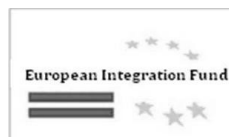




Baltic  
Institute  
of Social  
Sciences

**IMMIGRANTS IN LATVIA:  
POSSIBILITIES AND CONDITIONS OF  
INCLUSION**

Riga 2009



**Baltic  
Institute  
of Social  
Sciences**

This publication has been produced with the financial assistance of the European Union. The content of this publication is the sole responsibility of the *Baltic Institute of Social Sciences* and can in no way be taken to reflect the views of the European Union.

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Printed: SIA „Ulma”

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ISBN 978-9984-9940-4-8

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## **Introduction**

Preparations for the “Establishing a System for the Integration of Third-Country Citizens” project are part of the European Union’s policies related to labour immigration and cohesion. The fundamentals of these policies are determined by the Lisbon Strategy, which says that the development of the European economy is not possible without labour migration. As has been the case with other projects that have been devoted to the issue of immigration, financing for this project is coming from the European Fund for the Integration of Third-Country Nationals. The target audience for the project is made up of third-country nationals who have resided legally in Latvia for no longer than five years. Our aim is to study the set of legal, economic and social circumstances which are faced by immigrants in Latvia, after which we shall draft proposals related to a system of inclusiveness related to the social, political and cultural aspects of third-country nationals.

The importance and necessity of this project is dictated first and foremost by demographic trends in Latvia’s population. The size of the population is clearly shrinking, and the population is also aging. Indeed, Latvia is one of the top 10-15 countries in the world in terms of population aging. Over the next several decades, we can certainly expect a serious reduction in the number of people in Latvia who are of working age. Rapid depopulation is another problem. Fewer children are being born, and the percentage of elderly people is on the rise. The project is also necessary because Latvia has no policy document which regulates short-term and long-term migration processes. A conceptual policy related to immigration has been drafted, but political indecisiveness and the common belief in society that migration threatens national identity have kept the conceptual document from being officially approved as government policy.

The report on the results of the study is broken up into three segments. First there is a review of the theoretical framework of the research. There is also an evaluation of legal regulations related to immigration and integration of immigrants in the EU and Latvia, as well as analysis and correlation of statistical data related to third-country nationals in Latvia. Here we also look at immigration policies and best practices in EU member states – ones that could be used to regulate immigration processes and establish policies related to immigration processes and integration of immigrants.

The second part of the report focuses on the needs of immigrants who are third-country nationals, also looking at how such people are received in Latvia in terms of employers, intermediary services, and assurance of social and other services. The needs of immigrants have been identified via a survey of immigrants and in-depth interviews with foreigners from various countries in the world. The results have been compared to views about the work and lives of third-party nationals that are presented by employers, as well as by providers of social and other services.

The third part of the report focuses on an analysis of prospects for integration policies vis-à-vis third-country nationals at the state and local government level. A comparison of the views of state and local government officials and experts provides us with revelations related to the prospects of new immigration policies, as well as obstacles against their development.

Our recommendations offer an evaluation of existing integration practices related to the target audience of the study, as well as of shortcomings in the relevant policies. The assessment is based on data from the study. We have also prepared recommendations related to a system for the integration of third-country nationals.

We have identified five areas of research which focus on the main aspects of the integration of third-country nationals in Latvia. These five areas interweave through all of the segments of the study:

- Accessibility of the labour market and inclusion therein (including labour and residence permit producers, economic and social dependency upon one's employer, and a shortage of social guarantees);
- The provision of and access to social services (including health care, education, housing and language lessons);
- The establishment and maintenance of social contacts and open social networks (including problems related to culture, segregation in labour and housing, as well as fences erected by various groups in society);
- Political participation (the right to vote in local government elections, participation in consultative mechanisms, membership in labour unions, and membership in other social and non-governmental organisations);
- Discrimination (particularly focused on racial, ethnic and religious discrimination, as well as institutional discrimination).

## Summary and recommendations

All in all, Latvia's immigration policies do not facilitate immigration. There are relatively few immigrants in Latvia, but they do face many different obstacles which hinder their ability to integrate into the country's society. According to the summary MIPEX index, Latvia is in last place among EU/EEC countries in terms of integration of immigrants.<sup>1</sup> When we look at the main problems faced by immigrants in Latvia, we must find that a series of them apply not just to foreigners, but to all of Latvia's residents. Still, we must keep in mind the fact that because of their status and their lack of information, immigrants face a situation in which there are far fewer protections for them. It is necessary to make sure that the rights of immigrants are ensured at least at the minimal level, even if the situation is one in which the state's immigration policies do not facilitate immigration.

The study shows that when it comes to procedures related to residence permits and to the accessibility of the labour market, third-country nationals face different experiences and opportunities. This depends on their status in Latvia. Those foreigners who have temporary residence permits which relate to jobs which they have been offered have fewer social protections vis-à-vis their employers. Most of their opportunities and restrictions related to same are dictated by the employer. Those foreigners who are in Latvia so as to bring their families together find that it is comparatively much harder to find a job. The one thing that brings all third-country nationals together, however, is the fact that their status is insecure, they have a lack of social guarantees, and because of a lack of information and language skills, they are unprotected in relation with various institutions. Accordingly, many are afraid of bureaucrats from the office of Citizenship and Migration Affairs, as well as the Border Guard. Unfriendly attitudes on the part of these institutions simply increase the fears. In order to avoid unpleasant communications and complications in the preparation of documents, immigrants and those employers who can afford to do so choose lawyers as intermediaries.

The provision and accessibility of social services to third-country nationals who hold temporary residence permits is not in line with requirements related to the social environment. This is because in absolutely all of the major segments of this process – health care, education, housing, language learning – immigrants themselves have to deal with the relevant issues under free market economy regulations. Mandatory health care services are not available to foreigners, and health care institutions often take advantage of immigrants who are unfamiliar with the system – they are charged three times more money than is the case for local residents who use the same services. The results of the quantitative survey show that 66% of immigrants have had difficulties in receiving health care services, 39% say that only expensive services have been available to them, and 17% have found that medical institutions do not recognise their health insurance policies.

When it comes to housing, people who have been hired from abroad or who are students from other countries find residences with the help of employers or educational institutions. Other third-country nationals, by comparison, have to deal with housing issues completely on their own. The same is true with Latvian language learning and with basic aspects of life in Latvia. The exception here is students who can take the relevant courses at the educational institution which they are attending.

When it comes to education for the children of immigrants, it has to be said that legal regulations which are in effect at this time do not ensure free general education for the children of third-country nationals who have temporary residency permits. The quantitative survey shows that 28% of such people have had problems in ensuring an appropriate education for their kids. 13% have had problems with kindergartens, 8% have had difficulties with language skills, and 7% say

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<sup>1</sup> Migrant Integration Policy Index (MIPEX). See <http://www.integrationindex.eu> (last viewed 19 October 2009)

that they have had to pay for the ability of their children to go to school. In practice, state schools usually do not charge tuition fees, and it has to be emphasised that Parliament is currently considering amendments that would provide free general education for the children of immigrants.

Immigrants with temporary residence permits have had different experiences with social contacts and practices. This depends on the nationality and ethnicity of each individual, as well as on the reason for the person's residence in Latvia. Immigrants who have come from Russia, Belarus or Ukraine with the purpose of family reunification clearly have much greater opportunities for contacts than is the case with, for instance, an Indian or Thai citizen who has come to Latvia for work purposes and often spends many more hours at work than is indicated in the person's job contract and, in point of fact, in legal regulations related to employment. The survey shows that 41% of immigrants have many local friends and acquaintances, while only 2% of respondents say that they have no friends or acquaintances at all.

Immigrants with temporary residence permits in Latvia have limited opportunities for political participation. They're not allowed to vote in parliamentary or local elections or to establish political parties, but they can take part in the work of non-governmental organisations, including labour unions. In practice, this doesn't happen very often at all. Among immigrants, there are people who are socially and politically active in terms of monitoring events in Latvia intensively (47%). There are others who are not involved in anything and have no interest in events in Latvia (16%). This is all based on the individual characteristics of each respondent, but also on the duration of the respondent's stay in Latvia – the longer someone lives in Latvia, the more interested he or she is in events therein.

The overall conclusion here is that third-country nationals with temporary residence permits face a series of difficulties in Latvia, and in some cases this almost represents institutional discrimination. Immigrants do not have access to state-financed legal aid, health care or general education. Third-country nationals with temporary residence permits often face discrimination and violations of labour law, because they are almost entirely dependent on employers, besides which they don't know their rights and have no information about how they can file complaints about their employer.

Hate crimes in Latvia most often affect immigrants who are different in visual terms. They face offensive statements or physical attacks on the street or on public transportation. Many such people avoid being outdoors by themselves when it is dark outside. The survey shows that 9% of respondents have often faced discrimination or unfair attitudes because of their ethnicity or religiousness, while 31% have sometimes encountered such situations.

According to the research, the main problems faced by respondents relate to insufficient information about their rights and opportunities. There are negative attitudes in society and among civil servants, and there is limited availability of social services, health care and education.

These, then, are the main areas in which work must be done to improve the integration of immigrants in Latvia:

- 1) More information at various levels and more diverse activities related to all immigrants and to special groups such as working people, students, family members, etc. There must be ongoing information about Latvia and about the rights, duties and opportunities of immigrants.
- 2) A change in public and civil service attitudes vis-à-vis immigrants, taking into account Latvia's future demographic developments. There needs to be some serious thinking about the successful functioning of Latvia's social, educational and economic systems in the long term. Public attitudes are hard to change, but the people of Latvia will gradually

have to accept the fact that there will inevitably be immigrants in this country and that they will have to be provided with a specific level of rights. That's both because Latvia is a democratic country which is part of the EU and because the country's demographic situation is a very unfavourable one, with depopulation, an aging population, and very low fertility indicators.

- 3) A specific level of social services for third-country nationals with temporary residence permits. Here we are referring to health care and educational services. Given that the right to health care and education for children are both fundamental human rights irrespective of one's status as a national, as well as the fact that immigrants in Latvia do not receive state-financed health insurance services<sup>2</sup> or state-financed educational services, it is necessary, at the end of the day, to create a health insurance system which allows immigrants to receive health insurance as private individuals, as well as emergency medical care. People also need a clear sense as to what their insurance policies cover. Secondly, medical institutions must have a unified approach and understanding of the services that are covered by insurance policies. There must be sanctions against those medical institutions which maliciously take advantage of the situation of immigrants to provide inadequate services at unacceptable prices.

From here on, we would like to offer more detailed recommendations vis-à-vis the aforementioned main areas of activity. We would also like to refer to those institutions to which these recommendations will apply.

### ***Recommendations on improving policy documents and normative regulations***

#### Policy documents

There are no policy planning documents in Latvia which relate to migration processes and public integration. In 2007, the Interior Ministry drafted a conceptual document on migration policies related to employment,<sup>3</sup> and in 2008 the secretariat of the minister with special portfolio for public integration prepared a draft public integration programme called "A Consolidated Society in a Nation State," but the fact is that neither document has received final approval. This indicates that politicians have been unable to reach agreement on issues that are politically sensitive. The shortage of policy planning documents has seriously reduced the likelihood that there will be a co-ordinated approach to migration and integration issues. Our recommendation: To put on agenda relevant policy documents and move forward their approval by the Cabinet of Ministers and Parliament. The lack of specific policy documents can also have an effect on projects related to third-country nationals which receive financial support from the EU – such projects can be fragmentary and without a unified and systematic framework of integration.

#### The Immigration Law and related normative regulations

- Continue to improve the one-stop agency principle in the issuance of residence permits:
  - A) Make sure that employers do not have to approach the State Employment Agency (SEA) to prepare hiring documents – the SEA must only ensure the posting of advertisements and the availability of the relevant database;
  - B) Make sure that immigrants can declare their place of residence with the Office of Citizenship and Migration Affairs;
  - C) Improve the circulation of E-information among government institutions that are involved in the processes of immigration. For instance, OCMA employees might be given access to the databases of such government institutions as the State

<sup>2</sup> The Latvian law on medical treatment, in effect as of 1 October 1997, Article 17.

<sup>3</sup> Interior Ministry (19 June 2007). Conception of migration policy in the context of employment. See [http://www.pmlp.gov.lv/lv/documents/normative\\_akti/projekti/likumgraz.doc](http://www.pmlp.gov.lv/lv/documents/normative_akti/projekti/likumgraz.doc)



Revenue Service (SRS) and the State Social Security Agency (SSIA) so that they can see whether taxes have been paid, etc. This will prevent a waste of time for immigrants and civil servants in terms of preparing documents, copying them, etc.;

- D) There should be a look at how to ensure closer co-operation between the OCMA and the Foreign Ministry's consular services so that answers given to potential immigrants are harmonised (i.e., this would avoid a situation in which someone is given a residence permit, but not a visa).
- Introduce a transition period during which immigrants who lose their residence permit can settle their affairs in accordance with the new situation. Today immigrants are given 35-45 days to leave the country. That is not enough time to arrange for a new residence permit on the basis of different foundations.
  - Eliminate the rules which say that if an immigrant has lived in the Republic of Latvia on the basis of a temporary residence permit which has expired, then without leaving Latvia, the immigrant cannot receive a visa or remain in Latvia in accordance with a visa waiver regime (Article 5.2 of the law on immigration).
  - Take another look at the current extended deadline for reviewing visas. Article 15 of the immigration law says that a decision on issuing a visa must be taken within seven business days after all of the documents which are listed in Cabinet of Ministers instructions have been produced. If the issuance of the visa requires additional information, or if there is a need for consultations with the relevant institutions of the Republic of Latvia or other signatory states to the Schengen Treaty, as referred to in Article 17.2 of that treaty, then the decision has to be taken in 90 days' time. These schedules are less than adequate. If a decision on issuing a visa has to be taken in seven business days, then the actual amount of time will be between 10 and 12 days long, given that there are weekends and holidays to take into account. The extended term of inspection must be proportional to that length of time – 30 to 35 days, not three full months.
  - There must be a clear definition as to whether foreign students who seek a permanent residence permit can use the years that they spent as students as years counted toward their uninterrupted stay in Latvia. We support the idea that at least one-half of the amount of time spent as students in Latvia be counted toward the uninterrupted stay and that students be informed of this fact.
  - The requirement which states that someone who wants a permanent residence permit must spend an uninterrupted five years in Latvia and spend no more than six months of those five years outside of the country should be changed. The fact is that people, and particularly businesspeople, travel a great deal both for private and for business reasons.
  - Think about the possibility that immigrants should be given the right to submit documents related to a residence permit directly to the OCMA in Latvia while they are in the country on the basis of a visa (i.e., people from countries with which Latvia has a visa regime) or are here as tourists (immigrants from countries with which Latvia does not have such a regime). Article 2 of the regulations related to residence permits states that the documents must be submitted in person at a Latvian diplomatic or consular office abroad.<sup>4</sup>
  - Implement the plan for making it easier for foreign students to receive a residence permit, first and foremost by allowing universities themselves to submit documents about their

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<sup>4</sup> Cabinet of Ministers Regulation No. 813, 3 October 2005, *Latvijas Vēstnesis*, No. 171 (3539).

students to the OCMA, also allowing students from countries with which Latvia has a visa-free regime to submit their documents in Latvia.

- Think about reviewing Article 3 of the regulations on residence permits – the one which at this time states that if a foreigner is to submit documents related to a residence permit or registration in the Republic of Latvia after being invited to do so by a natural person, then the person who can present a notarised authorisation to submit the documents can do so only if the foreigner is unable to do so for reasons of poor health, as confirmed by a document from a doctor. This is an unacceptable narrowing of the rules which relate to authorisation, as defined in the Civil Law. There can be many different reasons why someone cannot submit documents personally – not just sickness. That's why authorisations are permitted, after all – they are a civil law instrument which helps to deal with such situations.
- The questionnaire which must be completed in seeking a residence permit must be reviewed. For one thing, it is too complicated – 16 different sections, each asking for specific information about the immigrant. Second, there is often not enough room to write down all of the information that is requested. An example is the section on the applicant's relatives. Another is the line where the individual is asked to record his or her address – there's not enough room for a complete foreign address. Third, the information that is requested is excessive and too picky. Why should the person inform the state as to where a former spouse is residing? If someone got divorced a decade ago, then it is entirely logical that he or she may be utterly unaware of where the former spouse is living. In addition to this, the fact is that OCMA employees have to enter all of the information that is listed on the questionnaire into the agency's informational system, which takes time and resources. The amount of information that is requested should be reduced, and people should be given a chance to fill out the questionnaire electronically on the OCMA homepage (as is the case with applications for a US visa).<sup>5</sup> This will allow the agency to save money, and foreigners will have to spend less time on paperwork. The government should also repeal the requirement that someone must submit the questionnaire once again after the expiration of an existing residence permit even if the data on the questionnaire have not changed, because the current system means that the individual must once again gather together and submit all of the relevant documents.

#### The State Ensured Legal Aid Law

- List immigrants with temporary residence permits among those who have the right to receive state-guaranteed legal assistance.<sup>6</sup>

#### The Education Law

- Approve the plan which states that children holding temporary residence permits have the same right as local residents and citizens of EU member states to get a free general education in Latvia.

#### The Law on Higher Education

- Repeal language usage rules in the law on higher education which hinder the development of educational exports in Latvia. Also repeal the rule which says that no more than 20% of a higher education programme can be presented in a language other than Latvian.

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<sup>5</sup> For the US visa request form, see <http://evisaforms.state.gov> (Last viewed 27 November 2009)

<sup>6</sup> State Ensured Legal Aid Law, 17 March 2005, *Latvijas Vēstnesis*, No. 52 (3210), 1 April 2005.

### ***Recommendations on improving the quality of services***

#### **The OCMA, the State Employment Agency, the Consular Department of the Foreign Ministry, and other government institutions which are directly involved with immigrants**

- Improve the quality of services rendered to foreigners by investing money in personnel training. This refers to client services and intercultural communications.

#### **The OCMA**

- Keep working with employees who work with foreigners so as to ensure that equal requirements are always applied and that there is absolutely no subjective interpretation of the Immigration law and Cabinet of Ministers Regulation No. 813. For instance, there must be a clear and unified written list of documents which must be submitted so as to receive a residence permit. There must also be a written description as to how the documents are to be prepared, complete with samples.
- Optimise the requirements related to documents which must be filed for the renewal of a temporary residence permit so that people don't have to resubmit information and documents that are already at the disposal of the OCMA.
- Look at the possibility of implementing an individualised approach toward foreign nationals, sending them timely announcements about the approaching expiration of their temporary residence permit.
- Work with the Public Integration Division of the Ministry of Justice and other organisations to prepare information about Latvia – everyday information, Latvia's labour laws, ways in protecting one's rights, etc. This information should be distributed to immigrants in languages which they speak – Russian, English, Chinese, Arabic, etc.
- Look at the possibility of creating an electronic database which foreigners could use to monitor the consideration of their applications by entering a user name and password.

#### **The Consular Department of the Foreign Ministry**

- Develop a partnership model with the embassies of other countries in those countries where Latvia is not represented so that immigrants can receive a Schengen visa. This could involve the German or French embassy, for instance. This would also ensure that foreigners can receive information about rational approaches toward receiving residence permits and visas.

#### **The Border Guard**

- Investigate married foreigners in a way which does not humiliate them. For instance, make sure that they receive timely information about the investigation that is to be conducted.

#### **The Health Ministry, health care institutions and insurance companies**

- Establish a working group to talk about health care services for immigrants, particularly focusing on students who have temporary residence permits. Their ability to purchase individual health care policies which cover not just emergency care, but also inpatient and outpatient care, should be expanded.
- Ensure that the children of all immigrants receive free health care in Latvia.
- Define the minimum amount of health care services that should be available to everyone, ensuring that all involved parties are made aware of this amount.

### The Welfare Ministry and the State Labour Inspectorate

- Draft regulations which say that employers who invite foreigners to join their staff must ensure that each foreigner can read the job contract and all documents related to job safety in his or her own language.
- Monitor employers who hire immigrants, particularly making sure that there is no malicious exploitation of them (failure to pay overtime, mandatory work on weekends or holidays, failure to observe job safety requirements, etc.).

### The Ministry of Justice

- Under the auspices of the European Fund for the Integration of Third-Country Nationals and other, similar funds, organise bids for tender which allow NGOs to draft and disseminate informational materials to foreigners, as well as to create projects aimed at reducing discrimination and biases.
- Draft norms which cover state-guaranteed legal assistance that is available to foreigners who have temporary residence permits in Latvia.
- Draft a plan for monitoring the integration of immigrants so as to see changes in these processes and adjust planned activities appropriately.

### NGOs involved in project work related to third-country nationals

- Take part in projects aimed at preparing informational materials for foreigners, covering major issues related to labour regulations, the right to complain about violations committed by employers, the right to complain about human rights violations and discrimination, as well as other information that is of key importance to immigrants.
- Take part in projects aimed at reducing and eliminating discrimination and biases against immigrants in Latvia, helping people to understand that immigrants bring new ideas and economic investments into the country.

### Universities

- Think about the ability to offer health care insurance to foreign students – insurance which covers not just emergency medical care, but also inpatient and outpatient services.
- Improve the quality of studies by ensuring that instructors have sufficient foreign language skills to explain study materials appropriately.
- Offer greater opportunities for students to learn Latvian.
- Allow foreign students to take part in the self-governance structures of students so that they can help in taking decisions on the way in which studies are organised.

### ***Recommendations on improving Latvian language skills***

#### The Ministry of Justice Public Integration Division and the State Language Centre

- Evaluate materials related to the teaching of Latvian as a foreign language and prepare new methodologies which make it possible to properly evaluate the materials that are appropriate for immigrants who seek to learn the language, also looking at what kinds of new materials should be prepared. Think about projects aimed at preparing methodological materials, as well as pilot language learning courses for foreigners which are partly subsidised by the government, but are also financed in part by the foreigners themselves.
- Look at international experience in language training for immigrants, and prepare a solution that is appropriate for immigrants in Latvia who wish to learn the Latvian

language. Monitor the availability of language courses that are appropriate for immigrants.

- Make use of different approaches aimed at encouraging immigrants to learn the Latvian language – courses focused on culture, civics, history, etc. Promote the emergence of social networks and contacts by encouraging immigrants to become involved in the work of non-governmental organisations, as well as by involving them in the decision making process at the state, local government and non-governmental level.

### ***Recommendations to prevent discrimination***

#### **Policy authors and law enforcement institutions**

- Make use of EU regulations and international experience to continue to improve the framework of anti-discrimination norms and policies in Latvia.
- Improve law enforcement institutions ability to recognise, investigate and punish people who have committed discrimination or hate crimes aimed at people because of visual differences, ethnic origin, religious beliefs, etc.
- Develop intercultural knowledge and skills, including foreign language skills and usage.

## 1. The theoretical framework of the research

The people who were the subject of this study – immigrants – were highly diverse, with many different needs, focuses on the future, and abilities and desires to establish a sense of belonging in their new place of residence. Immigration processes, too, have been malleable and diverse. There can be short-term and circular immigration, and the sense of belonging among immigrants can involve two or even more countries.

The aim of this study is to evaluate Latvia's immigration policies and to identify means for integrating immigrants into the society of the country, which is a modern nation state. Integration is a multifaceted and very capacious concept, and it is used to describe a variety of different processes.<sup>7</sup> For our purposes, we have considered integration as **a process of including immigrants into Latvia's society.**

Integration occurs at all levels and sectors of society, which means that analysis of integration must necessarily cover several interrelated levels and subjects. We have identified four levels for evaluating the process of integration – the **international level (the normative framework, policies and practices of the European Union), the national level, the local level, and the individual level.** We have also identified five thematic aspects to the study: **the inclusion of immigrants in the labour market, the availability of social services, the establishment of social networks and contacts, civic and political participation, and the prevention of discrimination against immigrants.**

The international level serves as a normative framework for our ability to achieve the goals of our research, and it also ensures a political context. Latvia, as an EU member state, has obligations and rights related to the integration of immigrants. The international context also offers a point of reference in terms of best practices in this area, making it possible to offer comparative evaluations.

The national and local (local government) level covers Latvia's normative regulations, the historical and political context of integration, and the attitudes, actions and interactions with newly arrived residents from other countries insofar as representatives of state and local government institutions, employers, providers of social services and non-governmental organisations are concerned. At the micro level, the issue focuses on the strategies and desires of immigrants themselves in Latvia.

There are two analytical models that are the foundation for the theoretical aspects of our research. One is the immigrant integration theory proposed by the Canadian political analyst Joseph Carens,<sup>8</sup> and the four-level integration approach proposed by the German sociologist Hartmut Esser in terms of how the integration of immigrants can be analysed at the individual level.<sup>9</sup>

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<sup>7</sup> Integration can be viewed in different and fairly contradictory ways – as a normative and unidirectional process of adaptation into a local society, as a bidirectional process to which both immigrants and societies adapt, as assimilation of various types, as acculturation, incorporation, inclusion, exclusion, etc. For more on this see, e.g., Castles, S., Korac, M., Vasta, E. and S. Vertovec (2002). *Integration: Mapping the Field*. Oxford: The University of Oxford Centre for Migration and Policy Research and Refugee Studies Centre

<sup>8</sup> Carens proposed a three-dimensional concept as to the integration of immigrants, and it was first described in Carens, J.H. "The Integration of Immigrants", *Journal of Moral Philosophy*, Vol. 2 (2005), No. 1, pp. 29-46. He developed his thinking further in Carens, J.H. "Live-In Domestic, Seasonal Workers and Others Hard to Locate on the Map of Democracy," *Journal of Political Philosophy*, Vol. 16 (2008), No. 4, pp. 419-445; in Carens, J.H. "Immigration, Democracy and Citizenship." In Schmidtke, O. and S. Ozcurumez (eds.). *Of States, Rights and Social Closure: Governing Migration and Citizenship*. New York: Palgrave Macmillan (2008), pp. 17-36; and Carens, J.H. "Fear vs. Fairness: Migration, Citizenship and the Transformation of Political Community." In Lippert-Rasmussen, K., Holtug, N. and S. Laegaard (eds.). *Nationalism and Multiculturalism in a World of Immigration*. New York: Palgrave Macmillan (2009)

<sup>9</sup> Esser, H. "Welche Alternativen zur 'Assimilation' gibt es eigentlich?" (What Alternatives to 'Assimilation' Are There, Really?) Cited in Bosswick, W. and F. Heckmann. "Integration of Migrants: The Contribution of Local and Regional Authorities." European Forum for Migration Studies, University of Bamberg, Germany. See <http://www.eurofound.europa.eu/pubdocs/2006/22/en/1/ef0622en.pdf> (Last viewed 12 November 2009)

### ***1.1. States and societies: requirements, expectations and aspirations***

Carens analyses the integration of immigrants from three dimensions. First, there are the formal conditions set out by states vis-à-vis the integration of immigrants. These are defined as the **requirements** upon which governments insist when it comes to the full integration of immigrants into society. The rights obtained by immigrants via this process do not, however, mean that there is no inequality in practice or that the fulfilment of formal obligations truly creates opportunities for fully vested integration in real life. That's why Carens also speaks to two informal dimensions which interweave into the lives of any society, are not seen in formal policies and laws, but can be identified via studies of social practices. Here we refer to **expectations** which represent informal social relationships and the things which representatives of the state and of society expect in terms of immigrants adapting themselves to the cultural environment and values which exist in the relevant country. **Aspirations**, for their part, represent the ideas of government representatives and members of the public as to the results which the integration process should achieve in future.<sup>10</sup>

Carens argues that a sovereign country has the right to define formal requirements vis-à-vis the integration of immigrants, but at the same time, a sovereign and democratic country also has the right and the obligation to ensure ongoing critical evaluations as to whether formal and informal requirements and expectations are ensuring the process of integration which the state wants to see in terms of involving immigrants in society.

