, one from Denmark, and one from Austria. Latvia refused to process twelve of these requests, and sent one request to another EU member-state (OCMA website b).



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List of Detention Sites

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Name	Status (Year)	Location	Facility Type	Detention Timeframe	Security	Authority	Management	Capacity	Reported Single Day Pop.	Demographics & Segregation
Olaine Internment Camp for Illegal Immigrants	In use (2010)	Olaine (25 km from Riga)	Migrant Detention Center	Long-term	Secure	Special Multi-Branch Prosecutor's Office, Ministry of Justice	Border Guard	50 (2007)	8 (June 2007)	Adult males & females (2010); minors, families (2007). Segregation of men & women (2010); family units (2007).

Sources

(This is only a partial list. More detailed information is available upon request.)

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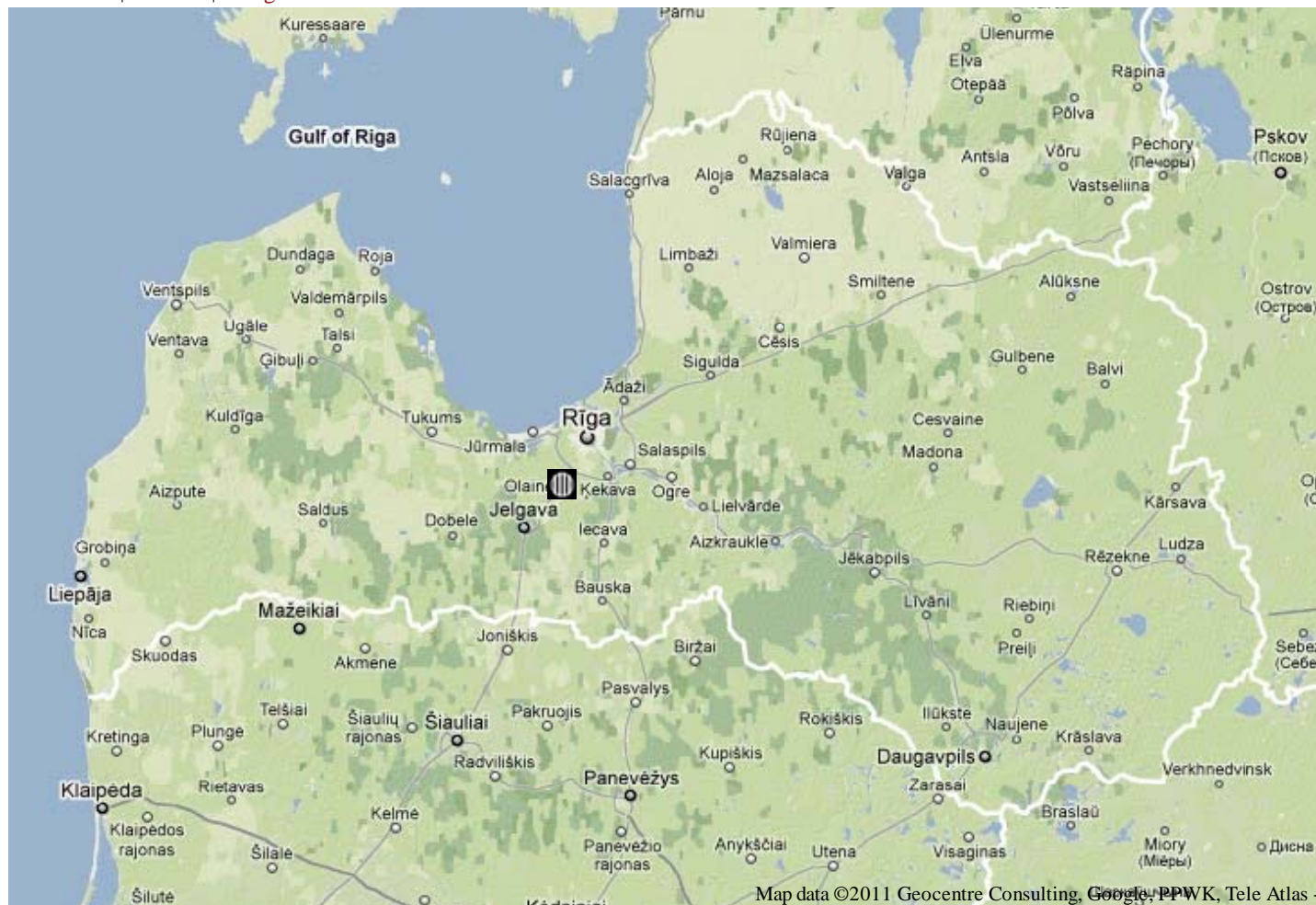
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Map of "In Use" Detention Sites

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Country View

1. [Olaine Internment Camp for Illegal Immigrants](#)

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Government Agencies

Ministry of Interior

http://www.iem.gov.lv/eng/ministry/institutions_under_supervision_of_the_ministry/?txt=1

Office of Citizenship and Migration Affairs

<http://www.ocma.gov.lv/en/>

State Border Guard (Latvian)

<http://www.rs.gov.lv/>

State Police

<http://www.vp.gov.lv/?setl=2>

International Organizations

International Organization for Migration—Latvia

<http://www.iom.lv/eng/index.php>

UNHCR—Latvia Country Information

<http://www.unhcr.org/pages/49e48ddf6.html>

NGOs and Research Institutions

Caritas Latvia

<http://www.caritas-europa.org/code/en/abou.asp?Page=91&menuPage=5>

Latvian Centre for Human Rights (LCHR)

<http://www.humanrights.org.lv/html/index.html>

Latvian Red Cross

<http://www.redcross.lv/start.php?lang=en&id=1>

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