### ***1.2. The individual: on the road to complete inclusion***

Most EU member states, including Latvia, specify a period of five or so years after which migrants with temporary residence permits can seek permanent residency or citizenship. This dimension of time is important, because the individual, the state and the society must **prepare for the fully vested inclusion of immigrants into society**. The ideal future vision involves allowing immigrants to become citizens or, if they so choose, to become as closely integrated as possible into society while maintaining the political rights of their citizenship in another country. The individual's inclusion into society cannot, however, be viewed only in terms of the formal period of time, because there are many macro factors that are independent of the individual which allow some individuals and groups to identify themselves with society more quickly and fully, while others cannot do so even over the course of several generations.

There are several methods for analysing the integration of immigrants into society at the individual level. Nee and Sanders, for instance, have proposed a forms-of-capital model that is based on the idea that the inclusion of immigrants into society is fundamentally influenced by the functioning of social, financial and human capital and the way in which these resources are used by ethnic and immigration-related institutions and networks, as well as elsewhere.<sup>11</sup> The incorporation of an immigrant into the society of the relevant country is also influenced by the experience and activities of those countries and societies in which individuals have become socialised in the past.

Castles and Miller were the authors of a classic book on the subject of migration in Europe, "The Age of Migration," and they have identified four levels of incorporation: (1) Short-term residence in the country of immigration; (2) An extension in the period of time that the person stays there; (3) The emergence of close social relations and contacts with the state, e.g., reunification of families; and (4) Permanent residence in the country of immigration, which can include citizenship or political exclusion or socioeconomic marginalisation.<sup>12</sup>

<sup>10</sup> Carens, J.H. "The Integration of Immigrants...", *op. cit.*

<sup>11</sup> Nee, V. and Sanders, J. "Understanding the Diversity of Immigrant Incorporation: A Forms-of-Capital Model", *Ethnic and Racial Studies*, Vol. 24 (2001), No. 3, pp. 386-411

<sup>12</sup> Castles, S. and M.J. Miller. *The Age of Migration*, 3<sup>rd</sup> ed. New York: The Guilford Press (2003)

It is on the basis of these ideas that we have developed our approach to the study of the integration of immigrants. Our approach is centred on Esser's analytical model. His central argument is that differences and **social distance between immigrants and society must be reduced**, by which he means that there must be an agreement on values which both sides have in common, mutual tolerance and understanding, and no reduction in cultural diversity. In practical terms, it also means reducing differences in income and education levels.<sup>13</sup> Esser's concept about integration is based on the argument that when it comes to integration, immigrants pass through four levels, with each step being a prerequisite for the next one:

- At the level of acculturation and socialisation, the individual obtains knowledge and skills related to cultural orientation – things which are necessary for the individual if he or she is to establish successful contacts in society;
- At the level of positioning, the immigrant finds his or her place in the educational and economic system of the relevant country, the local community and society at large, which makes it possible to access cultural, social and economic capital;
- At the level of contacts, the individual establishes social relations and networks. This includes friendship, romance or marriage. In the broader context, this level of integration also establishes interaction with various groups in society;
- After the three previous levels have been reached, the fourth level involves one's identification with society and conscious and emotional links with it.

The analysis of Carens and Esser comes together in terms of their ideas about the orientation of integration processes toward the complete incorporation and inclusion of immigrants into society, the result of which is full civil rights and/or an active approach to one's civic status – something that is of key importance in the emergence of an overall political nation.

### ***1.3. Studying integration: from the concrete to the common***

In many countries, including Latvia, **inclusion and access to the labour market** are among the most important aspects of receiving and integrating immigrants. Research in this thematic area allows one to evaluate the formal requirements of states and societies, as well as their expectations and aspirations vis-à-vis the inclusion of immigrants into the labour market. At the individual level, in turn, we can see how integration into the labour market and specific jobs helps individuals to become socialised, to find their position in a new environment, to communicate with others, and to identify with the surrounding society. If certain groups of immigrants face serious obstacles against their ability to find work even if they are in the country legally, then research helps to identify the obstacles and the levels at which they exist, not forgetting about how they affect overall integration processes. Do most immigrants find jobs that are typically associated with work that is commonly done by immigrants and not local residents? Are there structural problems in the labour market? Is there an ethnic separation?<sup>14</sup> Are there other obstacles of a formal or informal nature? Is the labour market open to migrants with legal status? If they face unemployment, can they look for work not just within their own ethnic or immigrant community? Do immigrants receive support at the state and local government level? Do formal requirements and informal expectations and aspirations create impossible obstacles against the ability of immigrants to receive such support? Analysis of these and other issues at the macro and individual level also makes it possible to learn whether and how inclusion in the labour market affects other areas of integration.

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<sup>13</sup> Esser, H. "Welche Alternativen..." *op. cit.* Esser has also developed the theoretical ideas that are at the foundation of his model at the macro level. See Esser, H. "Does the 'New' Immigration Require a 'New' Theory of Intergenerational Integration", *International Migration Review*, Fall, Vol. 38, No. 3 (2004), pp. 1126-1159

<sup>14</sup> Bonacich, E. "A Theory of Ethnic Antagonism: The Split Labor Market", *American Sociological Review*, October 1972, pp. 547-559. Cited in Grusky, D.B. and S. Szelenyi (eds.). *Inequality: Classic Readings in Race, Class and Gender*. Boulder, Co.: Westwood Press (1972), pp. 119-140



Formal and informal aspects are also important in evaluating the **provision and availability of social services**. Here we are looking at the opportunities and strategies of immigrants in such areas as housing, education, language learning, etc.

The provision of social services to immigrants is affected by various policies and practices which are only indirectly related to integration. If the children of immigrants do not attend a school where classes are taught in Latvian or do not go to school at all, then a study of formal and informal obstacles related to the integration strategy of individuals allows us to know whether immigrants facing such situations have had any other opportunities. If, in reality, immigrants mostly live in a segregated environment, then we can say formally that under free market conditions, they themselves have chosen to do so. At the same time, however, research at the state, local government and individual level allows us to find out whether there have been any other alternatives.

Carens argues that when it comes to language learning, states and societies have the right to expect that immigrants learn the state language, but the situation of immigrants and existing members of society is asymmetrical. That's why there must be special support for immigrants who want to learn the language so that a lack of language skills does not substantially reduce the opportunity for immigrants to join the local society, find work and housing, and ensure bidirectional contacts between the immigrants and the local residents. Immigrants are members of society, and their interests and limited opportunities, at least at the beginning phase of integration, must be taken into account by the public sector.<sup>15</sup> At the same time, language learning is an important resource for integration, facilitating it at the individual level if we look at the levels of integration that were described by Esser.

The study of formal and informal dimensions in relation to the strategies of immigrants themselves reveals opportunities (or a lack thereof), and it helps researchers to model a data-based and desirable integration framework in terms of providing social services.

Requirements, expectations and aspirations which are focused on full incorporation into society and citizenship can potentially have a positive effect on **the establishment of social contacts and links**. Helping immigrants to gain social capital, therefore, is the responsibility of government institutions and the public at large. According to Putnam, contacts among different communities, as well as links to state and non-governmental institutions are of particular importance in enhancing social capital in society as such, not just in individual groups.<sup>16</sup> If this is to happen in the context of the integration of immigrants, migrants must have diverse resources such as language skills, information, chances to establish contacts, and motivation to do so.<sup>17</sup>

In this way, new migrants can obtain positive social capital apart from close family and friendship relations. They can meet people in their new country of residence, and new acquaintances, friends, colleagues and neighbours can encourage them to look for broader and more diverse opportunities for integration. If social networks are narrow and poorly developed, that can create regressive relations and limited inclusion into the labour market and more diverse social relations.<sup>18</sup>

After we identify social networks, contacts, and the types and content of links formed by immigrants, and after we look at how all of this affects the integration process, we can draw conclusions and make recommendations as to what improvements might be necessary, taking all of the other lines of thematic research into account as we do so.

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<sup>15</sup> Carens, J.H. "The Integration of Immigrants...", *op. cit.*

<sup>16</sup> Putnam, R. *Bowling Alone: The Collapse and Revival of American Community*. New York: Simon & Schuster Publishing (2000)

<sup>17</sup> Bosswick, W. and Heckmann, F. *Integration of Migrants...*, *op. cit.*

<sup>18</sup> Wilson, T.D. "Weak Ties, Strong Ties", *The Human Organization*, Vol. 57, No. 4 (1998), pp. 393-403

Analysis of **opportunities for political participation** allows us to find out whether immigrants in Latvia are engaging in civic processes. A research project supported by the European Community, POLITIS, looked for ways to encourage the active civic participation of people in immigrant communities, and we will use that project's ideas to describe a civically active immigrant to be someone who is involved in civic and political activities in a relatively long-term and durable way. By the concept of activities, we refer to public issues which touch upon the special interests of migrants (ethnic, religious and migrant-related matters) or of society at large.<sup>19</sup> If civic activity is limited to activities in one's own community, then the concept of segmented assimilation says that migrants are included in and identify themselves only with a migrant (ethnic or religious) community, but not the broader society.<sup>20</sup> More detailed research will reveal obstacles and their causes, as well as the factors in the integration of immigrants which operate as catalysts for potential civic participation, self-organisation and activities in the civil society. This will also show how the activities of the civil society (or the lack thereof) in the country affect the emergence of social contacts and links among immigrants.

**Discrimination** is viewed in this study as a separate phenomenon, particularly insofar as it relates to ethnicity or religion, but we are also looking at it in close context with all of the aforementioned themes at all levels, not forgetting about the experiences and subjective feelings of immigrants. Obstacles in the labour market, discrimination against immigrants, limited availability of social services, weak social networks and contacts, a lack of civic activities – direct or indirect discrimination against immigrants can weave through all of these issues. There can be common social alienation, which basically means that immigrants are excluded from general economic, social and political relations, which means that they face a lack of participation in the life of the surrounding society.<sup>21</sup> The issue of discrimination, therefore, is analysed in this study together with research related to equality, diversity and facilitation of solidarity – things that are inviolable foundations for active civic and economic participation, social cohesion, and the strengthening of educational and cultural dimensions in the process of integrating immigrants. All of this is at the foundation of the latest debates as to how the integration of immigrants should be evaluated at the EU level.<sup>22</sup>

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<sup>19</sup> Vogel, D. and Triandafyllidou, A. "Civic Activation of Immigrants: An Introduction to Conceptual and Theoretical Issues." POLITIS Working Paper No. 1, University of Oldenburg.

See <http://www.uni-oldenburg.de/politis-europe/webpublications> (last viewed 17 November 2009)

<sup>20</sup> Portes, A. and Zhou, M. "The New Second Generation: Segmented Assimilation and Its Variants", *Annals of the American Academy of Political and Social Sciences*, No. 530 (1993), pp. 74-96

<sup>21</sup> Castles, S., Korac, M., Vasta, E. and S. Vertovec. *Integration: Mapping the Field*. Oxford: The University of Oxford Centre for Migration and Policy Research and Refugee Studies Centre (2002)

<sup>22</sup> Niessen, J. "Integration Indicators, Monitors and Benchmarks." Background paper to the keynote address for the German Conference on Indicators and Experiences in Monitoring Integration Policy, Berlin, 15-16 June 2009

## 2. Statistics about third-country nationals with temporary residence permits

Latvia's population amounts to a bit more than 2.2 million people, among whom 82% are citizens of Latvia, 15% are Latvian non-citizens, 1.4% are citizens of Russia, and the remaining 0.85% are citizens of some other country (Table 1). As of January 1, 2009, there were some 50,000 foreigners who were resident in Latvia – 34,354 with permanent residence permits, and 14,715 with temporary ones. Among those with permanent residence permits, most were Russian citizens (78%). Among those with temporary permits, 42% came from EU/EEZ member states, while only 23% were citizens of Russia.

**Table 1. OCMA data on Latvia's population by citizenship**

National status	Number	%
Citizen of Latvia	1860297	82,26
Non-citizen of Latvia	351435	15,54
Citizen of Russia	30718	1,36
Citizen of Lithuania	3742	0,17
Citizen of Ukraine	3403	0,15
Citizen of Belarus	2053	0,09
Citizen of Germany	1054	0,05
Other	8901	0,39
<b>Total</b>	<b>2261603</b>	<b>100</b>

Source: OCMA data on 1 July 2009

[http://www.pmlp.gov.lv/lv/statistika/dokuments/ISVG\\_Latvija\\_pec\\_DZGada\\_VPD.pdf](http://www.pmlp.gov.lv/lv/statistika/dokuments/ISVG_Latvija_pec_DZGada_VPD.pdf)  
(last viewed 2 December 2009)

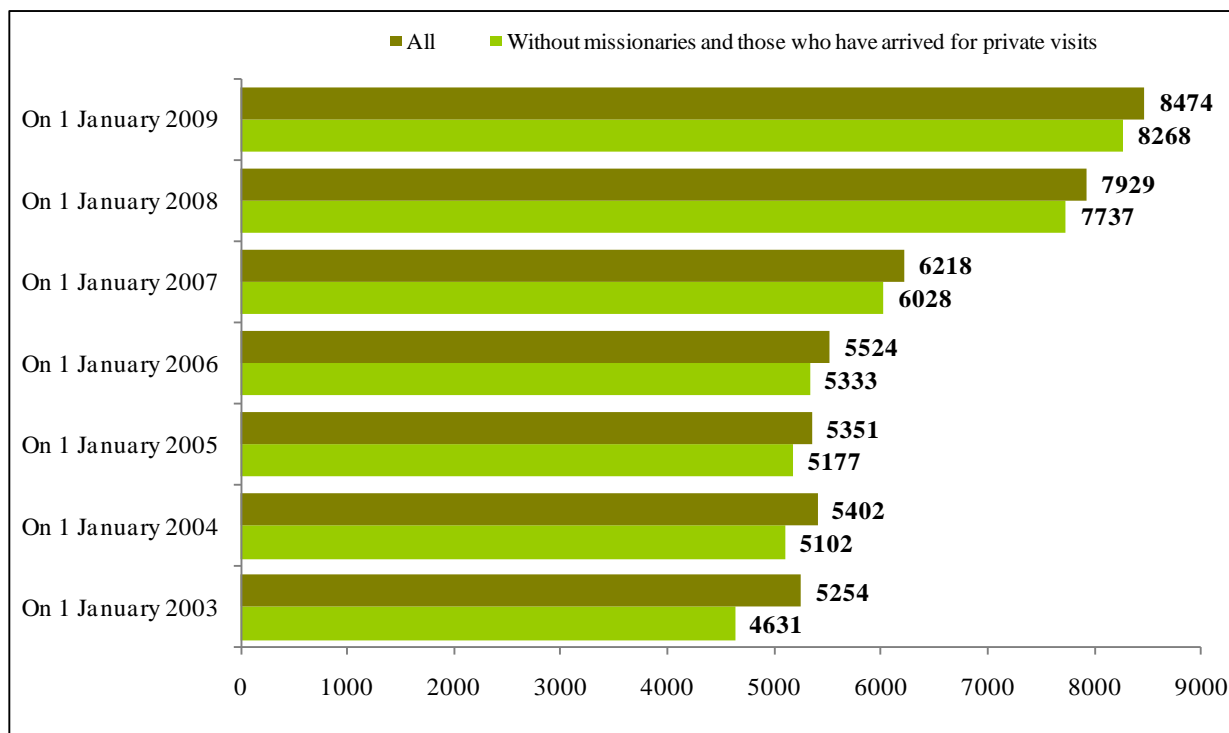
The direct target audience for this project is made up of third-country nationals who have been lawfully resident in Latvia for no more than five years and were admitted to the country on the basis of a temporary residence permit. There are no statistics in Latvia which would offer an all-encompassing description of this target audience. The statistics only offer us information about the number of foreigners with temporary residence permits. There are no data as to how long such people live in Latvia.

There are three sources of statistics about foreigners in Latvia – data from the Office of Citizenship and Migration Affairs (OCMA), the State Employment Agency (SEA), and the Ministry of Education and Science (MES). The OCMA has data about third-country nationals who are in Latvia on the basis of temporary residence permits, and this allows us to study the gender, citizenship and reason for immigration of the various individuals.<sup>23</sup> The SEA has data about job recruitments issued to third-country nationals and the distribution of these invitations by sector and profession. The agency also has data about third-country nationals who have received job recruitments in terms of their citizenship, level of education, and age. The MES, for its part, correlates data about foreign students at Latvia's universities and colleges on the basis of their citizenship, language of studies, and educational institution.

If we take a look at the admission of third-country nationals to Latvia over the course of time, we find that the number of such immigrants has increased in the last several years.<sup>24</sup> On January 1, 2004, there were 5,102 people in Latvia with temporary residence permits (not counting missionaries and those who were in Latvia on private visits). By January 1, 2009, the number of such people was up to 8,268, among whom 2,797 had received a temporary residence permit in Latvia for the very first time (Figure 1).

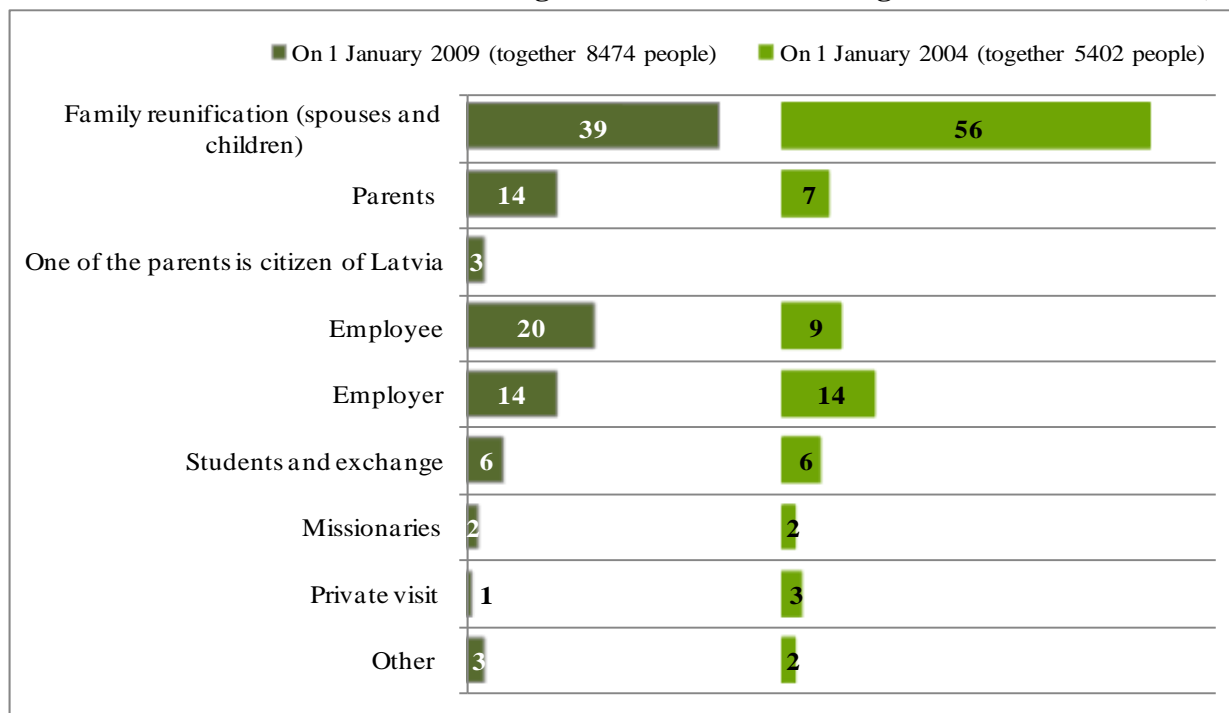
<sup>23</sup> Not all third-country nationals with temporary residence permits are the direct target audience for this research project. Third-country nationals who are in Latvia on a short-term basis are not included. This applies to those who have arrived for private visits or to access certain services such as health care services. It also applies to missionaries.

<sup>24</sup> Unpublished OCMA data about foreigners who are in Latvia on the basis of temporary residence permits

**Figure 1. Valid temporary residence permits: 2002.-2008. Number**

Source: Unpublished OCMA data

The main reasons for immigration among third-country nationals are family relationships (marriage, children, parents – 55%), work (both employers and employees – 34%), and studies (6%) (Figure 2).<sup>25</sup> There was a proportionally higher percentage of employees and of those who are joining their children in 2009 than was the case in 2004. Those entering Latvia on the basis of marriage or joining parents were fewer in number.

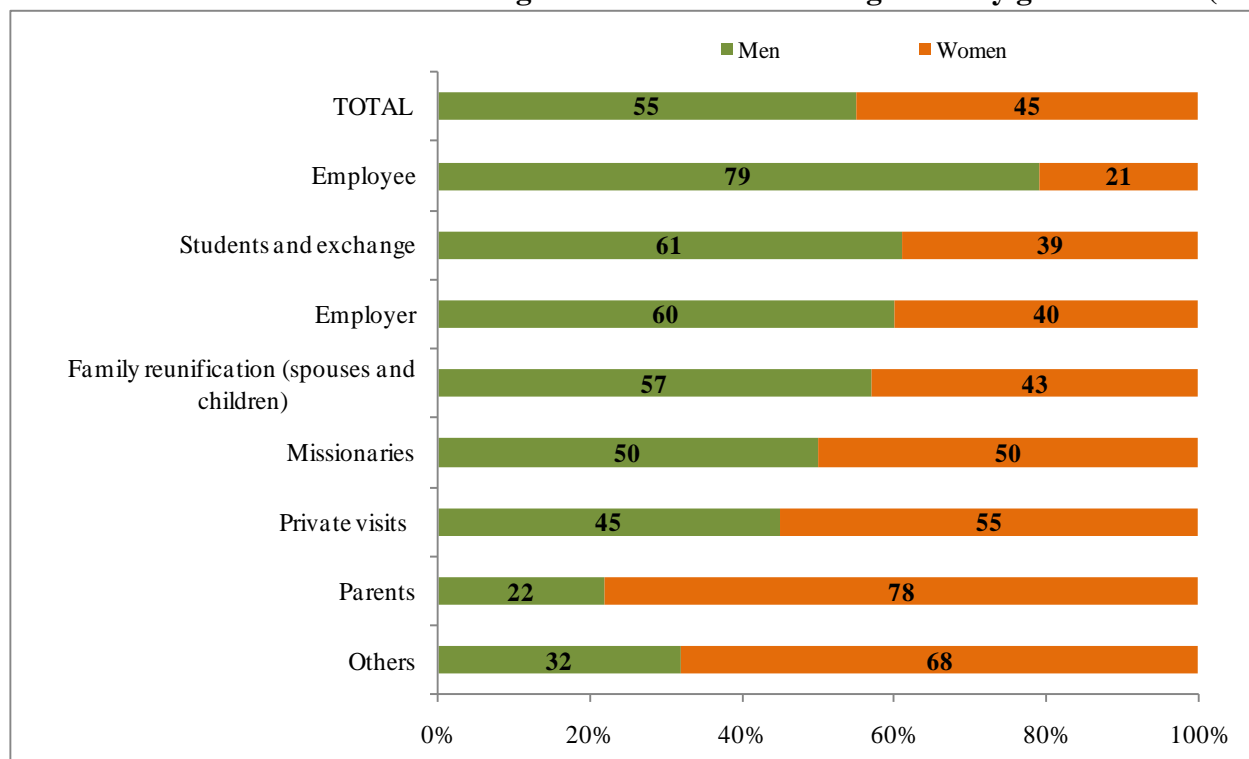
**Figure 2. Reasons for immigration 2003 and 2008. (%)**

Source: Unpublished OCMA data

<sup>25</sup> Unpublished OCMA data about foreigners who are in Latvia on the basis of temporary residence permits

When it comes to gender, 45% of third-country nationals with temporary residence permits in Latvia are women, while 55% are men (Figure 3). Women are far less likely than men to arrive in Latvia to get a job (21% women, 79% men), but they are far more likely to be parents who are joining their children (78% women, 22% men). This is in part because of shorter life spans for men. Most of those who join their adult children in Latvia are retired people, and there are far fewer men than women in this work.

**Figure 3. Reasons for immigration by gender. 2008. (%)**



*Source: Unpublished OCMA data*

Most third-country nationals in Latvia come from the countries of the CIS – Russia (3,299), Ukraine (1,653) and Belarus (852). These three countries have been the main sources of immigration over the eight years, although there has been a proportionally greater increase in the number of immigrants from Ukraine and Belarus than has been the case with Russia, and there has also been a substantial increase in the number of immigrants from countries such as Moldova, Uzbekistan, Azerbaijan, Georgia, and Turkey. The number of immigrants from the United States, India and Israel has increased far less (Table 2).

**Table 2. Citizenship of immigrants. 2002 – 2008. Number, not including those who are missionary or have arrived for private visit**

Country of origin	On 1 January 2009	On 1 January 2008	On 1 January 2007	On 1 January 2006	On 1 January 2005	On 1 January 2004	On 1 January 2003
Russia	3299	3140	2752	2480	2364	2416	2286
Ukraine	1653	1312	944	924	861	882	742
Belarus	852	750	652	525	505	444	380
USA	234	257	239	202	222	230	151
Armenia	137	168	108	120	127	132	135
Israel	251	241	197	173	163	128	93
Moldova	292	421	140	42	39	39	36
Uzbekistan	171	251	90	44	38	28	11
Turkey	106	121	51	36	31	22	19
Georgia	143	118	46	53	44	43	42
Azerbaijan	117	95	74	69	73	81	80
India	121	111	103	103	92	103	74
Other	892	752	632	562	618	554	582
<b>Total</b>	<b>8268</b>	<b>7737</b>	<b>6028</b>	<b>5333</b>	<b>5177</b>	<b>5102</b>	<b>4631</b>

Source: Unpublished OCMA data

From here, let us evaluate the available statistics in three sub-groups of reasons for arriving in Latvia – family reunification (spouses, children, parents), working people, and students.

### **2.1. Third-country nationals arriving in Latvia for family reunification**

Family relations are one of the main reasons why third-country nationals have arrived in Latvia (56% of relevant immigrants, or 4,660 people). According to the OCMA, 3,091 people cited marriage as a reason for getting a temporary residence permit in 2008. Among them, 2,218 were the spouses of citizens, 741 were the spouses of non-citizens, and 132 were spouses of foreigners. The number of children with temporary residence permits on January 1, 2009, was 179.<sup>26</sup> All in all, family reunification (marriage and juvenile children) was the stated reason for arriving in Latvia for 39% of all third-country nationals in Latvia.

Parents are a second group which come to Latvia for the purpose of family reunification. In 2008, 499 parents of citizens and 665 parents of non-citizens received temporary residence permits.

The third group shown in OCMA statistics as to those who receive a residence permit because of family relationships are the children of Latvian citizens. 226 people entered Latvia on the basis of this fact in 2008. They are the adult children of Latvian citizens who are not of Latvian origin. The children of citizens of Latvian origin can seek repatriation status and receive permanent residence permits.

<sup>26</sup> Unpublished OCMA data about foreigners who are in Latvia on the basis of temporary residence permits

## 2.2. Third-country nationals who work

According to the SEA, there were 8,137 work permits issued to foreigners in 2008 (Table 3). Of these only 28% were based on a job invitation, while 44% were related to the status of the applicant's spouse.

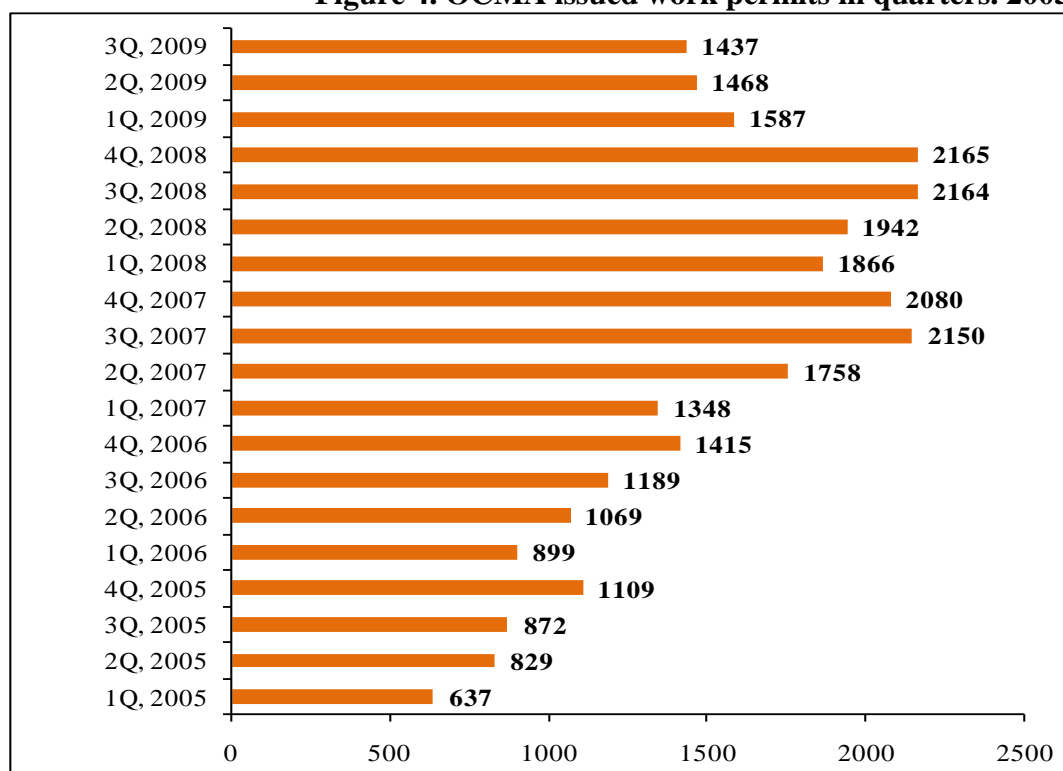
**Table 3. Number of work permits issued in 2008**

Total number of issued work permits	8137
Without approval of work invitation	5865
Based on work invitation	2272
Issued to the spouse	3566
Cancelled work permits	1100

Source: SEA home page [http://www.nva.lv/docs/11\\_4ae59b5bbe60d0.71260145.doc](http://www.nva.lv/docs/11_4ae59b5bbe60d0.71260145.doc) (last viewed 2 December 2009)

The number of issued work permits has increased substantially since 2005, when 3,447 work permits were issued. In 2007, the number was two times higher – 7,336 work permits. In 2008, the number was 8,137.<sup>27</sup> During the first three quarters of 2009, by contrast, the number of work permits dropped back to the level of late 2006 and early 2007 (Figure 4).

**Figure 4. OCMA issued work permits in quarters. 2005 – 2009**



Source: SEA home page [http://www.nva.lv/docs/11\\_4ae59b5bbe60d0.71260145.doc](http://www.nva.lv/docs/11_4ae59b5bbe60d0.71260145.doc) (last viewed 2 December 2009)

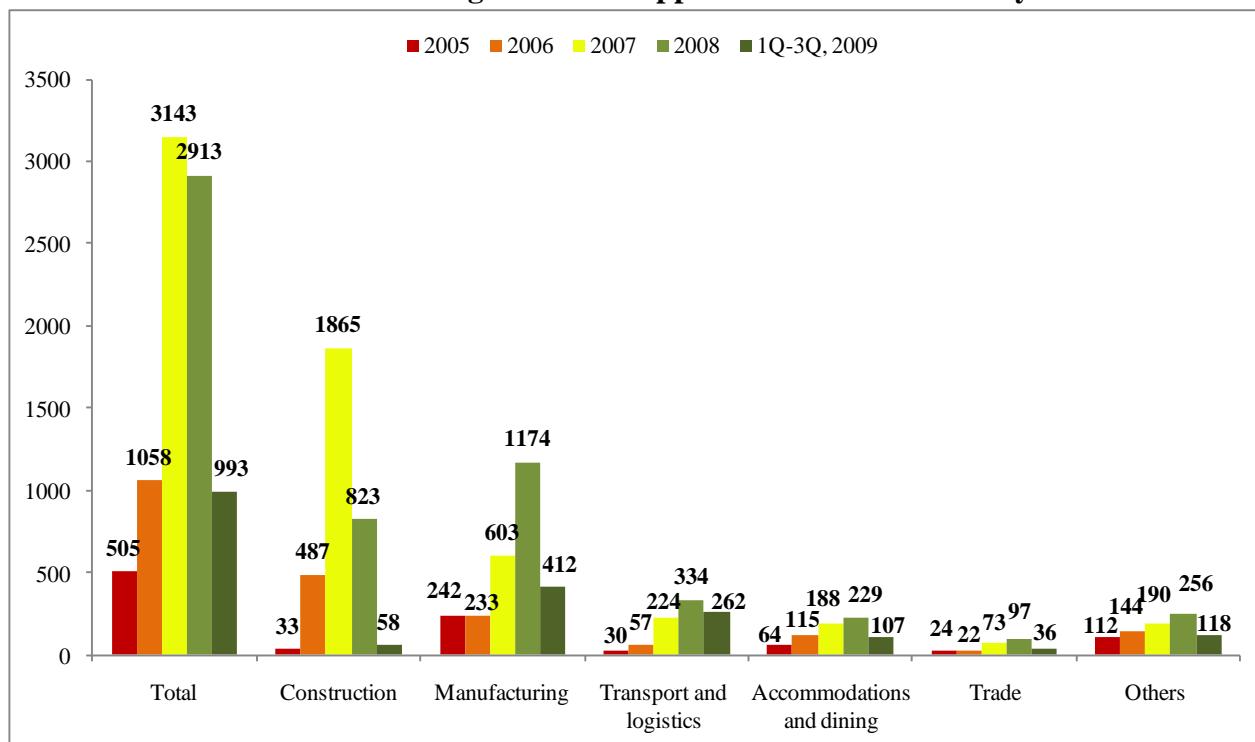
When it comes to job recruitments, we see that they can be linked to fewer than one-third of all work permits (28% in 2008). This is important information, however, because it allows us to consider the countries and sectors from which people who received job recruitments have come. In 2008, the greatest number of approved job recruitments was found in the manufacturing industries (39%), construction (28%), transport and logistics (11%) and accommodations and dining (8%).<sup>28</sup> If we look at the various sectors over the course of the years, then we see that in

<sup>27</sup> See the SEA data at [http://www.nva.lv/docs/11\\_4ae59b5bbe60d0.71260145.doc](http://www.nva.lv/docs/11_4ae59b5bbe60d0.71260145.doc) (last viewed 2 December 2009)

<sup>28</sup> *Ibid*

2007 there was a particularly large number of job recruitments related to the construction industry. In 2009, there were hardly any invitations in this sector (Figure 5). Most of those with approved job recruitments have been people with a secondary education (73%) and men (87% in 2008). 67% of job recruitments were issued to third-country nationals aged 25-44.<sup>29</sup>

**Figure 5. SEA approved work invitation by sectors. Number**



Source: SEA home page [http://www.nva.lv/docs/11\\_4ae59b5bbe60d0.71260145.doc](http://www.nva.lv/docs/11_4ae59b5bbe60d0.71260145.doc) (last viewed 2 December 2009)

The greatest number of job recruitments in 2008 went to third-country nationals from Ukraine (1,087), Moldova (487) and Thailand (238).<sup>30</sup> During the first three quarters of 2009, however, in first and second place were Ukraine (597 invitations) and Russia (128) (Figure 4).

**Table 4. SEA approved work invitation by citizenship (number)**

Country	1 <sup>st</sup> -3 <sup>rd</sup> quarter of 2009	2008	2007	2006	2005
USA	5	18	14	14	17
Belarus	43	129	226	91	15
India	50	90	89	60	66
China	22	70	47	32	30
Russia	128	220	198	131	99
Ukraine	597	1087	961	275	210
Moldova	40	487	847	196	1
Uzbekistan	8	223	343	100	4
Thailand	13	238	68	12	8
Armenia	23	50	90	45	1
Other countries	64	288	230	102	54
<b>Total</b>	<b>993</b>	<b>2900</b>	<b>3113</b>	<b>1058</b>	<b>505</b>

Source: SEA home page [http://www.nva.lv/docs/11\\_4ae59b5bbe60d0.71260145.doc](http://www.nva.lv/docs/11_4ae59b5bbe60d0.71260145.doc) (last viewed 2 December 2009)

<sup>29</sup> See the SEA data at [http://www.nva.lv/docs/11\\_4ae59b5bbe60d0.71260145.doc](http://www.nva.lv/docs/11_4ae59b5bbe60d0.71260145.doc) (last viewed 2 December 2009)

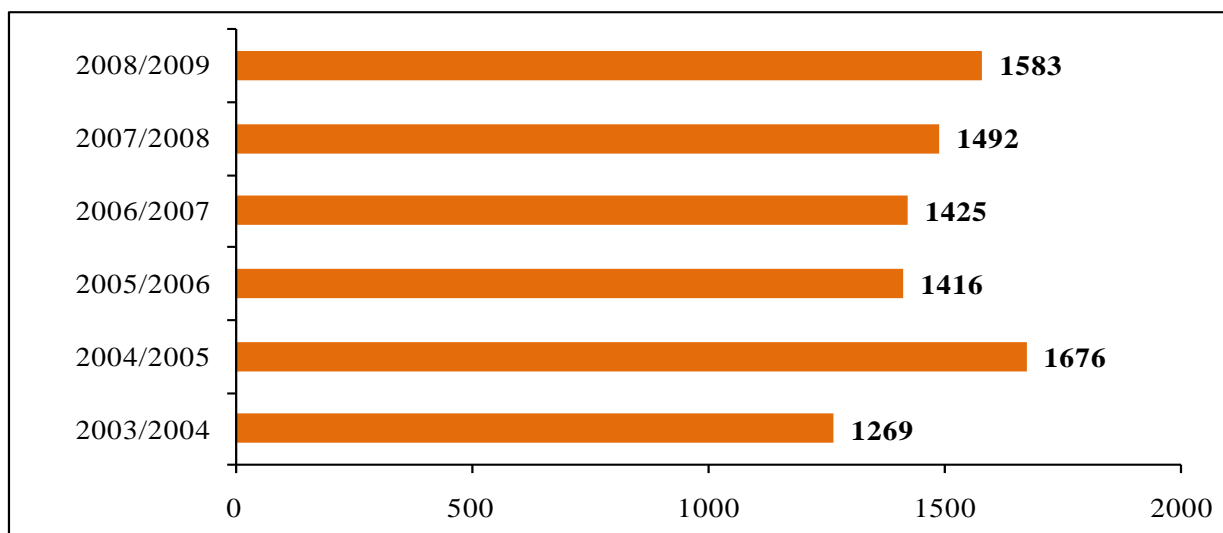
<sup>30</sup> *Ibid*



### 2.3. Third-country nationals who are students

According to the Ministry of Education and Science (MES), there were 1,583 foreign students (including people from EU/EEZ member states) in Latvia in the 2008/2009 academic year. They represented 1% of all students at the higher education level in Latvia. 29 studied at a college, while 1,554 studied at a university or university college.<sup>31</sup> This number includes exchange students in Latvia. There have been no major changes in the number of students of this type over the last five years (Figure 6).

**Figure 6. Number of foreigner students in Latvia (including EU/EEZ citizens)**



Source: MES home page [http://izm.izm.gov.lv/upload\\_file/Registri\\_statistika/9.Starpt-sadarb-2008.doc](http://izm.izm.gov.lv/upload_file/Registri_statistika/9.Starpt-sadarb-2008.doc) (last viewed 2 December 2009)

43% or 668 foreigners who are studying in Latvia come from EU/EEZ member states, while the other 886 are third-country nationals.<sup>32</sup> Because the target group for this study is made up of third-country nationals, the information in this paper will apply only to them. Most of these students are citizens of Russia (44%), after whom come people from Georgia (12%). In terms of more distant countries, the one with the greatest number of students in Latvia is Sri Lanka, with 56 students or 6% of all third-country nationals who are students (Table 5).

When it comes to the distribution of foreign students among the various higher education institutions (Figure 7), we see that the largest number of such students attend the Baltic International Academy (BSA), the University of Latvia (LU), and the Rīga Institute of Aero-navigation (RAI). The Rīga Stradiņš University (RSU) And Rīga School of Economics (REA) differ from other higher education institutions in that most of their foreign students are citizens of EU member states.

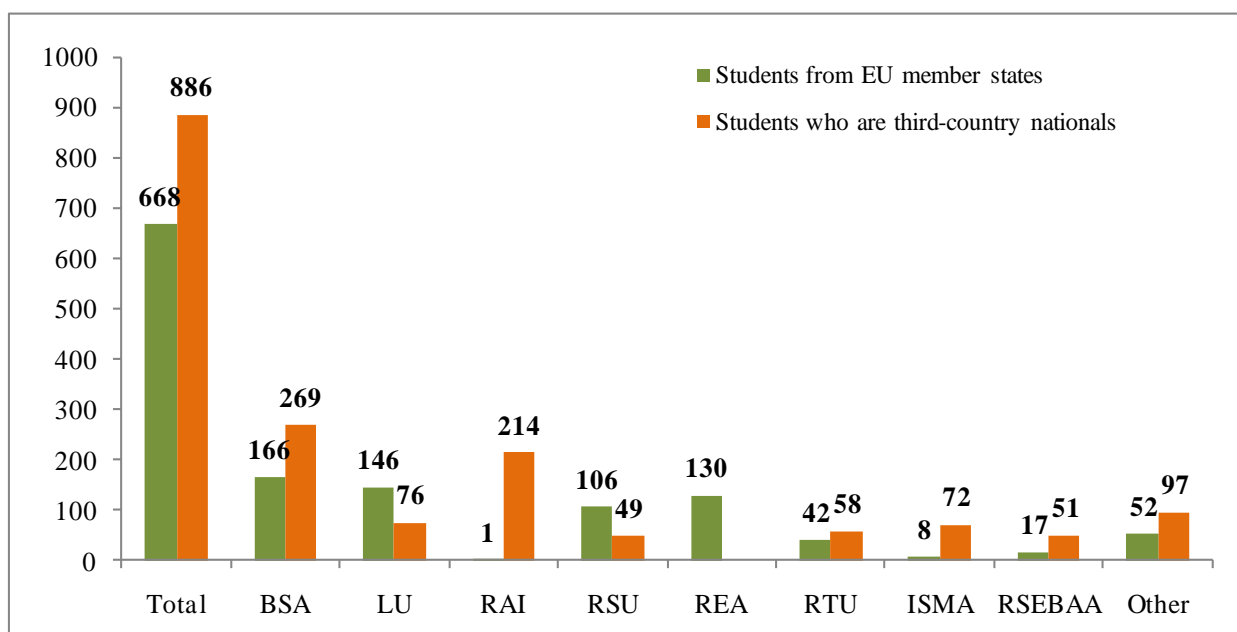
<sup>31</sup> See [http://izm.izm.gov.lv/upload\\_file/Registri\\_statistika/9.Starpt-sadarb-2008.doc](http://izm.izm.gov.lv/upload_file/Registri_statistika/9.Starpt-sadarb-2008.doc) (last viewed 2 December 2009)

<sup>32</sup> It has to be said that according to the OCMA, only 470 students from third countries had received temporary residence permits for the purposes of studies. This means that some students from third countries are in Latvia on the basis of other statuses – permanent residents, or family members with temporary residence permits. The differences in the data can also be attributed in part to differences in the time frame that was considered by the OCMA and by the researchers.

**Table 5. Third-country nationals studying in colleges and universities in Latvia. 2008/2009**

Country	Number of students	% from total
Russia	398	44
Georgia	108	12
Ukraine	61	7
Belarus	60	7
Sri Lanka	56	6
Kazakhstan	27	3
Uzbekistan	27	3
Syria	17	2
Israel	14	2
China	12	1
Lebanon	10	1
Turkey	9	1
Nigeria	9	1
India	9	1
Pakistan	9	1
Armenia	8	1
USA	7	1
Tadzhikistan	6	1
Other	47	5
<b>Total</b>	<b>894</b>	<b>100</b>

Source: MES home page [http://izm.izm.gov.lv/upload\\_file/Registri\\_statistika/9.Starpt-sadarb-2008.doc](http://izm.izm.gov.lv/upload_file/Registri_statistika/9.Starpt-sadarb-2008.doc) (last viewed 2 December 2009)

**Figure 7. Number of foreign students in universities in Latvia. 2008/2009**

Source: MES home page [http://izm.izm.gov.lv/upload\\_file/Registri\\_statistika/9.Starpt-sadarb-2008.doc](http://izm.izm.gov.lv/upload_file/Registri_statistika/9.Starpt-sadarb-2008.doc) (last viewed 2 December 2009)

### 3. Typologies and good practices in the migration policies of European Union member states

#### 3.1. The accessibility of the labour market and inclusion therein

Nearly all of the member states of the European Union consider inclusion into the labour market (i.e., economic integration) to be the most important element in the overall integration of immigrants. Different member states, however, have different approaches vis-à-vis access to the labour market. There are basically two types of countries in this regard – those which have migration policies which are related to the labour market, and those that don't. Austria, France, Finland and Sweden, for instance, mostly have rules which relate to the reunification of families, which means that particular attention is devoted to the integration into the labour market of family members and people who have arrived in the country for other reasons. Ireland, Spain, Portugal and the UK, by contrast, are mostly destinations for young immigrants who come to find a job, and among them many already know how they are going to enter the labour market. In those countries in which immigration is harmonised with the labour market, however, there are always immigrants who have arrived in the country for a different purpose, but end up wanting a job or the launching of their own business. In such cases, there is a need for steps related to the inclusion and integration of immigrants. In evaluating the policies of various countries, therefore, we shall look at two issues: (1) Access to the labour market, so as to conclude the approaches and combinations thereof would be optimal for the integration of immigrants into Latvia's labour market; (2) Special steps and mechanisms used by countries to promote employment among immigrants.<sup>33</sup>

#### **Access to the labour market**

Of importance in the economic integration policies related to immigrants in EU member states is the way in which immigrants can access the labour market. Approaches here can be divided up into four types: (1) Vacancy migration, where access to the labour market is based on announced job vacancies that are available to job seekers from specific countries who apply during the relevant period of time, also thinking about free labour movement from other EU or EEZ member states; (2) Compensation for labour shortages, recruiting people from third countries to make up for those shortages; (3) Bilateral agreements speaking to recruitment and inclusion in labour markets; (4) Migration of highly qualified migrants, where a specific system is used to state requirements related to education and qualifications for potential employees from third countries.<sup>34</sup>

These approaches can overlap, and given the economic situation of the various countries, they can change their immigration policies insofar as the availability of jobs for foreign workers is concerned.

Vacancy migration involves a series of phases. First, the employer announces job vacancies available to local job-seekers, as well as to the citizens of other EU and EEZ member states. If no one applies in a specific time (one month in Latvia's case), the nationals of third countries can seek the jobs. Countries can set minimum wages for immigrants so as to avoid exploitation of people. They can also limit the types of jobs which immigrants do, not allowing them to change

<sup>33</sup> Statements in this section about good practice in EU and EEZ member states come from three sources: HLG. Ethnic Minorities in the Labour Market: An Urgent Call for Better Social Inclusion (2007). See <http://ec.europa.eu/social/main.jsp?catId=618&langId=en> (last viewed 7 December 2009). See also Migrant Integration Policy Index, <http://www.integrationindex.eu> (last viewed 7 December 2009). See also Handbook on Integration for Policy Makers and Practitioners. See [http://ec.europa.eu/justice\\_home/doc\\_centre/immigration/integration/doc/2007/handbook\\_2007\\_lv.pdf](http://ec.europa.eu/justice_home/doc_centre/immigration/integration/doc/2007/handbook_2007_lv.pdf) (last viewed 7 December 2009).

<sup>34</sup> Papademetriou, D.G. and O'Neil, K. "Efficient Practices for the Selection of Economic Migrants." Prepared for the European Commission, DG Employment and Social Affairs, Migration Policy Institute. See [http://www.rmportal.net/training/poverty-reduction-seminar/speaker-biosketches/select\\_econ\\_migr1.pdf](http://www.rmportal.net/training/poverty-reduction-seminar/speaker-biosketches/select_econ_migr1.pdf) (last viewed 7 December 2009)

employers, professions and/or employment sectors. Effective implementation of such policies usually requires agreements between the state, employer organisations and labour unions. The approach is used in many EU member states, particularly during periods of economic decline so as to avoid a situation in which local residents have problems in finding a job. In the UK, for instance, there is an agreement on business and commerce which says that if third-country nationals are to be given jobs, employers must first prove that no local resident or EU/EEZ resident applied for the positions, or it turned out that those who did apply proved to be inappropriate for the job.

The vacancy migration approach ensures employment for immigrants, because job contracts have to be concluded before they arrive in the relevant country. Countries, for their part, can regulate the amount of time that the immigrant spends in the country if there are additional requirements stating that the immigrant can only have a specific job with a specific employer. Then, if the job is finished, the immigrant is supposed to leave the country. If the regulations, however, are nothing more than just a formality, then immigration can mainly benefit just employers, not the public at large. If the lobby of employers is particularly strong in terms of attracting workers, but there is no integration practice for the full inclusion into society of newly arrived persons, then there can be problems.

Latvia's immigration policies are based on vacancies and qualifications, and that means that they are basically in line with this type of migration. During years of very rapid growth, there was an increasing demand for foreign labour (2006-2007), and there were discussions about the need for an active partnership between the state and its employers in terms of making it easier to hire foreign workers. Labour unions didn't think much of this idea, taking a protectionist position and insisting that the priority for the government must be to ensure jobs for local residents, promoting internal migration from regions with higher unemployment (Latgale) to regions with more economic activity (Rīga, other larger cities) as necessary so as to address labour shortages and to encourage inter sectoral mobility in the labour force.

The approach of compensation for labour shortages is used to fill gaps in the labour market in specific sectors of employment. In such cases, it is usually a quicker and easier process to get a job permit. In order to avoid excessive inflow, countries can set quotas for the nationals of third countries. Slovenia, for instance, declared in 2004 that the percentage of workers who are immigrants must not exceed 5% of the total labour force in the country.

The United Kingdom has used the same approach vis-a-vis workers with poor qualifications in sectors where there are labour shortages. The government has reached agreement with the labour unions and employers that are its main social partners. The approach applies to seasonal workers in particular. A similar approach is taken in Ireland, where sectors are reviewed once per quarter. Since 2003, Ireland has had a list of sectors in which there is a limit on foreign workers – ones in which, for instance, there are many registered unemployed people.

The approach of compensation for labour shortages is most common during periods of economic growth, when the qualifications of workers are not all that important, and when it is possible to react quickly to labour market demands for additional workers in specific sectors. Forecasts of labour shortages, however, can be complicated and incomplete, and often the possible shortage of workers can be politically determined in a way which creates negative consequences to local workers in specific sectors. In Germany, for instance, the period of rapid industrialisation in the 1970s was one in which the interests of employers played the main role in dealing with labour shortages. A recent study in the United States, in turn, showed a correlation between investments made by employers in lobbying on behalf of specific approaches to immigration on the one hand and the types and volumes of immigration on the other.<sup>35</sup>

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<sup>35</sup> Mayda, A.M. "Do Interest Groups Affect Immigration?", Marie Curie Research Training Network conference paper, Rīga, 26-27 October 2007

There must be optimal co-operation in a functioning social dialogue system, with social partners all being equal players with the ability to offer proper arguments as to the inclusion of immigrants in the labour market not only to satisfy short-term needs, but also to take into account the public interest, the further prospects of immigrants in terms of finding work, and the possible integration of immigrants in the recipient country.

The approach of bilateral admissions is often an historical one – one that is based on the culture of the specific country, as well as experience with post-colonialism or new partnership projects. This approach can include elements of vacancies and prevention of labour shortages, but the main difference is that the advantage is given to people from specific countries or regions. Employee training can occur in such cases even before the immigrants arrive in the recipient country. There are usually quotas as to how many immigrants can be admitted and included into the labour market in such a scheme. At the national level, there are ongoing and direct exchanges of data about job vacancies and job seekers among the relevant government services.

Germany has had historical bilateral agreements, particularly with Turkey and the countries of the former Yugoslavia. France has bilateral agreements related to training programmes for young professionals. Spain has bilateral agreements with Latin American countries in which people speak Spanish. During the period of economic growth which continued until 2007, moreover, Spain did not set any quotas in this regard. Italy has many agreements with developing countries, the aim being to reduce illegal migration. The agreements speak to the co-responsibility of the relevant countries in terms of improving qualifications and offering social assistance. Austria and other countries have agreements with countries from which qualified workers typically emigrate. For instance, Austria has an agreement with the Philippines on attracting medical professionals, the Czech Republic has a relationship with Vietnam in several industrial sectors and with North Korea in the textiles industry, etc.

This approach is one in which both countries can be held responsible for the rules and social protections that are in place. The approach is used to attract specialists who are trained at the educational institutions in other countries, as well as poorly qualified or seasonal workers. This can create structural changes in labour markets – new jobs emerge, and these are taken by representatives of specific countries and ethnic groups at a time when local residents no longer want the jobs, considering them to be immigrant jobs.

In practice, however, bilateral co-operation proves to be more sluggish than shifts in the free market. Inclusion in the labour market via bilateral partnership agreements can be a time-consuming process. The side effect here is that people from specific countries or regions move to the immigration country, but they do not use the bilateral admission schemes and risk not finding a job at all.

Latvia has a bilateral agreement with Ukraine on the admission of qualified ship welders, because such specialists are not trained in Latvia. The bilateral admission was discussed at the government level in 2006 and 2007 and was even included in one of the government's operating declarations,<sup>36</sup> the argument being that such agreements should be concluded with post-Soviet countries and developmental partnership countries such as Ukraine, Moldova, Belarus and Georgia. Nothing of the sort was ever done, however.

The recruitment of highly qualified workers can overlap in part with the approach of compensating for labour shortages. Here, immigrants are selected on the basis of their education, experience, language skills, etc.

This approach usually involves a point-based system, and it has been developed to a particularly detailed degree in the UK and the Netherlands. Among new EU member states, a pilot project

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<sup>36</sup> The declaration on the intended operations of the Cabinet of Ministers headed by Prime Minister Ivars Godmanis. See <http://www.politika.lv/index.php?id=14916> (last viewed 19 October 2009)

related to this approach was introduced in 2005 in the Czech Republic, but in 2008 the project was amended, because bureaucratic obstacles meant that highly qualified specialists were not using the opportunities very often at all. Among other criteria, the ones that are taken into account most often are the immigrant's income level and age. In the Netherlands, for instance, the greatest support is given to applicants who are younger than 30. Most countries have income criteria, and in new member states this is often decisive and may have nothing to do with the applicant's qualifications. In Cyprus, for instance, an applicant can launch business operations on easier terms if he or she invests at least EUR 173,000 in the country's economy.<sup>37</sup> There have been active discussions in the EU about how to attract highly qualified workers, and the European Commission has drafted the so-called Blue Card directive so as to help in attracting educated professionals throughout the EU and to make it easier for highly qualified nationals from third countries to join the labour markets of other member states.<sup>38</sup> There are opponents in the EU to this idea. France, for instance, objected to the definition of what high qualifications are, as well as to the way in which qualifications were to be compared. There are also questions at the international level. The World Health Organisation, for instance, has said that recruiting medics from developing countries will make it even less likely for those nations to move out of poverty and backwardness, which means that it is not ethical to recruit highly qualified workers.<sup>39</sup>

The recruitment of highly qualified person also relates to different sectors. During the 2000s, this approach was particularly important in terms of Austria's and Germany's ability to find information technology specialists, but easier rules quickly overwhelmed the sector with applicants. Since 2005, there have been discussions about a special EU research arena, and the European Commission has recommended that all member states make it easier to admit third-country researchers and scientists. The initiative is known as the "scientist visa," and it has been implemented in part in Sweden, Finland, the Czech Republic, and other member states.<sup>40</sup>

Highly qualified specialists usually have the fewest barriers when it comes to entering the labour market, and their ability to ensure further integration, even including naturalisation, can be simpler. In reality, however, the procedures may prove to be excessively bureaucratic, as was the case with the Czech pilot project in 2006.<sup>41</sup> This is an approach which allows countries to attract new talents and people who might potentially create substantial added value. The approach cannot, however, be the only policy in terms of labour immigration, because it is highly selective. What is more, the fact that third-country nationals have had an easier time in joining the labour market because of education or specific working experience does not yet mean that the immigrant and his or her family will find it easier to become integrated into the local society.

Latvia has taken this approach in seeking to attract information technology specialists, but no third-country national has ever applied for a position despite the easier terms for entry.<sup>42</sup>

All in all, the aforementioned approaches to labour market accessibility and inclusion are important in the entire process of integrating immigrants, because they define opportunities for and limitations against integration into society.

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<sup>37</sup> MIPEX. Cyprus, pp.38-43 (2007) See <http://www.integrationindex.eu> (last viewed 19 October 2009)

<sup>38</sup> The directive was not yet adopted at the end of 2009. France has blocked any vote on it. More information about the planned regulations vis-à-vis highly qualified workers in the EU can be found at <http://www.europeanunionbluecard.com/?p=39> (last viewed 19 October 2009)

<sup>39</sup> At the initiative of the WHO and a number of Professional organisations in the medical field, medics in many parts of the world have agreed on codes of ethics which ban the excessive removal of human resources from developing countries. See, e.g., the code of ethics in the United States: <http://www.fairinternationalrecruitment.org/FAQ/.pdf> (last viewed 19 October 2009)

<sup>40</sup> More information about this can be found at EURAXESS. "The European Research Area: New Perspectives", green paper, 2007 See [http://ec.europa.eu/research/era/pdf/era\\_gp\\_final\\_en.pdf](http://ec.europa.eu/research/era/pdf/era_gp_final_en.pdf) (last viewed 15 October 2009)

<sup>41</sup> The Czech Republic launched a scheme to attract highly qualified specialists in 2006, but amended it two years later when very few third-country nationals had made use of it because of complicated bureaucratic procedures.

<sup>42</sup> Cabinet of Ministers Regulation No. 44 on working permits for foreigners, 20 January 2004, *Latvijas Vēstnesis*, No. 12 (2060), 23 January 2004.



### **Special steps taken to include people in the labour market**

Integration into the labour market cannot be viewed separately from other issues that are analysed further along in this text – social assistance, cultural orientations, the right and desire to be politically and civically active, and discrimination. Many immigrants in Europe move to other countries not to find work, but for other reasons – in most cases to reunite or establish families, to study, etc. Those who have come to find work do not always find work. Sometimes people want to leave the relevant country when the job contract has ended or the job has been lost for some other reason. Many third-country nationals find themselves in immigration countries not only via formal labour market approaches, but for other purposes, as well. They become part of the informal economy, they often join ethnic groups or communities that are present in the country, and then later they try to find a place in the official job market – something which requires specific support in terms of integration. Integration into the labour market also cannot be divorced from attitudes, because discrimination and biases can create barriers even if the immigrant has qualifications and experience that are in line with the needs of the employer. An unfair attitude can stigmatise immigrants, reduce their job productivity, and facilitate their elimination from the labour market even if they have already found a job.

#### *Good practice*

Cooperation between all relevant actors greatly increases the chances for success: An effective initiative combines public authorities at different levels, private partners, stakeholder organisations and civil society as well as schools and other educational institutions.

*Source: Ethnic minorities in the labour market: an urgent call for better social inclusion, 2007*

When it comes to admission requirements, it is of key importance to ensure that the state allows immigrants to change employers and areas of employment, as well as to stay in the country and look for new work in the case of unemployment. New EU member states such as the Czech Republic spent the period between 2006 and 2008 in relieving bureaucratic rules so that unemployed immigrants could remain in the country and look for work. Slovakia made it easier for immigrants to access professional retraining programmes.<sup>43</sup> Employment services in Spain produced a catalogue of vacancies during the boom years, and immigrants could receive residence and work permits in a quicker way. Portugal set up support offices for the employment and entrepreneurship of immigrants, and these were part of broader immigrant support centres. Ireland set up special integration programmes for third-country nationals with families which had had children in the country, helping them to become a part of the labour market. The Netherlands and Finland improved support policies aimed at promoting the entrepreneurship of immigrants.

#### *Good practice*

A migrant worker or entrepreneur in Sweden is eligible for the same opportunities as EU nationals to work in most sectors. She can count on help from labour market integration measures to adjust to the language and professional demands of the labour market. The state helps her to get her full set of skills and talents recognised, to access training, and to develop language skills that are critical for the job market. Secure in her employment, she can renew most types of work permits and remain living in the country and look for work, if she loses her job. With job security come equal rights for all workers. She is free to change employer, job, industry and work permit categories in order to pursue her professional development. She also has the right to join a trade union.

*Source: MIPEx*

<sup>43</sup> It does have to be said here that the global economic crisis has caused a change or postponement in various policies and initiatives, and that is why in referring to these, we have cited the years in which the relevant countries have implemented them. See [http://projectroutes.com/en/index.php?option=com\\_docman&task=cat\\_view&gid=50&Itemid=108](http://projectroutes.com/en/index.php?option=com_docman&task=cat_view&gid=50&Itemid=108) (last viewed 19 October 2009)

Most immigrants work in niche jobs are recruited for specific purposes. Support for the integration of immigrants into a country's labour market are particularly important during a period of economic decline. Most locals have a better situation, because they speak the language, have an education, and have socialised themselves in the country, so immigration has little effect on the ability of local residents to find work. The greatest blow is faced by those immigrants who arrive in a country without sufficient linguistic and cultural knowledge and an inadequate understanding of the local system. Economic inclusion, therefore, must be viewed hand-in-hand with cultural orientations, language learning, and other steps toward integration.

Integration policies can keep immigrants from concentrating into closed networks or employment systems – jobs which require no qualifications or jobs that are typically handled by immigrants, thus creating a process of negative inertia, with local residents thinking of specific jobs as “immigrant jobs” which they themselves do not want to take.<sup>44</sup>

In order to help immigrants to find jobs and to avoid discrimination, countries have taken specific steps that are usually part of a broader framework of integration support. In Sweden, for instance, a new programme was launched in 2007 to encourage employers to hire immigrants. It offered tax relief and subsidised jobs. Another initiative, which began in 2004, spoke to pilot programmes which helped immigrants to encounter real employers and to learn about the culture of labour in Sweden as quickly as possible. Sweden has also prepared a programme of reforms in the field of integration which speaks to helping immigrants to find work as quickly as possible. It is to be introduced in late 2010.

#### ***Good practice***

In Sweden, the programme ‘skills assessment on the job’ offers qualified immigrants a three-week apprenticeship within their profession so that they can demonstrate their skills on the job. At the end of the three weeks, they receive a certificate that can be used in future job applications.

The recognition of academic and professional qualifications is an essential part of labour market access and mobility as it allows individuals to find work at an appropriate level. Third country nationals are often not covered by recognition arrangements or have to rely on ad-hoc or bilateral agreements. Because of the time involved, and the frequent setbacks experienced by applicants, the recognition process may give rise to social and other problems.

‘Inter-nation’ is an ESF-supported programme of the public employment service of Wallonia, FOREM. The programme is targeted at qualified immigrants who have strong links with their country of origin, including knowledge of the language. It matches them with companies in Wallonia that are interested in developing their international dimension, for instance by accessing new markets or by entering into partnership with companies abroad. These companies have a demand for workers with the relevant national backgrounds to help them make contacts or deal with the authorities. FOREM prepares immigrants for such a role by offering them training on topics such as international commerce. Participants in the programme also complete internships in Belgium and in a non-EU country (typically their country of origin). Often, contact with the future employer is made during these internships.

Government authorities, immigrant and other NGOs, Chambers of Commerce, professional associations and other organisations can help (potential) immigrant entrepreneurs to analyse and develop a business idea, to write a business plan and to seek financing from banks and credit institutions. They can offer workshops and courses for instance in bookkeeping, marketing or business law. Support can also be given for acquiring a patent, license or working tools.

*Source: Handbook on integration for policy-makers and practitioners*

<sup>44</sup> Somerville, W. and W. and M. Sumption. “Immigration and the Labour Market: Theory, Evidence and Policy”, The Migration Policy Institute (2009). See <http://www.migrationpolicy.org/pubs/Immigration-and-the-Labour-Market.pdf> (last viewed 7 December 2009)



### **3.2. The provision and availability of social services**

#### **Limitations and opportunities related to residence permits**

A temporary residence permit usually limits the right of an immigrant to receive state-financed social services. This means that one way of reviewing the policies of EU member states is to review them in close connection to the system of work permits. These, in turn, are usually based on labour market accessibility and rights to reunify families.

Only a few EU member states make it possible to receive a permanent residence permit sooner than after five years after the immigrant's arrival. In Sweden, and Greece, labour immigrants can receive such a permit after three years. In some other countries, the period is reduced for people who come from countries that have historical links with the host country. Portugal, for instance, offers such opportunities to people from those countries in Latin America where Portuguese is spoken, Spain does the same for countries where people speak Spanish, and Britain offers such chances to people from the British Commonwealth.

A second criterion has to do with the work that is to be done, as well as the qualifications and skills of the immigrant. In the Czech Republic, for instance, qualified immigrants can receive permanent residence permits after 30 months. The same is true in Slovakia for those immigrants who do work that is of particular importance to the country (international consultants, security specialists, etc.).

In Sweden, the family members of immigrants immediately receive the same social rights as the immigrant whom they have joined. After three years in the country, family members can also receive permanent residence permits. In Portugal, this is possible after two years. Equal social rights for reunified family members are also offered in Estonia, Finland, Italy and Denmark, but in these cases, family members must prove a long-standing relationship with the original immigrant, because separate residence permits can be received only after seven years.

As soon as an immigrant receives a permanent residence permit, he or she receives the rights to social services and support in all EU member states, and these rights are more or less the same in all EU and EEZ countries. In most countries, however, immigrants can receive permanent residence permits only after five or more years, and until that happens, there is a certain lack of social security – limited support (or no support at all) in cases of unemployment, childbirth, etc., limited access to state-financed health care and education, etc.

#### **Integration agreements and plans related to the receiving of services**

In the context of all of this, policies related to the provision of services in various EU member states is a matter which is increasingly being reviewed in close links to cultural orientations and inclusion in the labour market specifically during the early period of a person's immigration – the first five years or less. Further on in this text, we will review this matter as policies related to integration and cultural orientation.

In 2004, the Council of the European Union established common principles for the integration of immigrants in the EU,<sup>45</sup> stating that successful integration absolutely requires fundamental knowledge of the language, history and institutional structure of the host country. Approaches in this regard can essentially be divided up into two groups – fragmentary support for cultural orientation (voluntary educational courses, no links to the receipt of social support), and integration agreements (partly or fully mandatory courses and reduced social support for those who do not attend them).

As of the end of 2008, 11 countries had implemented so-called integration agreements – Sweden, Denmark and Finland first, followed by the Netherlands, Austria, Belgium, France, the UK,

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<sup>45</sup> Document 16054/04 of the Council of the European Union.

Germany, Norway (an EEZ country), and Estonia (a new EU member state). In Estonia's case, the agreements are mostly concluded with representatives of the Russian-speaking minority who have lived in the country for a long time already.<sup>46</sup> Hungary and Spain have also thought about integration agreements. These specify that integration is seen as a bilateral process in which both parties have specific responsibilities. Essentially, integration agreements and voluntary or mandatory courses mostly focus on three pillars – language learning, increased understanding of the order and values of the relevant society, and inclusion into the labour market.

The Netherlands first offered courses in the early 1990s, and by 1998, they were the foundation for policies related to immigrants. Since 2006, immigrants have been required to pass a test in language and culture to receive an immigration visa. Since 2007, those who have passed the courses can receive a reimbursement of 70% of the relevant costs. France has had integration courses since 2002, but in 2007, the integration agreements (known as *Contrat d'accueil et d'intégration* in French) have been mandatory, not voluntary, as had been the case before. Immigrants must attend an event which takes less than one day to watch a film about life in France. They must undergo individual interviews, examinations of language and other skills, analysis of their work situation, social situation and housing, and a medical check-up. People who fail to satisfy the requirements of the agreement may face a situation in which their residence permit is not renewed.

In February 2008, the British government considered a discussion-based document called "Road to Citizenship," specifying that the integration of immigrants involves several levels. First there is a period of examination, asking that the immigrant show that he or she will provide benefits to the country. Immigrants must also show their English language skills, confirm that they will obey the law, invest in the immigration management fund, etc. This is a document which basically means an agreement. It states how the immigrant must behave in order to become a citizen. Austria, by contrast has serious limits when it comes to integration. If someone doesn't complete courses in a year's time, then social support is reduced, and financial punishments are possible. Immigrants who don't complete the courses in four years' time, they can be expelled from the country on the basis of the idea that they don't really want to become integrated into Austria.

Courses are different from one country to the next. The Netherlands first offer an initial test, then focusing a great deal of attention on basic competences – reading and writing first and foremost. There is a skills audit to see what immigrants can do, and then there is work to help individuals to develop their competences and gain business skills. There is special support for women. Courses in Denmark are essentially focused on education and employment. If there are no appropriate jobs in the labour market, the integration agreement provides for further education, requalification or supplementary training.

EU member states have not yet evaluated the effectiveness of integration agreement policies to a sufficient degree, but it is already the case that they are mostly centre on sanctions, not voluntary integration. It is sometimes difficult to specify the goals of the courses. They are focused on cultural orientation, but the goal of the state is often to ensure that immigrants make an investment in the national economy, as opposed to being concerned for the full inclusion of an immigrant into society. The positive element of these agreements is that they strengthen the individual's sense of responsibility for his or her obligations in terms of becoming integrated into the country. This means that the informal desires of society and the state are strengthened into a more formal framework. If integration is defined as a bidirectional process, however, then the role of societies and the state in the context of these agreements remains unclear. One may well ask about the responsibilities of the recipient country and the things that it can invest in

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<sup>46</sup> Carrera, S. "A Typology of Different Integration Programmes in the EU." Briefing paper IP/C/LIBE/FWC/2005-22, submitted 13 January 2008, Immigration and Integration, DG Internal Policies of the Union, Directorate C – Citizens' Rights and Constitutional Affairs. See <http://www.libertysecurity.org/article1192.html> (last viewed 15 October 2009)

promoting integration.<sup>47</sup> Some countries take a selective approach to integration agreements. Immigrants from the United States, Australia and other developed Western countries sometimes don't have to sign such agreements at all, nor do highly qualified immigrants or students. This can create uneven and, possibly, discriminatory attitudes toward representatives of non-Western cultures.

It has to be concluded that the establishment of special programmes aimed at providing social services to immigrants may be necessary and desirable at the beginning of their stay in a country, but after the first stage of integration, when immigrants have learned the language at least a bit and have learned about the local environment and culture, immigrants should no longer be split off from other members of society, because this can create the undesirable side-effect of victimisation and/or marginalisation for immigrants.

When it comes to three special areas of social services – health care, education and housing, member states usually include these in overall integration policies and national strategy and action documents without separating immigrants from the rest of society while, at the same time, contextually perceiving the problems of immigrants as ones which apply to potentially poor and unprotected countries. The alternative is to establish special plans to ensure the integration and social inclusion of immigrants at the local government, regional or national level.<sup>48</sup>

Local governments are of particular importance in providing social services, and member states have increasingly been transferring resources and assigning obligations to them. The MIPEX index, which focuses on normative frameworks in this regard, has declared Sweden to be the best country on the basis of its experience. When Sweden found that formally inclusive and favourable policies vis-à-vis immigrants were not really working in practice, it prepared a new immigrant integration offer in 2009. This was based on individual services to immigrants. Local governments play the primary role in providing these services, and the overall goal is to integrate the immigrants into the labour market.

#### *Good practice*

One of the ways how to ensure the access of migrants to social services is to give information on them in languages spoken by immigrants (e.g. Ireland, United Kingdom). The complaints about services have to be taken into account. The help is most needed by recent immigrants; therefore special attention should be paid to them, for example, by providing immigrants with information on their rights and possibilities. For a successful integration it is especially important to support the immigrant children, especially in the field of education.

The service provision needs to be underpinned by good knowledge about immigrant customers or clients: their settlement history, age and gender profile, language needs, cultural and religious practices, and any barriers faced in terms of access to and/or experience of services. Of particular importance are the attitudes of staff members in service providing institutions that have to adapt their working processes to accommodate diversity. Many projects are concerned with creating meeting points with low access barriers, referring residents to the appropriate services.

*Source: Handbook on integration for policy-makers and practitioners*

The new plan is based on several ideas. First of all, the active integration of immigrants must occur during the first two years of their stay in Sweden. Immigrants need language training and help in finding a job. Immigrants must find work, an internship or a temporary job. Each immigrant must have an integration mentor who can help to deal with problems. These services are offered by local governments on the basis of open bids for tender. After the first two years, the further integration of immigrants is based on general policies, and immigrants are no longer

<sup>47</sup> Jacobs, D. and Rea, A. "The End of National Models? Integration Courses and Citizenship Trajectories in Europe." EUSA conference paper, Montreal, 17-19 May 2007. See <http://aei.pitt.edu/7916/jacobs-d-11i.pdf> (last viewed 15 October 2009)

<sup>48</sup> EUMC. Migrants, Minorities and Employment: Exclusion, Discrimination and Anti-Discrimination in 15 Member States of the European Union. EUMC, 2003, p. 15.

distinguished from others. Immigrants and the Swedish people are expected to understand that immigrants are members of society just like everyone else is.

The establishment and maintenance of social contacts and open social networks. Co-operation, cultural orientation, decreased segregation and the emergence of an inclusive social environment – these are closely linked to other subjects that are reviewed here. We refer to inclusion into the labour market, opportunities to receive social services, including language training, and public attitudes vis-à-vis immigrants. Cultural courses, language learning that is mandatory or voluntary, but is also available to everyone who wants to learn, can be an important stimulus to promote more active social life and to break out of a closed living space. If cultural orientation is a bidirectional process in which both sides learn things and adapt to one another, then the active approach can be a basic element in narrowing differences between various groups in society.

If courses offer opportunities for socialisation, that opens up the door to a flow of information which can help people to deal with various difficulties related to work and everyday life – finding a new job, opening a business, or becoming part of the delivery chain of ethnic products and services (e.g., preparing food for ethnic restaurants).

#### *Good practice*

Frequent interaction between immigrants and Member State residents is a fundamental mechanism for integration. Many local practices have the aim of making this interaction more fruitful and less conflictual, fostering a sense of belonging to the neighbourhood and changing perceptions both inside and outside of deprived neighbourhoods. Across European towns and cities, smaller or larger projects are implemented to stimulate communication and resolve tensions.

Many of the practices that aim to promote integration in areas of high concentration of immigrants focus on the accessibility and responsiveness of local institutions and services. Especially in cities with a high percentage of immigrant residents, administrations often maintain neighbourhood presences that combine various functions in one location. Such practices bring municipal services closer to the citizen and allow administrations to directly take up concerns as they emerge.

In many diverse districts, schools have become community institutions with multiple links to other local actors from the public, private or non-governmental sectors. Charities or NGOs may offer evening classes on school premises, including childcare facilities. Residents associations or migrant clubs may likewise use the school as a meeting space. Municipal administrations can achieve 'proximity management' by using schools as a point of contact with residents. Local businesses can also become involved, for instance by giving pupils the opportunity to visit them in the course of career guidance activities. Neighbourhood schools can be used as integration sites and education venues for the district as a whole – adults included. Public libraries can likewise become focal points for the community by offering additional activities and programmes.

*Source: Handbook on integration for policy-makers and practitioners*

Some member states emphasise the role of culture in all of this (Greece and Italy, for instance).<sup>49</sup> Volunteers help to promote mutual integration – something that involves the Red Cross in several EU member states. Most countries have Internet homepages where immigrants can find all of the information that they need. These are supported by the state or local governments, sometimes they are put together by immigrants themselves, and in other cases they are sponsored by the non-governmental and private sector.

If there is active integration of immigrants right at the start of the process, that can help societies to avoid segregation and unemployment. Broader contacts with the local community become possible. Immigrants are encouraged to engage in civic activities and to gain a sense of belonging to the relevant country.

<sup>49</sup> See [http://projectroutes.com/en/index.php?option=com\\_docman&task=cat\\_view&gid=50&Itemid=108](http://projectroutes.com/en/index.php?option=com_docman&task=cat_view&gid=50&Itemid=108) (last viewed 21 October 2009)

## **Health care**

The right to health is fundamental human rights irrespective of citizenship, belonging to a social group, ethnicity, etc. When it comes to health care services for immigrants, there are no specific EU requirements – this is an issue which is primarily up to member states. Most approaches relate to the legality of a migrant's presence in the country, as well as with the understandings and practices in the relevant country vis-à-vis the provision of health care services to all residents, particularly those from groups which have the least protections. Universal human rights mean that emergency medical services should be available to everyone, including illegal immigrants, but in practice, many countries don't offer services such as assistance during childbirth to immigrants with temporary residence permits unless the immigrants pay for them. Often, services are banned to illegal immigrants altogether.

In most countries, migrants with temporary residence permits must have mandatory health insurance policies. NGOs play an important role in helping the unprotected groups of migrants. NGOs with experience in such issues often conclude contracts with hospitals. In Sweden, for instance, this is done by the Red Cross, which has an agreement with a private hospital on the provision of assistance to illegal immigrants.

There have been several projects and project initiatives in Europe vis-à-vis health care for migrants. One focused on hospitals that are appropriate for migrants in 2003,<sup>50</sup> studying hospitals in 12 EU member states to study good practices in the provision of health care services in a way which was appropriate to migrants and took their culture into account. The result of this project was a policy initiative document at the EU level – the Amsterdam Declaration.<sup>51</sup>

In 2003, a health care institution in the eastern part of Ireland conducted a study of the provision of services to immigrants, finding that many migrants did not have information about the services and assistance that they could receive. Some migrants, including pregnant women and women who were about to give birth, didn't seek help at all. Once people ended up in hospitals, the study found, the quality of services were negatively affected by the fact that hospital staff had language barriers vis-à-vis immigrant patients, and translation services were in short supply.<sup>52</sup> Similar problems exist in many European countries, and that particularly affects gynaecological and pregnancy care.

In Switzerland, a study found that there were serious problems related to the status, work and social conditions of migrants, as well as to their psychological climate (i.e., their uncertainties about the future). All of this has an effect on the spiritual and physical health of individuals. For instance, a legal nuance such as a residence permit that lists only the husband when families are reunified can cause health problems for women who find that they are living in constant uncertainty.<sup>53</sup>

Immigrants often have specific health problems which relate to their jobs – the work can be dangerous, hard, in a polluted environment, etc. Often there are chronic diseases such as diabetes, cancers, etc., which local medics are unfamiliar with. The unreadiness of specialists to work with immigrants in terms of their cultural competence can create unjustified biases and intolerance, with people believing that immigrants are careless about going to the doctor when serious problems occur, that they refuse the services of medical professionals (women may refuse the help of a male doctor for religious reasons), or that they cultivate their problems by

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<sup>50</sup> See <http://www.mfh-eu.net/public/home.htm>. See also <http://www.mfh-eu.net/public/files/mfh-summary.pdf> (last viewed 20 October 2009)

<sup>51</sup> The Amsterdam Declaration: Towards Migrant-Friendly Hospitals in an Ethno-Culturally Diverse Europe. See [http://ec.europa.eu/health/ph\\_projects/2002/promotion/fp\\_promotion\\_2002\\_annex7\\_14\\_en.pdf](http://ec.europa.eu/health/ph_projects/2002/promotion/fp_promotion_2002_annex7_14_en.pdf) (last viewed 20 October 2009)

<sup>52</sup> See [http://ec.europa.eu/justice\\_home/doc\\_centre/immigration/integration/doc/2007/handbook\\_2007\\_lv.pdf](http://ec.europa.eu/justice_home/doc_centre/immigration/integration/doc/2007/handbook_2007_lv.pdf) (last viewed 19 October 2009)

<sup>53</sup> Bischoff, A. Caring for Migrant and Minority Patients in European Hospitals. Swiss Forum for Migration and Population Studies, p. 137. See [http://www.mfh-eu.net/public/files/mfh\\_literature\\_review.pdf](http://www.mfh-eu.net/public/files/mfh_literature_review.pdf) (last viewed 20 October 2009)



visiting the doctor too often despite the absence of any visible problem.<sup>54</sup> In practice, immigrants who can afford health care services themselves usually ask acquaintances or relatives for advice as to where they can find assistance. They often seek out specialists from their own ethnic and religious community. This, of course, ascertains that services can be received more quickly and easily, but on the other hand, it can create negative consequences if specialists outside of the relevant community could offer more thorough assistance.

Certain EU member states have had specific initiatives for groups such as elderly immigrants,<sup>55</sup> but the main recommendation for those who organise immigrant integration policies is that the needs of all residents, including immigrants, must be taken into account at the national and, especially, the local government level. When the interests of local residents are put at the top of the agenda, there must be the necessary cultural and professional competences to work with them.<sup>56</sup>

### **General education**

EU member states should ensure that mandatory education is available to immigrants, irrespective of their status, and without any limitations, including financial ones. In practice, however, there are often barriers. There are universal approaches to the education of immigrants in some countries and selective ones in others. This is closely linked to the overall education systems in the various EU member states.

Most EU member states have the same problems – humiliation of students at class (when children find that they have to start school in a class where other students are year or two younger), the belief that immigrant children have insufficient language levels to study with their peers, etc. Immigrant children often leave school. Those who are teenagers find themselves in professional, not general school more often – not the ones which prepare students for a higher education.<sup>57</sup> These problems have been studied more often than is the case with difficulties in the health care area, but this is once again an area in which there are no strict minimal standards. Studies are being conducted at the EU level right now to find the best practices in terms of preventing the causes of inequality.

A universal approach is found in the Nordic countries, the Czech Republic, the Netherlands, Spain and Ireland. They interpret this approach in a way which ensures that every child, including the children of illegal immigrants, have the right to go to school and receive social services such as a free lunch.

In practice, however, the universal approach doesn't mean that all immigrant children will immediately be included into the education system. In Sweden, for instance, the children of immigrants are often put into separate classes, because their level of education can differ to a very great degree.

Not all schools have special classes for immigrant children. In practice, that is basically impossible, because there is a shortage of specially trained teachers. If a student is put into a lower grade, then it is very important to ensure support and encouragement, as well as an individual approach so as to avoid stigmatisation. Sometimes a universal education system demands that the student demonstrate language skills, which means that some children cannot go to school right after they arrive in the new country.

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<sup>54</sup> Integration of Immigrants in Rural Areas: Case Studies in Spain, Germany, Austria, Finland, Hungary, Romania and Italy. Cruz Roja Espanola, p. 315

<sup>55</sup> See [http://ec.europa.eu/justice\\_home/doc\\_centre/immigration/integration/doc/2007/handbook\\_2007\\_lv.pdf](http://ec.europa.eu/justice_home/doc_centre/immigration/integration/doc/2007/handbook_2007_lv.pdf) (last viewed 20 October 2009)

<sup>56</sup> *Ibid*

<sup>57</sup> Muižnieks, N. (ed.). Imigrantu integrācija Eiropā un Latvijā (The Integration of Immigrants in Europe and Latvia), SPPI (2008)

The selective approach is found in the UK and Germany, as well as, to a certain extent, the Baltic States and Poland. Children are admitted to school on a selective basis, and academic criteria are usually the key. There are so-called elite schools, and the level of educational quality can differ substantially from one school to the next. In these systems, immigrant parents and children must typically confirm their legal status before the child can attend a general school. Selective approaches are more likely to ensure the establishment of segregated schools for the children of immigrants.

#### *Good practice*

Many schools employ counsellors and/or home-school liaison officers, and use “intercultural mediators” to develop links between home, school and the community more generally. Schools may offer or facilitate mother tongue teaching, and include diversity in the curriculum by teaching pupils about other cultures and respect for differences. In Sweden and Finland, immigrant parents also have a statutory right to an interpreter when meeting with the school.

*Source: Handbook on integration for policy-makers and practitioners*

As noted before, immigrant children and their parents need special support in terms of language, and the European Eurydice educational network regularly conducts thematic studies related to educational policies and practices. In May 2009, the network analysed the following issues: Do educational institutions offer written information in the language of the immigrant? Is it possible to find translators? Is it possible to ensure individual support in communications with children, parents and schools? In most EU member states, at least one of these three services is available, but the level of quality differs very substantially. There must still be active work on preparing best practices and standards when it comes to the education of immigrant children.<sup>58</sup>

## **Housing**

There are no EU regulations as to housing for immigrants. Several countries have launched projects to help refugees to find homes, but these do not apply to other groups of immigrants. There is a paucity of data about the housing situations of migrants and the quality thereof, or about spatial segregation in cities that would make it possible to draft general policy guidelines. Existing information is mostly based on individual examples and unsystematic everyday observations (e.g., the idea that local residents don't want to live in areas where there are lots of immigrants).

There are substantial differences between countries which regulate (subsidise) the housing market partly or in full (Sweden, Finland) and those in which the market is basically subject to free market processes with few social homes (Belgium, Spain, Hungary, Slovenia, as well as Latvia and other EU member states). There is a distinct lack in these latter countries of good housing that is affordable.

Many countries, thus, have no special policies in the area of housing. Immigrants must rent or buy homes on the open market. Employers and educational institutions try to offer temporary housing. This approach creates the threat of segregated communities, as well as informal networks via which housing is found within ethnic communities, but not outside of them.

It is usually the case that lawful immigrants who do not have the status of a refugee or alternative protection must prove that they will have a proper home with ownership rights or a rental agreement when they enter the country. This is the requirement in Latvia, as well.<sup>59</sup> In practice, however, that does not mean that everyone has a home or that the person really lives at the location that he or she has indicated. In Italy, for instance, people often live in city centres, where

<sup>58</sup> Integrating Immigrant Children into European Schools.

See [http://eacea.ec.europa.eu/education/eurydice/documents/thematic\\_reports/104EN.pdf](http://eacea.ec.europa.eu/education/eurydice/documents/thematic_reports/104EN.pdf) (last viewed 20 October 2009)

<sup>59</sup> Integration of Immigrants in Rural Areas, *op. cit.*, pp. 340-341, 346

there are abandoned and dangerous homes. There can also be discrimination in the rental market. Potential renters are differentiated on the basis of ethnic, religious and other signs, with discrimination against certain immigrants. Small towns in Italy, for instance, give preference to Polish nurses (ethnic, regional and social selection) while rejecting Moroccans and Albanians (racist biases and stereotypes).<sup>60</sup> In Germany, a study of the homes of migrants found that individual flat and home owners are more likely to be biased against the rental of properties to migrants, particularly in small towns and the countryside. It is, therefore, easier to get a flat from big companies, where the rental process is more impersonal.<sup>61</sup>

#### *Good practice*

Many immigrants experience direct and indirect discrimination in the housing market. Home owners may be unwilling to sell or rent to immigrants altogether. Others may ask for excessive rents and advance deposits, refuse to accept guarantors, or require unnecessary documentation and references. Because of the difficulties in accessing private housing, the demand for social rented accommodation is often high among immigrants. However, social housing is a scarce resource and waiting lists are long.

There is a range of measures that can be applied to support immigrants directly and indirectly. Practical help can be given in the form of references to landlords, advance deposits or rent guarantees. In Spain, most regional plans for immigration and integration now include programmes under which a public institution provides a guarantee to the landlord that the rent will be paid and possible damages repaired.

Owners can be encouraged to improve the quality of their properties while at the same time opening them to immigrants. For instance, the Italian municipality of Scicli (province of Ragusa, Sicily) offers a contribution of up to 50% of the expenses for renovation and repairs to landlords who agree to rent out these properties to immigrants at agreed low prices for at least five years.

*Source: Handbook on integration for policy-makers and practitioner*

Some countries try to implement national or EU partnership-level policies aimed at reducing spatial segregation so that social housing can be offered. If good practices are studied, countries offer more equal terms in this area. Austria, for instance, repealed a norm which said that social housing is available only to Austrian citizens only in 2006. Since then, immigrants have also been able to receive housing subsidised by the state or a local government as a result of their social situation.<sup>62</sup>

When it comes to integration in rural territories, there are specific initiatives in countries such as Ireland, Spain, Germany, Austria, Hungary, Romania, Italy, Sweden and Finland. Even though these countries try to prevent segregation, however, by integrating immigrants into the rural environment, there are few results, because these policies do not keep migrants from flooding large cities and economic centres where there are better job opportunities, as well as multicultural environments.<sup>63</sup> The Jyväskylä region of Finland, for instance, helps to integrate immigrants and provide them with rural homes, but there is much unemployment there, because the region contains a university town in which lots of students want part-time and poorly paid jobs. The amount of farm work has diminished very substantially in recent years, and that forces many residents to move to larger cities irrespective of their country of origin or the amount of time that they have spent in the Jyväskylä region.<sup>64</sup>

Then there is integration into cities. Several EU member states have implemented initiatives aimed at reducing segregation in the urban environment – Belgium, Finland, Italy, Lithuania, the Netherlands, Portugal, Spain. Here again, however, studies of good practices and standards have

<sup>60</sup> Integration of Immigrants in Rural Areas, *op. cit.*, pp. 372-373

<sup>61</sup> *Ibid.*, p. 314

<sup>62</sup> *Ibid.*, p. 282

<sup>63</sup> UNESCO. "Migrant Integration in Rural Areas: Evidence from New Countries of Immigration", *International Journal on Multicultural Societies*, Vol. 9, No. 1, 2007. See <http://unesdoc.unesco.org/images/0015/001538/153803e.pdf>. See also Integration of Immigrants in Rural Areas, *op. cit.*

<sup>64</sup> Integration of Immigrants in Rural Areas, *op. cit.*, pp. 407-429



not been completed, and further research is needed, taking into account the cultural and historical context of each specific country.<sup>65</sup>

At the same time, policies and practices vis-à-vis the prevention of segregation in cities are often focused on the symptoms of segregation, and not on its causes. Future policy initiatives should be centred far more on the involvement of immigrants themselves in order to reduce segregation, improve surrounding environments and homes, and facilitating civic activity and the sense of belonging in the relevant community and city.

### **3.3. Political participation**

The political involvement of immigrants in their new countries of inhabitation has everything to do with economic, social and cultural dimensions – those which establish the foundations for civic participation. In increasing numbers of EU member states, immigrants have the right to take part in local elections, thus using political participation to shape the environment in which they live.

#### **The right to vote in local or general elections in different countries**

Third-country citizens can take part in local government elections in Belgium, the Czech Republic, Finland, Hungary, Ireland, Lithuania, Luxembourg, Portugal, Slovakia, Slovenia, Slovakia and Greece.<sup>66</sup> In practice, however, there are different policies, with certain limitations such as the rule that a third-country national has to spend a certain amount of time in the country before taking advantage of these rights. Recently arrived immigrants can vote in or stand as candidates in local government elections in Ireland. Sweden and Denmark offer such rights after three years, while Hungary provides them after one year of legal employment.<sup>67</sup> In other countries, such rights rest only with third-country nationals from those nations with which bilateral admission agreements have been concluded. There are certain exceptions to these rules. Most have to do with post-colonialist and historical or linguistic links. Brazilian citizens can take part in elections after they have spent two years as legal residents in Portugal, and the citizens of certain Latin American countries can seek citizenship and take part in elections in Spain after three years of residency.

The right to vote in elections or stand for election, however, does not mean that migrants take active advantage of these abilities. That's why EU member states have been organising informational campaigns about the voting rights of immigrants, calling on them to become actively involved in public life.

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<sup>65</sup> For a look at initiatives aimed at reducing segregation in major cities, see <http://www.peer-review-social-inclusion.eu/peer-reviews/2004/local-development-agreements-as-a-tool-to-stop-segregation-in-vulnerable-metropolitan-areas> (last viewed 20 October 2009). See also Cities for Local Integration Policy (CLIP) at [www.eurofound.eu.int](http://www.eurofound.eu.int) (last viewed 20 October 2009)

<sup>66</sup> See [http://projectroutes.com/en/index.php?option=com\\_docman&task=cat\\_view&gid=50&Itemid=108](http://projectroutes.com/en/index.php?option=com_docman&task=cat_view&gid=50&Itemid=108) (last viewed 21 October 2009)

<sup>67</sup> Vogel, D. and A. Triandafyllidou. Civic Activation of Immigrants: An Introduction to Conceptual and Theoretical Issues. POLITIS (2005). See [http://www.politis-europe.uni-oldenburg.de/download/WP1\\_POLITIS\\_VogelTriandafyllidou\\_2005.pdf](http://www.politis-europe.uni-oldenburg.de/download/WP1_POLITIS_VogelTriandafyllidou_2005.pdf) (last viewed 21 October 2009)

**Good practice**

A migrant has opportunities to participate in public life which conform to Europe's highest democratic principles. The state guarantees her political liberties to form an association, even a political one, to join political parties, and thus participate in civil society. As a legal resident, she can vote and stand for local elections, just like EU-nationals. She can also vote at the regional level. At local, regional, and national levels, migrants or migrant associations independently elect representatives to structural consultative bodies that discuss the policies that most affect them. The state implements policies that actively inform her of her political rights and offer migrant associations funding or in-kind support under the same conditions as other associations. The closest to this ideal model come Sweden, Finland and Norway.

*Source: MIPEX*

Experience suggests that immigrants are more likely to get involved as members of a group (e.g. parents) than as individuals. Groups based on ethnic background can also facilitate involvement, raising individuals' self-confidence by giving them the opportunity to discuss issues with peers and come to a consensus.

*Source: Handbook on integration for policy-makers and practitioners*

### ***3.4. Involving immigrants in the establishment of policies and the evaluation of initiatives***

There are several levels of consulting mechanisms vis-à-vis the integration of immigrants. At the executive level, there is co-operation among ministries, because integration cannot, by definition, be the purview of only a single ministry. If there is also an overall co-ordinating institution, that can ease up the management of immigration issues. Most EU member states have an official or institution to deal with immigration issues.

Interministerial consulting mechanisms for the integration of immigrants are in place in most countries, including Denmark, Ireland, Poland, and France.<sup>68</sup>

Also of key importance in integration matters is close co-operation among state, local government and non-governmental sectors. Austria, for instance, has fairly strict limitations on and barriers against the integration of immigrants, but in recent years it has established a special department to deal with integration and diversity. It has partnerships with immigrant organisations, non-governmental organisations, and the local government of Vienna.

Forums for ethnic minorities have been created in Belgian cities where there are substantial numbers of immigrants. Countries have increasingly been establishing special support mechanisms for female immigrants so as to promote their civic activity.

Representatives of immigrants in the Czech Republic, Denmark, Estonia, Greece, Italy, Portugal and Spain have worked with other partners to deal with the implementation and improvement of immigrant policies. The Portuguese Consulting Council on Immigration Affairs (COCAI) involves five immigrant communities, and they are actively involved in policies related to the integration of immigrants.<sup>69</sup>

Denmark, Italy and other countries have ethnic minority councils which are advisory institutions for immigration ministries. There are also local or regional-level integration councils. One of the most active consulting mechanisms in Spain is an immigrant integration forum – a tripartite

<sup>68</sup> Vogel, D. and A. Triandafyllidou. Civic Activation of Immigrants: An Introduction to Conceptual and Theoretical Issues. POLITIS (2005). See [http://www.politis-europe.uni-oldenburg.de/download/WP1\\_POLITIS\\_VogelTriandafyllidou\\_2005.pdf](http://www.politis-europe.uni-oldenburg.de/download/WP1_POLITIS_VogelTriandafyllidou_2005.pdf) (last viewed 21 October 2009)

<sup>69</sup> See [http://ec.europa.eu/justice\\_home/doc\\_centre/immigration/integration/doc/2007/handbook\\_2007\\_lv.pdf](http://ec.europa.eu/justice_home/doc_centre/immigration/integration/doc/2007/handbook_2007_lv.pdf) (last viewed 21 October 2009)

consulting institutions made up of the government and public administration institutions, immigrant organisations, and social partners and non-governmental organisations which are active in this area. When new legal norms are established which directly or indirectly affect the integration of immigrants, consultations with this tripartite organisation are mandatory. France, too, has recently reinstated an immigrant community council which offers consultations to ministries which are reviewing issues related to the integration of immigrants.

### **3.5. Preventing discrimination**

Racism is a malleable phenomenon. These days it no longer can always be linked to colonial racism which was based on the idea of biological differences among the races. Researchers into the phenomenon of racism have recently been pointing to new manifestations of racism – neo-racism, symbolic racism, and difference-based racism which involves attacks against immigrants and distancing from immigrants because of their ethnic origins or visual differences. This is more typical of the post-colonialist era. Ideological discourses which proclaim that locals and immigrants have excessively different cultures and values for anyone to co-exist are the foundation of various neo-racist biases. This makes it difficult to differentiate between practices which promote ethno-centrism and those that institutionalise racism in contemporary societies.<sup>70</sup>

European policies related to the prevention of discrimination against immigrants are comparatively new. The main turning point in this was the EU directive on racial equality,<sup>71</sup> and the directive on equality in employment,<sup>72</sup> both of which were approved in 2000, when EU member states were taking a more in-depth look at policies to link integration with the elimination or reduction in discrimination. The directives oblige member states to reduce and eliminate racial and ethnic discrimination. The fact is, however, that even those countries which have the best norms for integrating immigrants – countries such as Sweden – have adopted anti-discrimination laws comparatively recently. It was in 1994 that Sweden approved the first law against discrimination at work. In 1999, it implemented an improved and more general anti-discrimination law, and on June 5, 2008, it approved a new anti-discrimination law.

Racism and discrimination are rooted into virtually all societies. Distancing from others and historical biases are reduced to the idea that immigrants are insufficiently qualified or necessary for the country. Thus it is that anti-discrimination issues must be linked to promotion of tolerance, and these principles must be present in each and every policy which is directly or indirectly related to the integration of immigrants. It must also be remembered that immigrants can face a multiplicity of types of discrimination. In addition to racial and ethnic discrimination, there is also discrimination that is based on gender, age, handicap, religion or sexual orientation. The fact is that reason for discrimination can change over the course of time.

There are biases at all levels – the executive and legislative branches of governments, among those who evaluate policies, at police departments, etc. That's why it is necessary to educate employers, the police, and others, including politicians and the public at large.

Denials of discrimination are often linked to the assumption that the relevant country has never had any problems with racism, but that is never true, and at best it is an illusory concept. Much depends on the level of education, as well as the definition of racism. Many European countries, for instance, tend to forget all about the problems of the Roma people.

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<sup>70</sup> Icart, C., Labelle, M. and R. Antonius. "Indicators for Evaluating Municipal Policies Aimed at Fighting Racism and Discrimination." Centre for Research on Immigration, Ethnicity and Citizenship (CRIECC), University of Quebec, Montreal. See <http://unesdoc.unesco.org/images/0014/001496/149624Epdf> (last viewed 19 October 2009)

<sup>71</sup> 2000/43/EC

<sup>72</sup> 2000/78/EC

### **At the national level**

Minimal anti-discrimination rules are enshrined in EU directives which are mandatory and the terms of which must be introduced into national law. Each member state has an “equality body” to implement the norms and make sure that they are observed. These serve as supporters for victims of racist, xenophobic or otherwise intolerant crimes. In Latvia, the equality body is the Ombudsman’s Office.<sup>73</sup>

When it comes to anti-discrimination policies, however, states are free to go their own way in terms of improving standards in relation to the prevention of discrimination against immigrants. A co-ordinating institution in terms of sharing of experiences and best practices in this regard is the Council of Europe’s European Commission Against Racism and Intolerance.<sup>74</sup> It drafts recommendations and conducts monitoring to prevent racism in the organisation’s member states.

Ongoing studies about policies and practices in this regard are conducted by the European Union Agency for Fundamental Rights (FRA), which correlates and systematises data about racism, xenophobia and other forms of intolerance in EU member states.<sup>75</sup> Part of it is the European Information Network on Racism and Xenophobia (RAXEN), which has contact points in all EU member states. Then there is the European Network Against Racism (ENAR), which had more than 600 member organisations at the end of 2009.<sup>76</sup> The ENAR’s member states prepare national policy plans to fight against racism. Many EU member states have adopted such plans – Ireland, Slovakia, Denmark, Spain, the Netherlands, Sweden, harmonising them with other policies in each country which have to do with the integration of immigrants.<sup>77</sup>

#### *Good practice*

Anti-discrimination law helps guarantee equal opportunities in economic, social and public life for all members of society, including a migrant and her descendents. The law punishes a wide range of actors who discriminate against a migrant in many ways because of her ethnic origin, race, religion or nationality, among other grounds. The law applies these definitions to the many fields of life where she participates in her community. The state helps her to seek justice through strong enforcement mechanisms. Protection from victimisation empowers her to bring forward a case, without fear of reprisals in her job, school, etc. The court can choose the most appropriate of a wide range of sanctions, such as financial compensation or negative and positive measures to stop further discrimination. Equality bodies have a robust legal standing to help all victims. The state takes up its responsibility to lead public dialogue and systematically promote equality in its functions. To this description correspond best the legal regulations in Sweden, Portugal, Hungary, United Kingdom, Netherlands, and France.

*Source: MIPEX*

A handbook for EU member states aimed at establishing and implementing policies for the integration of immigration calls on all member states to work together on effective and measurable indicators so as to make note of cases of discrimination.<sup>78</sup> When there are very clear indicators that there is discrimination against immigrants, policymakers and the public at large will have a greater understanding of the need to support the battle against discrimination.<sup>79</sup>

Member states are particularly encouraged to eliminate direct and indirect discrimination in the hiring of immigrants. They are also encouraged to eliminate obstacles against upward mobility at workplaces for immigrants. This means active and supportive activities aimed at preventing

<sup>73</sup> For more on the Ombudsman’s Office, see [www.tiesibsargs.lv](http://www.tiesibsargs.lv).

<sup>74</sup> For more on this agency in Latvian, see <http://www.coe.lv/tulkojumi.php?tips=1&veids=1> (last viewed 20 October 2009)

<sup>75</sup> The agency’s 2008 annual report can be found at [www.fra.europa.eu/fra/material/pub/ar08/ar08\\_en.pdf](http://www.fra.europa.eu/fra/material/pub/ar08/ar08_en.pdf), p. 17

<sup>76</sup> See <http://www.enar-eu.org>

<sup>77</sup> Muižnieks, N. (ed.). *Imigrantu integrācija...*, *op. cit.*

<sup>78</sup> See [http://ec.europa.eu/justice\\_home/doc\\_centre/immigration/integration/doc/2007/handbook\\_2007\\_lv.pdf](http://ec.europa.eu/justice_home/doc_centre/immigration/integration/doc/2007/handbook_2007_lv.pdf) (last viewed 21 October 2009)

<sup>79</sup> *Ibid*

discrimination. Denmark and the EEZ country of Norway call upon employers to consider immigrants for job vacancies. In some cases, it is mandatory to include immigrants among candidates for jobs. This encourages employers to be more active in seeking workers from amongst immigrants, and it also helps immigrants to overcome the belief that local employment is unavailable to them. Among other things, it is recommended that member states make public hiring processes anonymous so as to avoid hidden or unconscious biases which lead to the rejection of potentially fine workers just because they are immigrants. In the private sector, such schemes are usually anonymous.

Denmark has a number of initiatives aimed at promoting intercultural dialogue, particularly focusing on religious diversity. Issues of promoting tolerance and avoiding discrimination are also discussed in a dialogue between ethnic minorities and the prime minister's office and Integration Ministry.<sup>80</sup> Germany has one of the largest Islamic communities in Europe, and the largest Muslim organisation on the continent is also found there. In Finland, intercultural and interreligious dialogue is the task of a consulting council on ethnic relations, which is a permanent intermediary between religious communities and representatives of state and local government institutions. Italy, too, has sought to learn about the problems of the Islamic community and to establish a platform for dialogue with the government by establishing the Italian Islamic Council. Many countries organise annual interreligious conferences, which make it possible to hold high-level discussions about religion, differences in religious practices, and ways of promoting tolerance in the country. In the Netherlands, the Education Ministry, Culture and Science Ministry, and Integration Ministry all offer support for the education of religious leaders.

### **At the local government level**

One of the world's most important initiatives for cities (as well as regional organisations in Europe) is UNESCO's International Coalition of Cities Against Racism.<sup>81</sup> In 2009, the network involved 94 cities from 18 countries, including Rīga, Latvia. Of importance is the fact that different cities can share information about their policies in terms of creating and successfully managing a more tolerant and diverse environment.

Urban practices are based on three fundamental pillars in this regard:

- 1) Cities as organisations which introduce diversity in city administration, training service providers and local government employees, as well as involving representatives of ethnic groups and different races in legislative and executive procedures;
- 2) Cities as communities, where activities are focused on promoting civic participation to get people to take part in the life of the city, to support education and various levels, and to reduce poverty and segregation in terms of places of residence;
- 3) Cities as law enforcement structures, where the focus is on increasing the capacity of the police and other law enforcement institutions in preventing racism and punishing racial crimes, as well as in providing legal services in the battle against racist crimes.

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<sup>80</sup> See [http://projectroutes.com/en/index.php?option=com\\_docman&task=cat\\_view&gid=50&Itemid=108](http://projectroutes.com/en/index.php?option=com_docman&task=cat_view&gid=50&Itemid=108) (last viewed 21 October 2009)

<sup>81</sup> See <http://unesdoc.unesco.org/images/0014/001496/149624E.pdf> (last viewed 21 October 2009)

**Good practice**

A 'Contribution to Good Governance concerning the integration of immigrants and reception of asylum seekers' has been adopted by the members of Eurocities, a network of 128 large European cities. Developed by and for cities, this charter contains general principles for how to approach integration, as well as more specific codes of conduct relating to the delivery of key services.

Examples of specific commitments are:

- develop and/or invest in direct and open communication with all communities of immigrant background, to involve them in the design and implementation of all policies directly affecting their life-chances and living environments;
- invest in full and transparent information to all residents on the realities of immigration and the necessary conditions for effective integration;
- invest in sensitising educational institutions, their management and teachers towards the increasing diversity of their students, in providing the necessary expertise in this respect;
- develop as much as possible mediation programmes within the health services and social services, so as to facilitate communication and understanding between professionals and different ethnic groups; and
- promote access to the cultural facilities of the city and participation in cultural life for all immigrants.

Local governments are responsible for implementing some aspects of immigration laws and other tasks set by higher levels of government. At the same time, they may have considerable competences in areas relevant to integration and act as service providers in vital sectors such as health and housing. They are therefore dealing with the consequences of migration, be it regular or irregular, economic or family-based, temporary or permanent.

The Contribution to Good Governance provides the basis for a systematic learning process between cities. The ultimate purpose of the document is to encourage innovation through structured monitoring and evaluation of actions.

*Source: www.eurocities.org*

The German town of Münster assists ethnic German (Aussiedler) families with finding accommodation after they leave the collective reception centre, and supports them in integrating into community life in their new neighbourhoods. Families first meet with a municipality outreach worker. Together they draw up individual profiles on educational and occupational background, community activities before migration, knowledge of local facilities, professional and social goals and interests. Based on these profiles, a list is made of relevant local institutions and organisations that should be contacted. These include sports clubs, parishes, youth clubs, etc. The immigrants conclude an Integration contract with the municipality and pledge to attend biweekly meetings with the outreach worker. In fact, the frequency of meetings has been higher especially in the initial period.

*Source: Handbook on integration for policy-makers and practitioners*

**Summary**

This review of policy areas shows that they are closely linked and that they affect each other. This is in line with recent debates in Europe, where the focus has been on the need to improve the framework for evaluating integration policies on the basis of their four basic areas – active citizenship, economic participation, social cohesion, and education and culture.<sup>82</sup>

This means that labour market accessibility, inclusion into the labour market, social security, active and open social networks between immigrants and local communities, and the matter of political participation must all be viewed in relation to the issue of whether work and residence permits do not throw up obstacles against civic activities. It is also important to look at whether inclusion in the labour market makes use of volunteer work, individual consultations, mediation, the non-governmental sector, and platforms for dialogue among social partners.

<sup>82</sup> Niessen, J. "Integration Indicators, Monitors and Benchmarks." Background paper to the keynote address for the German Conference on Indicators and Experiences in Monitoring Integration Policy, Berlin, 15-16 June 2009

Economic activity is improved by an effective system of recognising a person's qualifications and skills. Inclusion in the job market is facilitated by prospects for professional education and career development, self-employment, promoting of entrepreneurship among immigrants, diversity in the providers of goods and services, co-operation between local businesses and immigrants, and the emergence of co-operation networks across national borders.

Social cohesion is promoted by the availability of housing, a reduction in segregation, overall urban development, social protection, and health care for all members of society. Education and culture promote intercultural and interreligious dialogue and diversity, not just in education systems, but in all areas of life, also improving language competences in immigrant groups, but also among those local residents who do not emigrate themselves.

It is also true that all of the aforementioned issues are tightly linked to the elimination of racism and discrimination in each of the areas that have been reviewed here.

Attempts to ensure the best results for integration are the goal of all direct and indirect policies. Latvia has always been one of the weakest countries in the integration of immigrants insofar as the MIPEX index of normative acts has been concerned. This means that Latvian can learn, it can shape new policies based on conclusions and best practices, and thus improve the normative framework in this area. The countries that do the best often have a relatively less advantageous situation, because they see no reason to improve the situation. This is true even though all EU member states still have plenty of problems in practice.



## 4. European Union legal rules on immigration and the integration of immigrants

### 4.1. EU rules on immigration and integration of immigrants

European Union immigration policies contain different positions vis-à-vis different groups of immigrants – asylum seekers, refugees, legal immigrants and illegal immigrants from third countries. EU law refers to immigrants who are not citizens of EU member states, EEZ member states or Switzerland as third-country nationals. In this text, we will be using both that term and the word “immigrants.” Let’s take a look at the EU’s positions on the matter of legal immigration.

It was in the Amsterdam Treaty that the EU declared the need for a unified policy on immigration and the integration of immigrants. According to the treaty, the EU is supposed to be an arena for freedom, security and justice. Migration policies were declared to be a key component in all of this, and once the Amsterdam Treaty took effect in 1999, this became the common policy of the European Communities.<sup>83</sup> The Amsterdam Treaty called for legal norms related to a common immigration policy to be approved in five years’ time after the treaty took effect. The norms were to apply to the following aspects of immigration: Standards and procedures related to long-term residence permits, family reunification, controls over illegal immigration, and the return of illegal immigrants to their country of departure.<sup>84</sup>

In 1999, the Council of the European Union met in Tampere to establish a framework for the EU’s space of freedom, security and justice. Participants at the meeting discussed major aspects of EU immigration policy, firstly, stating that all-encompassing management of migration flows must strike a balance between humane and economic admission of immigrants. Secondly, third-country nationals were to be given the same rights and obligations as the citizens of the country in which they arrived. Thirdly, there was a call for harmonisation of the legal regulations of individual countries vis-à-vis the admission and residence of third-country nationals. Finally, a strategy was to be established on the management of immigration, and this would happen in co-operation with the countries from which immigrants came.<sup>85</sup> In 2000, the European Community launched a discussion with the European Council and the European Parliament on the matter of immigration policy, emphasising the need for policies based on fair treatment of third-country citizens who were legal residents of the EU, seeking to prevent social alienation and discrimination whilst also respecting the differences of individuals.<sup>86</sup>

Of key importance here is the fact that immigration and the integration of immigrants were high on the agenda in the development of the Lisbon Strategy, which was a long-term plan of EU that was adopted in 2000. There were three pillars for development in the strategy – the economic, social, and environmental pillar. The first two are of key importance in terms of migration. The economic pillar was based on the idea that the EU must have a competitive, dynamic, and knowledge-based economy. The social pillar was based on improvements in the European social model by investing in human resources and reducing social alienation in society.<sup>87</sup> The goals in the strategy, however, are in conflict with the EU’s demographic situation. Populations are shrinking and aging at the same time. These trends can hinder the sustainability of the European social model. In this context, increasing inflows of immigrants are one way of preserving that model.

<sup>83</sup> Before the Amsterdam Treaty, immigration policies were the competence of each member states.

<sup>84</sup> For the text of the Amsterdam Treaty, see <http://www.eurotreaties.com/amsterdamtreaty.pdf>

<sup>85</sup> The conclusions from this meeting can be found at [http://www.europarl.europa.eu/summits/tam\\_en.htm](http://www.europarl.europa.eu/summits/tam_en.htm).

<sup>86</sup> For the EC’s communication on this matter, see <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2000:0757:FIN:EN:PDF>

<sup>87</sup> Find the Lisbon Strategy at [http://europa.eu/scadplus/glossary/lisbon\\_strategy\\_en.htm](http://europa.eu/scadplus/glossary/lisbon_strategy_en.htm)



The economic and social pillars of the Lisbon Strategy are also important in terms of immigration policies because immigrants and their work and knowledge are necessary to achieve the economic development goals that are set out in the strategy. It is also true that the integration of immigrants is a prerequisite of social cohesion and welfare in the EU. Further discussions about EU immigration policy have always been based on the goals of the Lisbon Strategy.

Work on the Hague Programme began in 2004 to identify ways of strengthening the area of freedom, security and justice in the EU between 2005 and 2010. When it came to legal immigration, the text of the programme stated that *“legal migration will play an important role in enhancing the knowledge-based economy in Europe, in advancing economic development, and thus contributing to the implementation of the Lisbon Strategy.”*<sup>88</sup>

The Hague Programme also included a list of ten priorities for the next five years, and three of these had to do with legal migration – management of migration, integration so as to ensure that migration has a positive effect on the European society and economy, as well as common responsibility and solidarity vis-à-vis freedom, security and justice.

The priority of management of migration is based on the need of unified immigration policies in the EU. Unified criteria were to be established as to the admission of legal migrants to member states while also ensuring a secure legal status for them. The integration priority is aimed at overcoming the social isolation of immigrants in European society, establishing a unified framework for their integration in the EU. The third priority called for a new framework programme, “Solidarity and Management of Migration Flows,” so as to help member states to improve management of these processes at the EU level while also strengthening solidarity among member states in the area of migration policies and practices.<sup>89</sup>

Another important issue alongside the admission of third-country nationals in EU member states is their integration into the relevant society. The Hague Programme of 2004 also calls for the establishment of a framework approach to such integration:

*“Stability and cohesion within our societies benefit from the successful integration of legally residing third-country nationals and their descendants. To achieve this objective, it is essential to develop effective policies, and to prevent isolation of certain groups. A comprehensive approach involving stakeholders at the local, regional, national, and EU level is therefore essential.”*<sup>90</sup>

The Hague Programme also speaks to the first principles in the integration of immigrants in the EU – integration as a two-directional process between the immigrant and the society, inclusion of immigrants and efforts to oppose discrimination, as well as intercultural dialogue and the integration of immigrants in various areas of social life.

In December 2004, the Council of the European Union and the governments of its member states prepared a series of proposals in the integration of immigrants in the EU, offering 11 basic principles in this area. The aim of this process was to help member states in formulating their own integration policies, to help member states to understand the way in which EU, nation state, regional and local government institutions can work together on integration policies so that there is a partnership with social partners, NGOs, women’s and children’s organisations and business

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<sup>88</sup> For the text of the Hague Programme, see [http://ec.europa.eu/justice\\_home/doc\\_centre/doc/hague\\_programme\\_en.pdf](http://ec.europa.eu/justice_home/doc_centre/doc/hague_programme_en.pdf)

<sup>89</sup> The priorities can be found at [http://ec.europa.eu/justice\\_home/news/information\\_dossiers/the\\_hague\\_priorities](http://ec.europa.eu/justice_home/news/information_dossiers/the_hague_priorities)

For a summary of EU legislation in this area, see

[http://europa.eu/legislation\\_summaries/justice\\_freedom\\_security/free\\_movement\\_of\\_persons\\_asylum\\_immigration/114509\\_en.htm](http://europa.eu/legislation_summaries/justice_freedom_security/free_movement_of_persons_asylum_immigration/114509_en.htm). The framework programme has four dimensions. One speaks to the external borders of the EU and a new External Border Fund. The second extends the term of the European Refugee Fund, which relates to asylum policies. The third has to do with the social, civic and cultural integration of third-country nationals and the establishment of a European Integration Fund for this purpose. The fourth dimension speaks to illegal immigration, the return of illegal immigrants to their country of departure, the establishment of a European Return Fund for this purpose.

<sup>90</sup> Page 10 of the Hague Programme. See <http://www.statewatch.org/news/2004/nov/hague-annotated-final.pdf>

structures in this process, to synthesise existing legal frameworks such as international human rights norms and EU policies vis-à-vis gender equality and anti-discrimination, and to help in structuring the dialogue between member state governments and other European institutions.<sup>91</sup> The 11 fundamental principles on the integration of immigrants cover social, economic, political and cultural issues.<sup>92</sup> The principles were not obligatory for member states, but it was recommended.<sup>93</sup> *At the same time, integration experts and researchers were critical about the principle which stated that immigrants must take integration courses and that an examination could be held at the conclusion of such courses to make sure that immigrants are familiar with, understand and respect the history of the society and institutions of the host country, as well as common national and European values. The belief is that this approach is based on serious cultural and identity<sup>94</sup> meanings, and if these are enshrined in legal regulations related to human mobility, this can promote assimilation, not integration, inclusion or social cohesion.*<sup>95</sup>

In 2004, the European Commission released a green paper on the EU's approach toward management of economic migration. This led to a debate about rules for the admission of third-country nationals in the EU, also speaking to the rights of migrants, opportunities for their integration, as well as ways of promoting legal immigration on the basis labour market needs in Europe. The green paper referred to the Amsterdam Treaty, which called for unified EU policies vis-à-vis the admission of third-country nationals, to the relevant standards and regulations, as well as the Lisbon Strategy and the Hague Programme, both of which stressed the importance of legal immigration for the further development of the EU. The document emphasised the fact that in shaping immigration policy, its authors must take into account the aging of the EU's population and the effects which this would have on economies in terms of hindering the achievement of goals from the Lisbon Strategy. The green paper also stated that existing migration flows were insufficient for the long-term developmental goals of the EU. If existing migration flows were to be maintained, the authors warned, the number of employed people in Europe would drop by 20% by the year 2030.<sup>96</sup>

A continuation to the discussion launched by the green paper led to the establishment of a plan for legal migration policies that was issued in 2005 and was far more precise in defining the legislative initiatives that are important if legal migration policies in the EU are to be consistent. In 2001, member states prepared proposals on a directive on rules for the admission of third-country nationals who arrive in the EU to find work or to become self-employed, but the Council refused to approve the document. There were recommendations for several new directives, because in the wake of the green paper, member states agreed that they did not want a unified and horizontal approach to all economic migrants. Instead they concluded that what the EU labour market really needed was highly qualified and seasonal workers. There were proposals on several different directives: (1) One on the admission and residence of highly qualified employees;<sup>97</sup> (2) One on the admission and residence of seasonal workers; (3) One on procedures related to the admission and temporary or permanent residence of employees moved to another country by groups of companies; (4) One on the admission and residence of paid interns.

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<sup>91</sup> For a press release on this subject, see [http://www.consilium.europa.eu/ueDocs/cms\\_Data/docs/pressData/en/jha/82745.pdf](http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressData/en/jha/82745.pdf)

<sup>92</sup> *Ibid*

<sup>93</sup> A European Commission report to the Council, Parliament and relevant committees on this matter can be found at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2005:0389:FIN:EN:PDF>

<sup>94</sup> The word relates to powerful cultural identity, purity and reality.

<sup>95</sup> See Carrera, S. and A. Wiesbrock. "Civic Integration of Third-Country Nationals. Nationalism versus Europeanisation in the Common EU Immigration Policy." Report prepared for ENACT, 2009. See [www.ceps.eu](http://www.ceps.eu)

<sup>96</sup> For the green paper, see [http://eur-lex.europa.eu/LexUriServ/site/en/com/2004/com2004\\_0811en01.pdf](http://eur-lex.europa.eu/LexUriServ/site/en/com/2004/com2004_0811en01.pdf)

<sup>97</sup> For the policy plan on legal migration, see [http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexplus!prod!DocNumber&lg=en&type\\_doc=COMfinal&an\\_doc=2005&nu\\_doc=669](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type_doc=COMfinal&an_doc=2005&nu_doc=669)

The aim of the directive on the admission of highly qualified workers was to prepare a rapid admission procedure for such immigrants while also ensuring attractive conditions for their lives in Europe. The draft directive on seasonal workers spoke to residence and work permits that would allow third-country nationals to spend a certain number of months in Europe during each four-year period, thus also promoting circular migration. The purpose of the third proposal was to make it easier for international companies to rotate their employees, while the idea behind the fourth one was to allow third-country nationals to gain knowledge and skills during internships in Europe, thus promoting the circulation of intellectual workers in a way which would benefit both the country of origin and the host country.<sup>98</sup> The policy plan on legal migration repeatedly spoke to the need to integrate immigrants, emphasising that the access of immigrants to the labour market is a decisive element in the integration of third-country nationals.

All of the various discussions and their results about a unified EU policy on immigration and the integration of immigrants resulted into the European Pact on Immigration and Asylum, which the Council of the European Union approved in October 2008. The document focused primarily on welfare, solidarity and security. The dimension of welfare referred to legal immigration as a foundation for Europe's socioeconomic development – a process that would involve just treatment of migrants, as well as the integration of immigrants into their local societies. The solidarity dimension speaks to member state and EU policies vis-à-vis immigration which must be transparent, also calling on member states to work together in transferring best practices amongst themselves. The security dimension refers to the fact that member states must have a unified policy vis-à-vis the admission of immigrants, complete with a unified system for the administration of the EU's external borders.<sup>99</sup>

#### ***4.2. European Union legal norms on immigration and the integration of immigrants***

Initial proposals on unified immigration policies for the European Communities stated that third-country nationals must have the same rights and obligations as the citizens of the country to which they move.<sup>100</sup> Ongoing discussions among member states on specific legal norms to be applied to third-country nationals who reside legally in the EU, however, demonstrated a conflict between initial political goals and existing legal norms in the immigration and integration of third-country nationals. Immigration and integration policies in the EU are selective, not horizontal, when it comes to third-country nationals. There are better prerequisites for life in the EU for immigrants with higher qualifications (as well as their families). The greatest opportunities vis-à-vis the labour market and social security that is equal to the nationals of member states rest with those immigrants who are highly qualified. This is specified in the directive on special procedures for the admission of third-country nationals for purposes of scientific research (Directive 2005/71/EC), as well as the directive on the admission and residence of third-country nationals for highly qualified jobs (Directive 2009/50/EC). The situation in EU legal regulations remains unclear when it comes to areas such as access to the labour market, social security, access to education, and integration. The rights of some third-country nationals are not clearly defined in directives, particularly; this refers to third-country nationals who are qualified or low qualified. Each member state has the right to define rules on third-country nationals whose rights are not clearly defined in the existing directives that are mandatory to member states.<sup>101</sup>

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<sup>98</sup> For the policy plan on legal migration, see [http://eur-lex.europa.eu/smartapi/cgi/sga\\_doc?smartapi!celexplus!prod!DocNumber&lg=en&type\\_doc=COMfinal&an\\_doc=2005&nu\\_doc=669](http://eur-lex.europa.eu/smartapi/cgi/sga_doc?smartapi!celexplus!prod!DocNumber&lg=en&type_doc=COMfinal&an_doc=2005&nu_doc=669)

<sup>99</sup> The text of the pact can be found at [http://www.cedefop.europa.eu/en/Files/3830-ATT1-1-EUROPEAN\\_PACT\\_IMMIGRATION\\_AND\\_ASYLUM.DOC](http://www.cedefop.europa.eu/en/Files/3830-ATT1-1-EUROPEAN_PACT_IMMIGRATION_AND_ASYLUM.DOC)

<sup>100</sup> For the conclusions of the Tampere meeting of the European Council in October 1999, see [http://www.eurparl.europa.eu/summits/tam\\_en.htm](http://www.eurparl.europa.eu/summits/tam_en.htm)

<sup>101</sup> The relevant directives are 2003/86/EC of 22 September 2003; 2004/114/EC of 13 December 2004, 2005/71/EC of 12 October 2005, and 2009/50/EC.

Rules on the admission of third-country nationals depend on the reason why the third-country national wants to move to an EU member states. EU directives which apply to the admission and residence of third-country nationals in an EU member state offer easier admission rules for students – ones that are based on agreements between educational institutions and the government institution which is responsible for immigration in the relevant member state. There are also easier admission rules for immigrants who move to an EU member state to engage in scientific research. When necessary, there are more rapid admission procedures for such people, for example, they might be allowed to apply for a residence permit either in their country of origin or in the member state where they are planning to work. Finally, there are easier terms for highly qualified workers – the rule is that their application for a blue card (residence permit) must be reviewed in a period no longer than 90 days.

Students and immigrants who arrive for the purpose of scientific research receive residence permits for the period during which they are students or researchers in the member state. Highly qualified workers receive the blue card or residence permit on the basis of the duration of their job contract plus three months. During those three months, such immigrants can look for a new job in the relevant member state.

Family members of third-country nationals can receive residence permits for the same period as the original immigrant. The first permit is issued for one year, with the right to renew it. The directive allows member states to set out limitations to say that immigrants can only invite family members to join them if their temporary residence permit has been issued for a year or more. The exception is the family members of immigrants who come to the EU to do highly qualified work – they can invite family members to join them even if the term for their residence permit is less than one year.

The directive which has to do with the admission and residence of third-country nationals in EU member states that all third-country nationals who are in the EU legally must have access to the labour market. The fact is, however, that member states can put limitations on this access on the basis of the situation in their own labour market. For instance, family members can be kept from looking for a job of 12 months after the residence permit has been received. Students can be barred from going to work during their first year in the member state. The principle of vacancy migration can be instituted – one which requires companies to make sure that before hiring a third-country national, they must see whether the job can be taken by a resident of the relevant country or the European Union.

The best situation in the labour market at this time is for third-country nationals who come to the EU as highly qualified workers and researchers. They have equal rights with the citizens of the relevant member states in a whole variety of areas, including recognition of diplomas, certificates and other professional documents, work conditions, wages, social security, as well as dismissal and unemployment benefits. The family members of immigrants with high qualifications do not have any restrictions as to their access to the labour market.

When it comes to social security, only highly qualified workers and researchers have the same rights as the citizens in their host country when it comes to sickness and maternity support, handicap or old age support, support after work-related accidents, as well as unemployment and family support. For other third-country nationals, social security is up to the immigrants and their family members who are employed in the relevant member states. They have to pay for their own social security and don't have access to the member state's system of social security. Directives state that all third-country nationals must have private health insurance policies. Highly qualified immigrants, however, can become part of a member state's guaranteed health insurance system, to which an immigrant can apply upon arriving in the host country. Students from third countries can have health insurance that is offered by the educational institution which they are attending.

With respect to the integration of immigrants into the local society these directives state that integration courses are available to third-country nationals who have come to a member state to do highly qualified work, as well as to their family members. For other third-country nationals, each member state can decide as to whether or not to offer integration courses to them. When it comes to access to education, directives state that the family members of third-country nationals have the right to education, including professional training and retraining,<sup>102</sup> but the principle of equal attitudes vis-à-vis third-country nationals in the area of education and trade education applies only to those third-country nationals who have the highest qualifications.<sup>103</sup>

The European Commission has defined common basic principles on integration which state that all third-country nationals must have access to a series of areas of social life without differentiating between different groups of immigrants in a way which offers better chances to some than others. The aim here is to ensure the integration of immigrants into society. The key factor here, however, is that the ideas which are enshrined in these basic principles have never been added to legal regulations that are mandatory to member states. The point is that each member state has the right to decide whether and to what extent to implement the principles.

The right to political participation is addressed clearly only in the directive on the admission and residence of highly qualified immigrants in the EU. Such people must be given the right to set up organisations and to join organisations, particularly ones which represent the interests of employers or employees.<sup>104</sup>

Each of the existing directives which speak to the admission and residence of third-country nationals in the EU contain anti-discrimination rules. Because the directives do not apply to all groups of third-country nationals, however, there is the possibility of indirect anti-discrimination vis-à-vis other groups of third-country nationals.

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<sup>102</sup> Article 14 of Directive 2003/86/EC, 22 September 2003.

<sup>103</sup> Article 14 of Directive 2009/50/EC, 25 May 2009.

<sup>104</sup> *Ibid*



## 5. Latvia's policies vis-à-vis immigration and the integration of immigrants

When Latvia joined the EU, all of the EU's legal norms vis-à-vis immigration became mandatory for it, and many of these have been enshrined in Latvia's legal regulations. At the same time, Latvia does not have a consistent or all-encompassing immigration policy concept for the short, medium or long term. This makes clear the marginal status of immigration policies in Latvia.

In 2006, the then foreign minister, Artis Pabriks, wrote that during the first years after the restoration of independence, Latvia had strict immigration policies which were aimed at ensuring that local residents felt secure and could strengthen their national identity. After that integration policy was no longer of importance in political discussions. Interest in immigration issues increased when Latvia joined the EU.<sup>105</sup> EU immigration policies demanded the implementation of more liberal legal norms in the regulations of all member states, including Latvia, and that was a subject of much debate in advance of Latvia's accession to the EU. Many representatives of the political elite thought that the EU approach to immigration was a threat against Latvia's national identity.

In 2006, on the basis of EU positions vis-à-vis immigration, and particularly legal and economic immigration, the Interior Ministry declared the need to draft policy planning documents in the area of migration in Latvia.<sup>106</sup> A working group was set up for this purpose, with representatives from the Interior, Economic, Finance, Welfare, Foreign and Justice Ministries, the Secretariat of the Minister with Special Portfolio for Public Integration, the Latvian Association of Labour Unions, and the Latvian Association of Employers.<sup>107</sup> A policy planning document, "A Concept on Migration Policies in the Context of Employment," was based on EU immigration policy positions. The document pointed to migration policies in the area of legal migration and, particularly, employment. The stated aim of the concept was to "determine whether there is a need to promote the entry of foreigners for employment purposes and to make proposals on reducing the administrative burden in organising procedures for the issuance of residence and work permits so that foreigners can be admitted for the purposes of employment on the basis of the principle of good governance."<sup>108</sup>

In drafting the conceptual document, the working group took the following major principles into account: (1) labour force immigration policy must be distinctly based on Latvia's national interests; (2) labour force immigration policy must be non-discriminatory in terms of the immigrant's citizenship, religion and ethnicity; (3) the government must maintain the adequate capacity of relevant institutions so as to ensure effective management of labour force migration.<sup>109</sup>

The document offered two possible alternatives to migration policy – one that would be based on protecting the domestic labour market and one that would bring in third-country guest workers. In relation to the first alternative, the document reviewed the inclusion of foreigners into Latvia's social security system, their integration, and the ways in which their requalification and training could be facilitated. The policy aimed at protecting the domestic labour market, in turn, was supposed to avoid any burdens on the social security system, which in part related to the

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<sup>105</sup> Pabriks, A. "Migration: Time to Change the Political Course." In Pabriks, A., et. al. (eds.). *Effect of Migration on European Political Thought and Decision-Making Process*. Valmiera: Vidzeme University College (2007)

<sup>106</sup> See <http://www.iem.gov.lv/lat/aktualitates/arhivs/?doc=13369>

<sup>107</sup> For a brief study of possible rules for the immigration and residence of highly qualified workers in Latvia, which was produced by the Latvian Citizenship and Migration Board and the European Migration Network, see [http://www.emnlatvia.lv/lv/news/arh\\_pdf/043ovalstuaugstivalifictoceljoshana.pdf](http://www.emnlatvia.lv/lv/news/arh_pdf/043ovalstuaugstivalifictoceljoshana.pdf)

<sup>108</sup> *Ibid.*

<sup>109</sup> The Interior Ministry's "Concept on Migration Policy in the Context of Employment", 19 June 2007, p. 4. See [http://www.OCMA.gov.lv/lv/documents/normativie\\_akti/projekti/likumgraz.doc](http://www.OCMA.gov.lv/lv/documents/normativie_akti/projekti/likumgraz.doc)

possibility that a foreigner might become an unemployed person, as defined by Latvian law. It would also mean that there would be no integration issues to resolve.<sup>110</sup> The conceptual document indirectly suggested that Latvia should think about the integration of foreigners only if a large inflow of foreigners were experienced.

The government was supposed to consider alternative migration policies in the context of employment once the conceptual document was prepared, but that was not done. The draft concept was proclaimed at a meeting of state secretaries on January 18, 2007, but the Cabinet of Ministers never did get around to considering it further (the last time that it was even on the agenda was November 20, 2007). Although the policy planning document was seen as a positive attempt to shape long-term approaches to immigration policies, it has not been adopted.<sup>111</sup>

Recommendations in the draft document which had to do with the simplification of procedures related to the issuance of residence and work permits were later included in a government plan for improving the Latvian business environment in 2008. The idea was to set up one-stop agencies to issue work and residence permits,<sup>112</sup> to cut the fee for residence and work permits, and to reduce the amount of time that is needed to get such permits.<sup>113</sup> The one-stop agency was supposed to be in place by December 2009, but Parliament never did approve the relevant normative regulations.<sup>114</sup> On July 1, 2008, however, the fee for receiving a work permit was substantially reduced.<sup>115</sup>

The bottom line is that Latvia does not have a policy on the integration of immigrants at this time. In 2008, on the basis of European Commission requirements vis-à-vis this matter, Latvia did start to use money from a fund aimed at integrating third-country nationals. The aim of the fund is to help EU member states to create a framework for the integration of immigrants, doing so on the basis of relevant EU recommendations (see the section of this paper which reviews such recommendations).

There are several ministries which are theoretically responsible for immigration policy in Latvia – the Interior Ministry, the Foreign Ministry, the Welfare Ministry, the Economics Ministry, the Health Ministry, the Education and Science Ministry, and the Justice Ministry. Each of these has competences that are important for the establishment of an all-encompassing immigration policy, but only four of them are actively involved in policies related to immigration and the integration of immigrants. First and foremost is the Interior Ministry, which develops and implements immigration policy. It is also responsible for regulations related to the admission of foreigners in Latvia. Second, the Economics Ministry drafts and implements structural policies in the national economy and is responsible for forecasts related to labour supply and demand. The State Employment Agency (SEA), which is subordinated to the Welfare Ministry, approves work invitations and maintains a register of guest workers. The Justice Ministry implements state policies vis-à-vis public integration in Latvia and it is responsible for the European Commission's framework programme "Solidarity and Management of Migration," which includes a fund for the integration of third-country nationals in Europe. There are, however, lots of issues which have not been addressed in Latvia – social security and education for immigrants, including integration courses, the availability of health care services, and the whole issue of policies related to immigration and the integration of immigrants.

<sup>110</sup> The Interior Ministry's "Concept on Migration Policy in the Context of Employment", 19 June 2007, p. 4.

See [http://www.OCMA.gov.lv/lv/documents/normativie\\_akti/projekti/likumgraz.doc](http://www.OCMA.gov.lv/lv/documents/normativie_akti/projekti/likumgraz.doc)

<sup>111</sup> Indans, I. "Labour Policy Analysis in the Context of Immigration: The Case of Latvia." In Pabriks, A., et. al. (eds.). *Effect of Migration on European Political Thought and Decision-Making Process*. Valmiera: Vidzeme University College (2007)

<sup>112</sup> At this time it is the State Employment Agency which confirms documents related to the summoning of workers from abroad, but it is the Citizenship and Migration Affairs Board which issues residence and work permits.

<sup>113</sup> For the cited plan to improve the business environment,

see <http://www.mk.gov.lv/lv/mk/tap/?pid=30329465&mode=mk&date=2008-04-29>

<sup>114</sup> For more on this, see the 2009 operating plans of the Citizenship and Migration Affairs Board,

[http://www.OCMA.gov.lv/pielik\\_%20rik\\_OCMA%20darba%20plaaans%202009.pdf](http://www.OCMA.gov.lv/pielik_%20rik_OCMA%20darba%20plaaans%202009.pdf)

<sup>115</sup> Cabinet of Ministers Regulation No. 244 on work permits for foreigners, in effect as of January 24, 2004.

In 2009, the Justice Ministry was drafting basic positions on public integration policies for the period between 2010 and 2016. This is the first document to set up a policy framework for the integration of immigrants, specifically defining support mechanisms for the inclusion of immigrants into Latvian society – a state language training programme, support facilities in Latvia's regions, the availability of informational materials to immigrants, professional training for civil servants, educators and social specialists vis-à-vis immigrants, etc.<sup>116</sup> At this writing, the Justice Ministry's document had not been reviewed by the Cabinet of Ministers or the Saeima.

### ***5.1. Legal norms in Latvia on immigration and the integration of immigrants***

There are various legal norms in Latvia which speak to the situation of third-country nationals and their inclusion into Latvian society. These apply to rules related to the admission of immigrants in Latvia, their economic participation or access to the labour market, their social security, anti-discrimination rules, and requirements related to education and political participation. The situation of any foreigner in this regard is based on his or her legal status in Latvia. Third-country nationals gain the broadest access to various social areas if they have permanent residence permits. In order to get such a permit, however, a third-country national with a temporary residence permit must live in Latvia without interruption for at least five years, and he or she must also pass a state language exam. The exception applies to foreign students in Latvia, whose time in the country as students is not counted toward a permanent residence permit, or is counted only in part. Unlike a permanent residence permit, a temporary one offers only limited rights and access to different areas of social services – something which often hinders the ability of foreigners to become successfully included into Latvian society.

Of key importance here is the fact that a foreigner who has come to Latvia from a third country and has a work-related temporary residence permit has limited opportunities to ask his family to join him. The law on immigration says that a foreigner can bring along his family for the period of time that he spends in Latvia himself, but the fact is that family members are required to get an invitation from the foreigner's employer. If the employer refuses, family reunification is not possible. If the third-country citizen arrives as the spouse of someone who is a citizen of Latvia, a Latvian non-citizen, or a person who has received a permanent residence permit, all that is required by the Office of Citizenship and Migration Affairs (OCMA) is an invitation from the spouse in Latvia.

Temporary residence permits are directly linked to the reason why someone is staying in Latvia. Such permits can be issued if someone has been hired for a job, if a family is being reunited, or if someone is a student. As soon as the foreigner no longer has a job, gets divorced, or stops being a student, he or she has to leave Latvia in a certain period of time. In the case of employment, moreover, the foreigner is linked to the business which has hired him. There is no right to get a different job on the basis of the current temporary residence and work permit.

An uncertain situation is also faced by the spouses of Latvian citizens or non-citizens if they are in Latvia on the basis of a temporary residence permit. If the local resident decides to get divorced, or if it is found that the spouses are living separately and not in a single home, the temporary residence permit of the immigrant can be annulled even if the couple of have minor children and a court has ruled that they must remain with the parent who is a citizen or non-citizen of Latvia.<sup>117</sup> Once the temporary residence permit has expired, the foreigner has to leave Latvia in a certain period of time. This means losing other types of relationships in Latvia, including job relations, because there is usually insufficient time to arrange for a new temporary

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<sup>116</sup> The draft document was received from the Justice Ministry on 16 December 2009.

<sup>117</sup> The Latvian Border Guard has a special unit which regularly investigates people in relation to these types of situations, because immigration law says that temporary residence permits are issued or renewed for spouses only if the relevant marriage is monogamous and if the spouses live together in a single home.



residence permit that is issued on the basis of employment. Foreigners are not given a transitory period during which they can rearrange their situation in accordance with new circumstances.

The temporary residence permit procedure is also inflexible in those cases when a foreigner is in Latvia for more than one reason, because the permit itself has to be linked to just one of those reasons. For instance, a foreigner can be a student in Latvia who has also married a person in the country. The temporary residence permit can be issued on the basis of family reunification. If the marriage ends in divorce, the person has to start the procedure all over again, this time to get a permit that is based on his or her being a student. If foreigners don't do this in a timely way, they may well have to leave the country and ask for a new permit in their own country of origin or in a third country where they can reside legally. Similarly, temporary residence permits that are issued to third-country nationals who come to Latvia for family reunification are issued on this basis, but if the spouse decides to get a job, then a new permit is needed. The exception here relates to those third-country nationals who are the spouses of Latvia's citizens, non-citizens or foreigners with permanent residence permits. They get a temporary residence permit for family reunification which also gives them the right to work and study.

A better situation in Latvia is faced by foreigners who arrive in the country for purposes of repatriation, because their status is governed by the law on repatriation, not the law on immigration. Someone is defined as a person who is repatriating if he or she "is a citizen of Latvia or has at least one parent or grandparent who is a Latvian or Liiv, and is moving to Latvia on a permanent basis."<sup>118</sup> Such people immediately receive permanent residence permits, and they can bring spouses, children and parents to Latvia, as well.<sup>119</sup> The law on repatriation states that the Office of Citizenship and Migration Affairs and the local government of the territory where the repatriated person is going to be living must take steps to integrate that person into the surrounding society. The law also says that the OCMA has to inform such people about their social rights and guarantees. Local governments must help them to deal with issues such as housing. Repatriated persons who once left Latvia as refugees or were repressed or deported during the Soviet era can also receive material subsidies.<sup>120</sup> In practice, many repatriated persons and their family members – particularly those who had Latvian parents but were born and raised abroad – face a situation similar to that of third-country nationals who are in Latvia on the basis of a temporary residence permit. They don't speak the language and do not know enough about Latvia's social, economic and political environment to make their way through life. At the same time, there are norms which dictate their inclusion in Latvian society.

The ability of third-country nationals with temporary residence permits to access the labour market is limited, because the rules in this area are meant to protect the domestic labour market.<sup>121</sup> Most third-country nationals can get jobs in Latvia only if recruited to do so by an employer, and it is on the basis of this invitation that the temporary residence permit and the work permit is issued. In such cases, the third-country nationals are linked to a single employer. There are some particularly qualified professionals who don't need an invitation to get a work and residence permit. All they need is a document which speaks to the fact of their presence in Latvia (a job contract, for instance). Protection of the local market is also what lead to the fact that the spouse of a third-country national with a temporary residence permit who comes to Latvia for family reunification gets a temporary residence permit only for that purpose – the spouse is not allowed to look for work. If the spouse wants to work, an invitation from an employer is needed, and the person has to undergo the whole procedure for seeking a temporary residence permit all over again.

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<sup>118</sup> Article 2 of the law on repatriation.

<sup>119</sup> Article 3.24 of the law on repatriation.

<sup>120</sup> Articles 8, 6 and 19 of the law on repatriation.

<sup>121</sup> The Interior Ministry's "Concept on Migration Policy in the Context of Employment", 19 June 2007.

See [http://www.OCMA.gov.lv/lv/documents/normativie\\_akti/projekti/likumgraz.doc](http://www.OCMA.gov.lv/lv/documents/normativie_akti/projekti/likumgraz.doc)

Third-country nationals who are recruited by employers to come to Latvia for work purposes are subject to the principle of vacancy migration, which means that they can be hired only if the job has been advertised for an entire month at the State Employment Service, and no local resident has applied for it. If a third-country national enters Latvia on the basis of a work-performance contract, however, then the vacancy migration principle is not in effect. The employer can confirm the invitation with the SEA once the job contract has been agreed by the agency and has been approved.

The status of third-country nationals who are in Latvia with an employment-related temporary residence permit is unstable and very much dependent on the situation in the labour market. That's because the temporary residence permit is linked to a work permit. If an immigrant loses the job, then he or she must leave Latvia very quickly. Such people are not allowed to remain in the country to look for a new job or to receive unemployment benefits.

Latvia has bilateral agreements with several countries, including Russia, Ukraine, Belarus, the United States and Canada, which state that the amount of time that a foreigner works in Latvia is transferred to the country of origin, which means in practice that social security contributions made by foreigners in Latvia are taken into account in their home countries when unemployment and other subsidies are calculated.<sup>122</sup>

Because Latvia's labour market is focused on protecting the domestic market, there are no legal regulations at this time aimed at improving the inclusion of foreigners into Latvia's labour market by offering training on the basis of the foreigner's profession, helping the foreigner to learn the Latvian language, etc.

Foreigners with permanent residence permits, however, have free access to the Latvian labour market. The same is largely true for those third-country nationals who have arrived in Latvia as the spouses of Latvia's citizens, non-citizens or permanent residents. Upon receiving a temporary residence permit, such people immediately get a work permit, too, and that allows them to have any job at all in Latvia. Both of these groups of foreigners receive unemployment support, assistance in finding jobs, and programmes that are meant for unemployment risk groups – professional training, retraining, improvement of qualifications, and Latvian language learning.

When it comes to business, the law on immigration states that third-country nationals can come to Latvia as individual entrepreneurs or self-employed people, but in that case they have to prove to the OCMA that their business plans are sustainable and financially justified. Foreigners who want to set up shop or become self-employed must register with the Company Register as individual entrepreneurs or with the State Revenue Service as self-employed persons even before they seek a temporary residence permit. Foreigners in Latvia can also set up companies, but that is not an accepted reason for issuing a temporary residence permit.

The worst situation in comparison to Latvia's permanent residents, Latvia's citizens, and EU citizens is faced by third-country nationals and their children who are in Latvia on the basis of temporary residence permits. Despite the fact that third-country nationals who work in Latvia pay the same taxes as local residents, they do not get access to state-financed health care, social and legal aid, or education.

When it comes to health care, the state does not even fund emergency medical care for such foreigners. Foreigners who receive a temporary residence permit must also purchase a health insurance policy to cover emergency medical care. The only exceptions are citizens of Ukraine and pensioners who are Russian citizens – in both cases, people get free emergency medical care on the basis of bilateral agreements. Because the mandatory health insurance policy for

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<sup>122</sup> For more on this bilateral co-operation, see the Welfare Ministry's homepage: <http://www.lm.gov.lv/text/585>

foreigners covers only those medical services which have to do with accidents and emergency situations, they must pay for any other health care services on their own.

Latvian law also says that third-country nationals with temporary residence permits and their children don't have the same access to free education that is available to local residents and EU citizens. The Latvian educational system, moreover, has no theoretical or practical mechanisms for helping the children of immigrants to become included in the Latvian educational system.

As noted in the section of the paper on the labour market, third-country nationals with temporary residence permits that are based on the fact of marriage to a Latvian citizen, non-citizen or permanent resident have access to unemployment support, job searches and services given to those who are at a risk of becoming unemployed, as do foreigners who have temporary residence permits related to scientific work in Latvia. As soon as such foreigners receive their permanent residence permits, they have access to state-financed health care, social and legal aid, and education.

Foreigners with temporary residence permits in Latvia also have limited opportunities for political participation. They, like permanent residents and non-citizens, cannot vote in local government and parliamentary elections, and they cannot become involved in political organisations. It has to be noted that Latvian non-citizens who, in formal terms, have permanent residence permits and live their whole lives in Latvia are not allowed to vote in local government elections either.

The law says that foreigners have the right to become involved in organisations and labour unions, but in practice, that doesn't happen very often at all.

When it comes to anti-discrimination efforts, the relevant legal norms are found in several laws which have to do with various areas of social life. Experts believe, however, that anti-discrimination norms that are enshrined in international and EU documents and are thus obligatory to Latvia are not fully integrated into Latvian law.<sup>123</sup>

Anti-discrimination rules in Latvia mostly ban discrimination on the basis of nationality, citizenship, gender, religion, ethnicity, race, skin colour, political beliefs, health conditions, employment, etc., but the fact is that indirect discrimination is permitted in some of these areas. Fewer rights, for instance, are available to third-country nationals who are in Latvia on the basis of temporary residence permits.

In a study called "Learning to Accept: Integration of Immigrants in Latvia," legal experts stated that the status of people with temporary residence permits enjoy, by definition, a narrower set of rights, adding that there are situations in which these divergent attitudes can be seen as discriminatory. One area in which this is true has to do with children who are in Latvia on the basis of temporary residence permits, because they do not have legally guaranteed access to state-financed general education.<sup>124</sup> A similar situation is faced by third-country nationals who are working in Latvia legally – they pay the individual income tax and make mandatory social contributions just like local residents do, they have virtually no access to the country's social security system and elements such as legal aid, health care services, social subsidies and social assistance. This shows that there are certain cases in which there are limits on anti-discrimination efforts, because institutional discrimination does exist.

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<sup>123</sup> Ķešāne, I. and R. Kaša. "Mācāmies uzņemt: imigrantu integrācija Latvijā" (Learning to Accept: Integration of Immigrants in Latvia). In Akule, D. (ed.). *Mācāmies uzņemt: imigrantu integrācija Latvijā un Polijā* (Learning to Accept: Integration of Immigrants in Latvia and Poland). Rīga: Providus, 60 pp.

<sup>124</sup> This is stated in Article 3 of the law on immigration, which was adopted in 1999.

## **5.2. Planned amendments to the immigration law and regulations on residence permits**

There are plans in Latvia to improve the procedure for residence permits by amending the immigration law and regulations in this area. This author interviewed Maira Roze from the OCMA on November 11, 2009, and found that the changes might be as follows:

- 1) The principle of one-stop agencies is to be introduced so that employers no longer have to go to the State Employment Service to report a job vacancy, as is the case right now. Instead, such information will be forwarded electronically, and it will also be possible to prepare job recruitments via the OCMA. Since January 1, foreigners have also been able to declare their place of residence with the OCMA, as opposed to the relevant local government institution.
- 2) There are plans to improve the circulation of electronic documents. Employers will no longer have to send job recruitments by mail. Instead, they will be electronically available at all of Latvia's diplomatic and consular institutions.
- 3) There are plans to make it easier for foreign students to receive residence permits. Since September 1, 2009, universities have been able to file documents with the OCMA in place of students who are still abroad. This makes it a bit easier for students from those countries where Latvia does not have diplomatic representation. Those students who come from countries with which Latvia has a visa-free programme can submit their documents to the OCMA when they arrive in Latvia, as opposed to the former situation in which they had to file them with a Latvian diplomatic facility abroad. It does have to be noted, however, that right now this can be done only with the special authorisation of OCMA management, not as a matter of normal procedure.
- 4) Requirements as to uninterrupted residence in Latvia are to be eased up in terms of temporary and permanent residence permits and extension of same, because in practice this norm has proven to be a great encumbrance for the OCMA, which has to keep records, and for foreigners who sometimes find it difficult to deal with the requirement that immigrants with temporary residence permits must spend at least six months of the year in Latvia.<sup>125</sup>
- 5) New rules on residence permits also speak to a reduction in the number of documents which foreigners have to submit when seeking an extension in their permits. The plan is that foreigners will no longer have to fill out the application form all over again. Instead, they will simply be asked whether any of the data on the original form have changed.

Planned updates to the immigration law say that if the employer hasn't paid all of the taxes that are to be paid in Latvia, then there will be limitations for a specific period of time as to the ability to hire foreigners. This norm is aimed at making sure that employers don't evade their taxes.

Most of these planned changes are still only on paper, it has to be added – Parliament has not yet approved them.

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<sup>125</sup> Article 35 of the immigration law that has been in effect since May 2003 says that term residence permits are annulled if the foreigner spends more than three uninterrupted months a year outside of the country or more than six months with interruptions over the course of the year. The period of time is counted from the day that the foreigner crosses the country's border. Exemptions are available if the immigrant's departure has been reported in accordance with Cabinet of Ministers procedures, and documents have been presented to justify the departure. Article 36, for its part, speaks to permanent residence permits, stating that these are annulled if the foreigner spends more than six uninterrupted months outside of Latvia during one year, starting from the date when he or she has crossed the border. The same is true if the foreigner spends more than two years and six months outside of Latvia over the course of five years, when different periods of absence are totalled together. Here, again, the count starts from the day when the immigrant has crossed the border. Here, too, exemptions are granted if the relevant documents are filed in the appropriate way. Article 24 of the law states that permanent residence permits are available to foreigners who have lived in Latvia on the basis of a temporary residence permit for at least five years right before the date when the application for a permanent residence permit is made.

## 6. Integrations of immigrants into Latvian society: analysis of in-depth interviews

This chapter focuses on the experience of immigrants when it comes to becoming integrated into Latvian society. We've focused on problems such as residence rights, inclusion into the labour market, access to social, health care and educational services, availability of housing, discrimination against immigrants, political participation, and contacts between immigrants and local residents.

The researchers have taken an in-depth look at the experience of various immigrants who have come to Latvia for different purposes such as studies, work or marriage. This has allowed us to cover as broad a set of experiences among immigrants as possible, and we have also been able to identify the situation of this group in Latvia. This, in turn, allows us to identify obstacles against the inclusion of these people into Latvian society.

### 6.1. Admission and residence rights in Latvia

A third-country national who wishes to live in Latvia legally must satisfy a series of requirements related to residence permits and entrance visas.<sup>126</sup> This is the first step toward integration into Latvian society. The experience of immigrants with applications for these documents reflects different views as to the procedure.

#### **Receiving a residence permit**

According to foreigners view the procedure for receiving a residence permit is time-consuming and expensive. This was particularly stressed by those respondents who came from countries in which Latvia has no diplomatic representation. They had to travel to a country in which Latvia does have diplomatic representation, and that meant much higher costs in seeking the residence permit. Travel costs to the country in question were one thing and accommodation while waiting for the right to travel to Latvia were another. In many cases, employers who were waiting for immigrants whom they had invited to come to Latvia for work purposes covered these costs fully or in part.

*"It was a very long process, it is a very long route. And it cost a lot of money – more than you can imagine. You have to start your life anew, but you have spend quite a lot of money. Something's wrong here. That's not the case in other countries."* (Spouse from the Middle East)

When it comes to the integration of foreigners, it is of key importance to understand that migration is expensive and can have a serious effect on the foreigner's financial status and welfare in the country of origin. Many foreigners invest all of their capital or borrowed money from relatives to get to another country to find work or a higher education.

Foreigners complain about the fact that those who are in Latvia with a visa cannot apply to a residence permit while in Latvia. They have to leave the country, which means additional spending and a waste of time. Legal experts also feel that this norm is entirely unjustified.

*"There was a lot of bureaucracy, but it was not all that complicated. I had to leave Latvia [the respondent had initially been in Latvia on a tourist visa] and deal with the issue in London, for instance. I received it in late December or early January. Yes, it was inconvenient, but as I came to this country with no right to live here, I think that it was a normal process."* (Employee from North America)

Because the procedure for receiving a visa and a residence permit takes so much time, many foreign students miss the start of their studies.

*"The course in the university had started in February but I just arrived in May, but almost everybody from my group were late arrivals. So we were divided in two groups."* (Student from South Asia)

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<sup>126</sup> A visa is necessary in those cases when the immigrant's country of origin does not have a visa waiver agreement with Latvia.

Some foreign students said that the university which they were planning to attend helped them to deal with the residence permit, but they still felt that the process was too complicated. There are universities which offer very minimal support to students in this regard.

Foreign students who have studied in other EU member states say that getting a residence permit there is far less expensive and time-consuming. Cyprus in particular is cited as a positive example of this.

Respondents also criticised the fact that when they apply for a residence permit, there are two different institutions which deal with the matter and have different criteria in evaluating the applications. The Office of Citizenship and Migration Affairs (OCMA) decides whether to issue a residence permit, but the Consular Department of the Foreign Ministry is the one which asks the OCMA for its decision on the permit before issuing a visa. The Consular Department also interviews the foreigner. Respondents think that the institution which issues the visa and the one which issues the residence permit should work more closely together. In practice, there are situations in which students have been told by the OCMA that their residence permit has been approved, only to find that they have been denied an entrance visa to Latvia. These researchers found that this situation was most common among foreigners who need to undergo additional investigation before they are given a residence permit or a visa,<sup>127</sup> as well as those who came from risk countries. Foreign students who found themselves in such a situation had to face substantial financial losses.

Things said by respondents also suggest that the activities of the Consular Department and the OCMA are less than transparent, and immigrants find it hard to understand why they're not being allowed to enter Latvia or to monitor the process whereby the residence permit is considered. The transparency of this process is of key importance to every immigrant so as to understand and deal with obstacles against the issuance of a visa or residence permit.

Foreigners also criticized the fact that the procedure for receiving an entrance visa and residence permit was made more difficult by the unavailability of information from the OCMA and the imprecise nature of the agency's work with the provision of information (in other words, different OCMA employees were likely to offer different information about one and the same issue). Respondents have found that information from OCMA staff and information from the agency's information resources can be incomplete and different, and that often means that it takes longer for an immigrant to prepare an application for a residence permit. Some foreigners go so far as to say that Latvia's immigration procedure, all in all, is positive in relation to the procedure in other countries, but even they say that the fact that different sources offer entirely different information is a problem. The work of the OCMA may be justified, but if the agency fails to explain what it is doing to foreigners, then the reasons for issuing or refusing a permit cannot be understood. In that case, it is likely that the foreigner will interpret the agency's work subjectively and, in most cases, negatively.

*"The problem was that I was told to get a document. I did, but they didn't tell me what else I needed. I live far away from the Ukrainian capital city, and I had to travel to Kyiv on numerous occasions. You gather the documents, you survive the queue, and then you find that you need yet another document. You have to go back home and then back to Kyiv. They don't immediately tell you everything that you'll need. They tell you something about the requirements, but then, all of a sudden, there are additional requirements."* (Student from Africa)

Foreigners have access to a faster procedure in taking decisions on residence permits – one that costs more. It is not always reliable, however. Respondents say that sometimes this procedure turns out to be two or three times higher than has initially been promised:

*"We paid to get the permit in five days, but in fact we had to wait for three weeks. When we paid for one month, we waited for two months."* (Employee from Southeast Asia)

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<sup>127</sup> The relevant Cabinet of Ministers regulation, No. 149/2007, took effect on November 3, 2007.

Immigrants who have used the help of a lawyer to deal with the residence permit are comparatively more positive about the procedure, and they agree that the procedures are justified. At the same time, however, these people also say that the procedure in other countries where they have sought a residence permit is less detailed and complex.

Of importance here is the fact that respondents point to the procedure for receiving residence permits as a factor that needs to be improved so as to make studies in Latvia more accessible to foreign students (see the section on recommendations for improving the quality of study programmes that are offered to foreign students).

### **Renewing and extending a residence permit**

Immigrants with temporary residence permits that have been issued for more than a year must check in with the authorities once a year, and if the residence permit has been issued for a specific time such as a year and the reason for being in Latvia is still in place, then the permit has to be renewed. This means that a decision is taken each year as to whether the Latvian state wants to maintain the relationship with the foreigner. It is important that some foreigners say that the annual process of renewing or extending a residence permit is the largest problem which they face in Latvia.

Immigrants say things to show that the process of renewing or registering a temporary residence permit is complicated and very similar to the procedure for getting the permit in the first place. In practice, people usually have to assemble almost the same set of documents that was needed for the first application:

*“It’s a stressful situation. Why should we have to collect all of the documents once a year? It doesn’t appear to be an extension in the document; it’s more like applying for it once again. The last three months of the year are full of problems. We started to collect documents in August and finished the application process in November.”* (Spouse from Eastern Europe)

Cabinet of Ministers Regulation No. 813/2006 is the normative act which specifies the documents which immigrants have to submit to renew or extend a temporary residence permit, but the experience of respondents is that bureaucrats made demands that are different from the rules that are in that regulation. It appears that the requests made by civil servants are inconsistent and often just wrong:

*“Each time you visit this institution, you get a list of documents which are necessary. The list is very general. When you bring the documents to the inspector, then it all starts – they want to understand things in accordance with their own definitions, they want other documents which tell them more than the documents which you’ve brought.”* (Spouse from the Middle East)

Of importance here is the fact that bureaucrats of the OCMA bear no responsibility at all for incomplete or imprecise information. None of the respondents received written instructions as to the documents that are needed to extend or register a temporary residence permit. The OCMA homepage says that the agency bears no responsibility for the information that it discloses. All information is presented only orally, not in writing. This means that it is all but impossible for foreigners to prove that they have been given false information that has led to losses.

*“I suspect that it is far easier for a bureaucrat to say ‘no’ than to address the problem.”* (Spouse from the Middle East)

Several foreign students also reported losses cause by imprecise information from the OCMA. A Lebanese student talked about going to the OCMA with a friend to ask what to do when their passports expired. The OCMA representative gave them instructions which they followed, but the student nevertheless had problems at the airport when attempting to re-enter Latvia. The Border Guard even detained his friend at the airport for three days. Both young men ended up having to pay an administrative fine.



Respondents say that this is all down to incompetence among bureaucrats, as well as to their unfavourable attitude toward immigrants. According to respondents, this attitude is manifested by civil servants who refuse to explain things in a foreign language even if they speak that language. They treat foreigners impolitely and decline to take an in-depth look at each case individually. At the same time, respondents say that the attitude that is displayed and the quality of the services that are rendered depend entirely on the specific OCMA employee who is encountered. There are cases in which employees are responsive and interested in helping immigrants to handle the relevant formalities in a rapid way.

Asked why there are problems with receiving precise information from the OCMA, respondents say that the agency's employees lack foreign language skills. They don't insist that the civil servants should learn all foreign languages, but they should be able to explain information to foreigners in a simple and clear way.

### **The effects of residence permit procedures and practices on Latvia's image**

The immigration procedure and the attitudes of OCMA employees, say respondents, has a negative effect on Latvia's reputation among foreign businesspeople and investors. The complexity of immigration procedures, according to such people, is a fundamental factor in choosing the country in which to make an investment.

Most foreigners think that a big problem is that Latvia does not see immigrants as a resource for economic development, because a foreigner in Latvia can be a consumer, a taxpayer, and also an investor.

Representatives of higher education institutions are also worried about Latvia's image, as affected by immigration procedures. They say that universities can present the quality of their studies and their programmes, but the ability to export educational services depends largely on the country's image. This image, add the educators, depends first and foremost on the procedure which relate to residence permits. The greatest problems are to attract students from those countries in which Latvia has no diplomatic presence. In that case, the process of receiving a temporary residence permit and a visa can prove to be very expensive and time-consuming.

### **Temporary status and security**

Respondents with temporary residence permits who have joined a spouse in Latvia say that their temporary status means that their situation in Latvia is insecure, and that makes it more difficult for them to become part of Latvian society successfully. The MIPLEX study also shows that the demand that the spouses of Latvian citizens must spend five years in Latvia with a temporary permit before receiving a permanent one is a poor practice in the integration of immigrants.<sup>128</sup>

*"People don't have the same sense of security that they would have with a permanent residence permit, because they cannot think about plans for their own business. I live in Latvia, but I don't feel secure. I cannot think about the future, about a home or the possibility of having children. I have properties in Egypt which I could sell, but why does Latvia make me depart the country? I cannot do anything until I feel secure."* (Spouse, Middle East)

If someone who has invited a foreigner to come to Latvia withdraws the invitation, then the immigrant must leave the country quite quickly. There is not enough time to change the residency permit to one that is based on different factors.

The fact that the status of immigrants who have been invited by spouses to join them in Latvia for family reunification purposes depends entirely on the spouses is uncomfortable and difficult for many immigrants to accept, even if they come from a country in which there are different

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<sup>128</sup> See <http://www.integrationindex.eu/integrationindex/2436.html>



social and cultural practices. In the Middle East, for instance, there are typically patriarchal social and cultural practices.<sup>129</sup>

Also related to the security of one's status in Latvia is the fact that the OCMA often asks the Border Guard's Foreigner Control and Oversight Service to conduct investigations in accordance with Article 26.3 of the law on immigration, which says that temporary residence permits for spouses are issued or renewed if the marriage is monogamous, the spouses live together, and they share a household. Married foreigners hate these inspections, believing them to be an interference in private life. Some foreigners say that the inspections are humiliating and are based on unequal attitudes – why should it be that local residents can live apart from their spouses, but foreigners cannot? Foreigners believe that to be accepted practice if one partner, for instance, works in the city, while the other is employed elsewhere. Another unpleasant aspect of the situation is that the inspection involves the indirect assumption that the foreigner is violating the rules of the residence permit, e.g., is in a fictitious marriage. Foreigners are not warned when an inspection is approaching.

### **Changing the reason for a residence permit**

The study shows that it is comparatively hard for immigrants to handle the formalities related to situations in which their reason for being in Latvia changes. Foreigners must seek new residence permits – ones that are issued on a different basis. The authors of this study found a foreigner who came to Latvia as a student and got married here. He asked for a residency permit on the basis of the marriage. The OCMA refused the change after finding that the couple lived separately and had no household together. The foreigner had to leave the country, because there was not enough time to prepare a new residence permit on the basis of his being a student (he was continuing his studies). In other instances, a permit could be sought on the basis of employment if the spouse in Latvia has a job. Immigrants in this situation can get a new residence permit only if they leave the country, and that means major expenditures. A similar situation is faced by foreigners who arrive in Latvia to get a job. As soon as the job ends, the foreigner has to leave Latvia. There isn't enough time to find a new job or, if a new employer has been found, there is no sensible period of time during which a new residence and work permit could be prepared. What's more, foreigners cannot handle visa issues without departing from the country to do so.

### **Permanent residence permits**

Of key importance in the integration of immigrants is the ability to receive a permanent residence permit. That guarantees broader social, economic and sometimes political rights for immigrants. Our study of Latvia's legal regulations in this area and the things which respondents told us indicate that the status of temporary residence creates an insecure situation and makes it more difficult for immigrants to integrate into their surrounding society.

Respondents – particularly those who have come to Latvia for spousal reasons or as students – say that it is complicated to get a permanent residence permit in Latvia. The immigrant must spend five uninterrupted years in Latvia and pass a mandatory language examination.<sup>130</sup> The truth, of course, is that people travel a lot these days for work and business reasons, and the requirement that they cannot be absent from Latvia for more than six months in a five-year period is too restrictive. MIPEX, which has studied the integration of immigrants in the 27 EU member states, has argued that these rules are poor examples of practices in this regard.<sup>131</sup>

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<sup>129</sup> In Arab culture, for instance, the roles of women and men are assigned on the basis of patriarchal principles from the very start when a new family is established. See Inhorin, M.C. *Infertility and Patriarchy: The Cultural Politics of Gender and Family Life in Egypt*. Washington: Library of Congress Cataloguing (1996)

<sup>130</sup> See footnote No. 87.

<sup>131</sup> See <http://www.integrationindex.eu/integrationindex/2434.html>

Foreign students who want to settle in Latvia for life are critical about the fact that the OCMA often gives them imprecise information to say that the amount of time that they have spent in Latvia as students is not counted toward the period of time that they must spend in the country to get a permanent residence permit. The immigration law and the regulations on residence permits do not clear state whether this is the case when a student or former student seeks a permanent residence permit. The result is that foreign students often find that in order to get the permanent residence permit that would offer them broader social and economic rights in Latvia, they would have to spend a full 10 years in the country. Of course, that also extends the period of time that is necessary before they can hope for Latvian citizenship.

Respondents who have actually sought a permanent residence permit insist that some of the formalities in the process are unacceptable. For instance, there is the requirement that applicants prove that they have lived in a specific place of residence for an unspecified period of time. Respondents don't think that moving house should be seen as any reason to deny a permanent residence permit.

An immigrant who wants to become a citizen of Latvia has to spend at least 10 years in the country and waive his or her previous citizenship. Latvian law does not permit double citizenship. Respondents believe that there is no good reason for this and that the rules hinder the ability of foreigners to integrate themselves into Latvian society. This, they add, often hinders the ability of immigrants to make a positive contribution toward that society.

## **6.2. *The accessibility of and inclusion in the labour market***

Accessibility of the labour market is one of the most important aspects of a foreigner's ability to become a part of the local society, because it has everything to do with the foreigner's socioeconomic situation and welfare in Latvia.

The accessibility of Latvia's labour market is based on the immigrant's status and residence permit. The spouses of local residents have relatively free access to the Latvian labour market if they are third-country nationals, because they can get a work permit that allows them to work at any job without a specific job invitation. Foreign students are allowed to receive work permits which allow them to have any job, but for no more than 20 hours a week so that work do not affect the quality of studies. Immigrants who arrive in Latvia for work purposes face the most serious restrictions, because their work permits are issued only in the context of a single, specific employer, while their residence permits are linked to the work permits. This means that when such immigrants lose their jobs, they can no longer stay in Latvia long enough to find new ones.

### **Job seeking**

**Spouses.** Immigrants who have arrived in Latvia as the spouses of Latvian citizens, non-citizens or permanent residents have told these researchers that it is not easy to join the workforce in Latvia and that often enough; the only way to find a job is via acquaintances. Respondents have also said that insofar as Latvia's economic situation is concerned, the obstacles which immigrants face in this regard can be attributed to the ongoing economic crisis.

A lack of Latvian language skills is a major problem when it comes to finding a job in Latvia. First of all, there are national language policies to say that people can hold specific jobs only if they have adequate Latvian language skills. Second, immigrants often cannot find a job related to their education or profession, which in the long term can mean deterioration in skills, knowledge and qualifications. Statements made by immigrants who have arrived in Latvia as spouses show that finding a job is one of the greatest problems which they face in the country.

**Students.** In the research cohort for this study, there were students who did have a job and students who did not. Asked why they wanted to work in Latvia, students said that they wanted to get experience in their profession, but also to pay for their everyday needs in a country which most foreign students perceive to be very costly. Some of the students who did not have a job

explained that they did not have time to have one, because they had to devote a great deal of time to their studies.

Many of the students who did not have a job said that they wanted one, but they spoke of several obstacles which, they believe, hinder their access to the labour market. Inadequate Latvian language skills and insufficient experience were cited as the main reasons. At the same time, however, it is often not possible to tell what an employer is really thinking when he or she refuses a job application from a foreign student.

Students who said that a lack of Latvian language skills was the main problem in finding employment also said that it would be easier for them to learn the language if they were not kept apart from local students during their studies and at dormitories.

Respondents also said things to suggest that often enough the problem are that the study process makes it hard for students to work in their professions. Studies occur during the day, which means that students must look for jobs that can be combined with the studies – in the evening or at night.

Asked how they look for jobs, foreign students said that they ask acquaintances about possible jobs, send letters of application to companies at which they would like to work, and seek information about jobs from their instructors. The experience of foreign students, however, has been that instructors have minimal opportunities to help in this regard.

The work permit, which allows students to work only for 20 hours a week, is also seen as a limitation against free access to the labour market.

Those foreign students who did have a job did not speak of problems with their work permits. Only one respondent cited a foreign student who had been hired by a hospital to conduct a research project without knowing that he needed a work permit. The OCMA learned about the situation when it noticed that the student was paying the individual income tax to the state. The respondent said that the employer should have known that the student who was hired needed a work permit.

**Employed people.** Foreigners who come to Latvia on the basis of a job invitation obviously have a job when they arrive in the country. For that reason, none of the respondents who were in that situation claimed difficulties in finding work. There were, however, different strategies for finding a job in the first place. Some respondents contacted specific companies in specific sectors. Others learned about potential jobs from the potential employer or from friends or acquaintances who were already working for the employer. Still others found work with the help of recruitment firms.

Respondents in this group, too, however, said that it is often comparatively hard to find a job in Latvia if one does not have adequate Latvian language skills.

**Businesspeople** There were some businesspeople among the respondents. Foreigners, like local businesspeople, tend to be critical about the frequent changes that are made to Latvian business norms, about excessive bureaucracy, and about what they feel is an unacceptably high individual income tax rate.

Foreigners who have come to Latvia to engage in business also say that initially it is hard to become accustomed to Latvia's business culture, because it often is not focused on co-operation or discussions that would lead to a mutually favourable agreement between two partners:

*“You go to a vendor who sells tomatoes. Most people buy a kilogram or two. You tell the person that you'll be buying 60 or 70 kilograms a month. What's the price? You're told that it's the same price as for the guy who buys one kilogram. I say, that's not possible – how can you charge me the same price when I buy 40 or 50 kilograms and he only buys one kilogram. The vendor looks me in the eye and tells me that that's the situation. It was interesting at first, but then you get used to it and understand how the process works. You just adapt to it.”* (Employed person from the Middle East)

## **Relations between employees and employers**

**Labour rights and job safety.** Different groups of foreigners have had different experiences in terms of relations between employers and employees. Foreigners who have jobs which require high qualifications say that their jobs are just fine. They do not focus on problems related to labour rights or job safety. Instead, they are more likely to talk about good working conditions and the atmosphere at work:

*“The first thing that I appreciated was that I was given a large workspace, a lot of peace and quiet. I just love peace and quiet.”* (Employed person from South America)

The experience of foreigners who have jobs which require medium or few qualifications, however, shows that the situation with labour rights and job safety is comparatively poor. In practice, according to these respondents, there are various violations of their rights. Among them were foreigners whose job contracts and residence permits were held by the employer, which meant that they could not defend their rights if necessary. Foreigners also complained of job contracts that were written only in Latvian and Russian, which meant that they couldn't understand them or their rights and obligations.

Several respondents used the words *“I had to sign the contract,”* showing indirectly that foreigners have no choice but to agree to what the employer is proposing if they want to remain in Latvia and do their jobs. Foreigners who are invited to come to Latvia for a job do not have free access to the labour market, and they cannot change employers because their work permit allows them to work only for a specific employer. This, of course, makes the status of the foreigners unsafe in Latvia. If they are made redundant, they have to leave the country.

This is not to suggest that the situation is universally bad, however. There were also respondents who said that they knew about their rights and about job safety terms and had no problem in that regard.

One of the biggest problems identified in the study insofar as violations of labour law are concerned is the insistence at some companies that foreigners work overtime without getting any additional pay. Some respondents claimed to be working 72 hours a week, which is a serious violation of labour law and also threatens the health of the individual. Researchers also identified one foreigner who was so overworked that he lost consciousness while at work:

*“I work six days with one day off. I work from morning until evening. It's not eight hours, to tell the truth, even though in my documents it speaks of eight or six hours. I work 12 hours a day. There's the crisis now, sometimes I can work less, but before then it was very, very difficult – from morning until night, with no stop and no rest.”* (Employee from South Asia)

Other respondents said things to indicate that the law is also being violated with respect to rest periods for workers:

*“You get no breaks at work, no, just a few minutes to go to the lavatory. Those who smoke go to have a cigarette, but I don't smoke. If you want to have tea, then you have to drink it while working. You can't first drink the tea and then go back to work.”* (Employee from South Asia)

A problem here is that this kind of attitude toward employees can make it harder for foreigners to become included into Latvian society. Those who work all day and have few days off cannot access other aspects of social life such as cultural and entertainment events, different hobbies, and contacts with friends and acquaintances. This means that the foreigner is included in Latvia's society only in economic terms. The experience of respondents shows that employers expect nothing more than work results from their employees. They don't care about other aspects of the person's life in Latvia.

Respondents did not, however, complain about these situations, nor did they report trying to address them. There might be several reasons for this. One is that the foreigner might simply feel unsafe in terms of his or her status. Secondly, there are cultural differences – there are cultures in

the world, after all, where employees are subordinate to employers and are not accustomed to complaining about anything. Finally, there is the language barrier which can keep foreigners from delivering their complaints in the right direction.

Foreigners who are in Latvia legally are entitled to sickness support, but most respondents said that they have never claimed a sick day while in Latvia. Here, again, this can perhaps be attributed to the lack of any sense of security in Latvia – people fear losing their jobs. Several respondents said that they have the right to an annual vacation, but they don't take it:

*"I don't take vacation at all. What am I supposed to do if I'm on holiday?"* (Employee from Africa)

Most respondents didn't complain about their wages, but some foreigners said that they weren't paid what had been agreed at first:

*"Sometimes he [the company's executive director] is nice to us, but sometimes he doesn't help us. He hasn't helped me at all. Soon it will be three years since I've been here, and he should increase my salary, but he won't do that."* (Employee from South Asia)

Similarly, foreigners who come to Latvia to get married and who can have any job on the basis of their residence and work permit have often changed employers because of violations of job-related laws. One spouse said that he changed jobs more than three times. The main reasons why foreigners often leave a job for another one is that wages are insufficient for the work that is done, the person has not signed a work contract, or wages have not been paid. At the same time, the respondents admit indirectly that they are unfamiliar with the rights and obligations of employees in Latvia:

*"At my first job, I faced inappropriate demands from my employer – I had to invent seven new dishes each day, and I didn't have a job contract."* (Spouse from the Middle East)

According to respondents, employers in Latvia typically hire foreigners for a temporary period, after which they sack the person and pay him or her a smaller sum of money than would be deserved. Local residents have experienced the same, but the fact is that foreigners have insecure status and limited opportunities to find different jobs. That's why they feel greater humiliation in such situations.

**Relations with employers and local colleagues.** The experience of people with high qualifications is that relations with employers and local colleagues are fine, but respondents sometimes do say that relationships at work are different in Latvia than in their home country.

Among people with medium or low qualifications, some respondents say that employers treat them well because of their working abilities and trust. On the other hand, there are also respondents who claim that employers treat foreigners differently than local residents, and there is discrimination in certain situations. If a foreigner feels poorly at work, for instance, he is allowed to rest for awhile and is then sent back to work. Local residents, by comparison, are allowed to go home until they feel better.

Some foreigners say that relations at work are hierarchic, and employees do not have direct access to their bosses. This means that foreigners cannot always complain about working conditions. There are often language barriers, too – the employer may well not speak the foreigner's own language.

*"If something happens to us, then our executive director forwards our information to him [the employer]. We don't talk to him directly. He doesn't speak English, because he's a Russian. I don't speak Russian – that's a very tough language."* (Employee from South Asia)

Some respondents say that bad relations with local employees who are intolerant toward foreign workers in Latvia are a problem. Immigrants say that they make peace with this intolerance, because they're afraid of losing their job. The position taken by bosses, meanwhile, tends to be

that foreigners have to make peace with bad relationships, because they are “guests” in Latvia. This does not encourage immigrants to defend their rights and interests.

### **6.3. The availability of social services**

#### **Access to social security systems**

Latvia’s social security system is only partly available to third-country nationals. Foreigners with legal jobs in Latvia can receive support payments, but these depend on the amount of money that they have deposited in the form of social security contributions. The exception here is unemployment support, which is available to a limited number of third-country nationals. Foreigners have no access to those support payments which are made by the state irrespective of the social contributions, nor can they receive social services, social assistance and legal aid.

Foreigners believe that these limitations vis-à-vis third-country nationals with temporary residence permits is a matter of discrimination, because the foreigners pay the individual income tax and the social security contributions just like anyone else does:

*“It would be great if there were social programmes for foreigners, too. We pay the same and even higher taxes, but we get nothing in return.”* (Employee from Eastern Europe)

*“The taxes are very high, but they don’t help me – the income tax is high, the social tax is high. We all pay the taxes, but they don’t help us.”* (Employee from Southeast Asia)

#### **Health care services**

**Health insurance policies.** Third-country nationals who want a temporary residence permit for Latvia must purchase a health insurance policy. The law on medical treatment excludes third-country nationals with temporary residence permits from the range of individuals who receive state-guaranteed health care services. The law is vague on the ability of third-country nationals with temporary residence permits to receive emergency medical care.

The health insurance policies that are procured by foreigners offer limited opportunities, because they usually cover only emergency care, inpatient treatment in those cases when the individual’s life or health is endangered, and transport to the nearest medical facility or back home. Outpatient and inpatient health care services which are not covered by the policies have to be covered by the foreigners themselves. Because the policies cover only emergency situations, respondents all agree that this is nothing more than a formality – one that is not of much use on an everyday basis:

*“The health insurance policy is just a piece of paper to show to immigration officials.”* (Student from South Asia)

Foreigners with high levels of income say that because the mandatory health insurance policies are so cheap, they are also not valuable. They have never tried to find out how the policy is to be used, and they have never actually used it either:

*“I don’t know about the rights, but we had to buy an insurance policy. It was so cheap that I don’t believe that I can get anything in return. Perhaps it is meant for accidents, I really don’t know. I haven’t tried to use it, because I think that it would create too many problems in relation to the amount of money that I might recoup.”* (Employee from North America)

According to respondents, there are situations in which health insurance policies are not accepted when emergency medical care is offered. This may be because foreigners don’t have enough information about the policies. According to insurance companies, people have to inform the insurer when health care services are received. Then the incident is reviewed, and agreement is reached on how payments are to be made. Another indicator that foreigners don’t have enough information about the way in which health care policies are used is that they don’t know that they can only receive medical assistance if they present the health insurance policy.

The situations in which a foreigner is refused emergency medical care because he or she cannot present the health insurance policy should be viewed with a critical eye from the perspective of human rights. Emergency care should be available to everyone.

In countries such as Slovenia, foreigners can choose an individual health insurance policy themselves, but that's not the case in Latvia. The unavailability of individual health insurance policies is a problem for foreigners. The only available insurance for foreigners until recently was that offered by the Rīga Dispensary, but that was very expensive and, thus, unavailable to a number of foreigners. Even that opportunity is gone now – the Rīga City Council announced in January 2010 that it was shutting the Dispensary down. Foreigners, who want a policy that will cover outpatient and inpatient services, as well as rehabilitation services, can only get one via their own employer or that of a friend or relative.

*“There are failures here. We can't find health insurance. We have money, we want insurance, but the law won't let us have it. I paid for my own childbirth. Now I need an operation that will cost at least 800 lats.”* (Spouse from Eastern Europe)

The results of the research also show that when it comes to access to health care services and mandatory health insurance for foreigners, there is a paradox. On the one hand, the government insists that foreigners have health insurance so that they don't become a burden on the country's social security system. On the other hand, the insurance that is mandatory covers a very limited range of health care services.

- A representative of the Ombudsman's office was represented as one of those who offer services to third-country nationals, and he said that the situation with health insurance for foreigners was more favourable, but then the system was amended in a way which worsened the ability of third-country nationals to receive government-financed health care services. Only emergency care was still guaranteed. Even that is not a clear-cut matter. The Ombudsman's Office and the Welfare Ministry both say that emergency care is guaranteed, but the fact is that it is not clear why, in that case, there is a requirement to buy health insurance which covers exactly that type of care.

An interview with a representative of the Health Ministry indicated that she did not really know much about the situation faced by third-country nationals with temporary residence permits. The woman claimed that their health insurance policies cover visits to the general practitioner, but the fact is that the insurance policies bought from BTA and Gjensedige, according to the companies themselves, cover emergency care, inpatient treatment when there is a problem which endangers the patient's health or life, as well as transport to the nearest medical institution or back home to the patient's own country, but they do not cover the services of GPs.

**Availability of health care services.** Another practical obstacle against the availability of health care services is the cost of such services. Foreigners criticise the fact that Latvia does not have social programmes for immigrants that would make it easier to access health care services. Sometimes employers cover the health care costs of their foreign employees. Only those foreigners who earn good money don't point to the high price of health care services in Latvia.

Because of the cost of health care services, many immigrants, particularly students, tell researchers that they try to avoid getting sick, but if they do, they try to treat themselves, because they cannot afford health care services. This is an important aspect of the welfare for foreigners in Latvia, because sicknesses can be more serious than a patient thinks, and that can mean threats not only for the individual, but also for the public at large.

Respondents also criticise the fact that foreigners cannot register with a general practitioner, and they don't have information about what to do when health care services from a GP are necessary:

*“Yes, we cannot sign up with a general practitioner. That is a very serious problem.”* (Employee from Eastern Europe)



Foreigners who are studying medicine in Latvia say that they ask for advice from professors to make their way through Latvia's health care system and to find the right provider of health care for themselves. People from other groups of foreigners receive such information from relatives and friends.

In very rare cases, the availability of health care services is hindered by the fact that the doctor lacks the foreign language skills that are needed to understand a patient's complaints and needs. Respondents say that there are also doctors who do speak foreign languages, but want to speak to patients only in Latvian so as to demonstrate a negative view toward foreigners. When a foreigner cannot communicate with a doctor because of language problems, they usually ask a local acquaintance to help out.

The experience of interviewed immigrants showed that the rights of service recipients are often violated by the health care industry, because people just aren't given thorough and complete information about the price of services before the services are rendered. Accordingly, foreigners often get a ridiculously high bill for the services that they have received, and that is nothing more or less than fraud.

All in all, foreigners have had different experiences when it comes to the availability of health care services. Friends and acquaintances, both locals and other foreigners, often help foreigners to make their way through the system. At the same time, there are areas of health care about which foreigners don't have full information – general practitioners and their availability, as well as the rights of foreigners when it comes to health care services.

The most popular health care institutions in Latvia among foreigners are ARS, the Health Centre 4, and the clinic of the Latvian Writers' Union. Some foreigners go to clinics in neighbourhoods which are close to their place of residence.

### **Studies and education**

**The availability of general education.** A study of legal regulations in this area shows that foreign children with a temporary residence permit do not have equal access to general education. The law on education says that foreigners who are not citizens of EU member states and are in Latvia on the basis of a temporary residence permit may have to pay for the education of their children and sign a contract with the relevant educational institution to do so.<sup>132</sup>

These researchers have found that in practice, the norms of the Education Law are not always followed, and some foreigner children are accepted by schools for free. At the same time, interviewed parents say that even though such children often need special assistance in learning the Latvian language, they don't have much trouble in becoming part of the life of the school which they attend. One parent went so far as to say that he wants the child to learn Latvian and not the language of her parents, because that will make it easier for the child to become a part of Latvian society:

*"The education is basically free. There are some payments that we as parents make to buy certain things that the school can't afford, but we don't pay for schooling as such. It's not a private school, and I understand why we have to pay – she [the daughter] attends a public school."* (Spouse from the Middle East)

The experience of respondents is that it's hard for the children of foreigners to access preschool education, because there are long waiting lists at most of Latvia's kindergartens. For foreigners, this is a big problem, indeed. A private kindergarten is the only solution in such cases, but not all foreigners can afford this, particularly if they have more than one child.

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<sup>132</sup> See Kešāne, I. and R. Kaša. "Mācāmies uzņemt...", *op. cit.* At this writing, amendments are being prepared to the education law to say that third-country nationals with temporary residence permits will have equal rights with others to a basic education for their children.

Some respondents point to Norway, where the children of foreigners have access to preschools without any waiting lists and for free:

*“We have friends in Norway, and we talked about this with them. There are waiting lists for kindergartens there, too, but if you’re a foreign resident, you can get a place at any state kindergarten with no waiting and for free.”* (Spouse from Eastern Europe)

**What foreign students think about higher education programmes for foreigners.** Not all foreign students in Latvia have the same views about the quality of their studies. Foreign medical students thought highly of their studies, saying that instructors are strict, demanding and professional. Students in other educational programmes were more likely to criticise the process, but their choice to study in Latvia, they said, was based in large part on the fact that the process is comparatively cheaper in Latvia than in other European countries.

Some students admitted that individual work and initiative which determine a student’s results, and so the quality of studies and the results does not depend exclusively on what instructors do.

One reason why the quality of programmes in which foreign students are a part is criticised is that instructors often have poor English language skills, which means that they cannot always explain the content of the lesson to a sufficiently clear degree. That’s why some foreigners get the impression that instructors in Latvia’s higher education system are not professional and involves nothing more than handouts or “dry” presentation of information.

A second factor related to the quality of education, according to respondents, is the poor level of organisation in study programmes – something for which administrators are responsible. Respondents talk about situations in which they are not informed in time about changes in class schedules. This has led to students missing lectures and falling behind:

*“There was one time when we missed lectures for a week or two, because the Foreign Students Department did not tell us that the lectures had begun.”* (Student from South Asia)

**Co-operation with university administrators.** The experience of some foreign students is that administrators who are responsible for the integration of foreign students into Latvia and its education system are less than responsive. Often, administrators do not help foreign students in dealing with their problems. Because the foreigners are not all that aware of Latvia’s situation and society, they seek help from university administrators when they have problems, but they don’t always receive the help that they need:

*“The Department of Foreign Students doesn’t treat us very well. The department was set up to deal with our problems, they should be more friendly toward us, but they don’t care. We tell them about our problems, but they don’t help us.”* (Student from South Asia)

Other students say that administrators do offer the support that they need:

*“There’s a separate department of foreign students. They help us. We can complain if we don’t like something about the study process or if we’re not happy with our instructors. They try to help us. I think that the process is well-organised, and it’s better now than it was in the past.”* (Student from South Asia)

Still other students say that information from administrators about tuition fees is inconsistent, which creates the impression among students that they have to pay more for their studies than they had expected before travelling to Latvia.

Some respondents said that administrators who work with foreign students can be successful mediators in terms of helping students to become integrated in Latvia. Students say that administrators could organise activities which help students to learn more about their surroundings.

Representatives of university administrators also say that work with full-time foreign students needs to be improved at least to the level at which there is work with exchange students from other countries. They say that events should be organised to inform foreign students about Rīga

and the university. They should disseminate information about issues that are of importance to students, and this information must be in the language of the student. Student support events such as buddy programmes in which a Latvian student helps a foreigner to deal with various issues such as residence permits, housing, etc., could be organised. Some universities are already working with student governments and various projects to organise various events for foreign and Latvian students. Often, however, attendance at such events is limited because of shortcomings in the distribution of information about them.

**Recommendations on improving the situation of foreign students.** Foreign students have made several recommendations as to how studies in Latvia can be made more attractive for foreign students. Admission rules should be made simpler. It should be easier to apply for a residence permit while the student is still in his or her own country, and the whole procedure for receiving a permit should be shorter.

Second, some students say that tuition fees have really skyrocketed in recent years, and that's why Latvia's universities are losing the competitive race against universities in other countries, where tuition fees are lower, and the quality of studies is often better:

*"I think that the tuition fee has increased, it's nearly EUR 10,000 a year now. People from Sri Lanka can't afford that if they don't have relatives in a European country, and that's why no one from Sri Lanka is coming to Latvia anymore. They're going to China instead."* (Student from South Asia)

Third, there are students who indirectly argue that instructors in Latvia don't use progressive methods and the latest discoveries in their area of science. For that reason, they're neither strong nor professional enough in their work.

Fourth, students think that there need to be lectures which are attended both by foreign and by local students so as to promote integration and to help foreigners to learn the Latvian language more quickly, because that is important human capital when the time comes to find a job in Latvia.

Representatives of higher education institutions admit that it would be useful to offer courses which are taken by foreign and local students alike, but the problem is that there are legal requirements to say that any state-founded institution of higher education must offer its study programmes exclusively in the Latvian language.<sup>133</sup> The law does say that no more than 20% of the study programme can be offered in the official languages of the European Union, but representatives of universities don't think that that's a sufficient proportion to allow foreign students to take the same classes as Latvian students do:

*"The education law is the main thing – our hands are tied."* (University representative)

### **Housing**

Only a few of the respondents in this study reported problems with finding a place to live. Foreigners who are invited to come to Latvia for work are provided with homes by their employers. Spouses of local residents also don't have trouble in finding a home, because they look for one together with their spouses or move in with a spouse who already has a home:

*"The company provided us with housing. I have a good room. I used to live in a different room which was smaller and worse, but the one I have now is good. There are four people, sometimes five, sometimes three, in my flat – people who are foreigners and are working."* (Employee from South Asia)

The situation can be quite different when foreigners look for their own housing in the rental market. Some respondents say that this has been a simple and convenient process. Others have found that the renters or owners of a flat don't want a foreigner to live there. In such cases, foreigners most often approach local acquaintances for help.

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<sup>133</sup> For the law on higher education (2 November 1995), see *Latvijas Vēstnesis*, No. 179(462).

The foreign students who were surveyed for this study didn't report any problems in finding a home in Latvia, because universities offer dormitory accommodations to foreign students. Several students at state universities said that the initial accommodations that there were offered had so few amenities that they were not acceptable, adding that the cost of dormitory accommodations is quite high nonetheless.

The standard of living in dormitories needs to be considered as a factor that affects the overall situation of foreigners in Latvia. This is an important aspect of higher education as an export product.

Some students have rented homes. None of these said that their status as a foreigner was an obstacle in this process. Many turned to rental agents for help:

*"It wasn't too tough. We had an agent looking for our home – that was a quicker, but also more expensive process. If you go at it on your own, you may find that you can't easily find a home, because you're a foreigner and you don't know too many people."* (Student from Africa)

### **Availability of Latvian language courses**

Mastery of the local language is a key prerequisite for the integration of immigrants, because it helps immigrants to find a place in the local society and its various areas of social and economic life. Analysis of the views that were expressed by interviewed foreigners in this regard allows us to identify two groups – those who do want to learn Latvian and those who don't.

**Attitudes toward the Latvian language.** Some foreigners have a positive attitude toward the Latvian language, and this has lots to do with how the relevant person hopes to become included in Latvia. Latvian language skills are needed to find a job and to have access to various cultural, social and other institutions. The language also helps to develop friendships with local residents:

*"I live with a Latvian family, and that helps, of course. I have to speak their language, and if I live in the Latvian state, then I have to speak at least minimal Latvian so that I can make contacts, so that I can write things down and live with people."* (Spouse from the Middle East)

These are people who understand that if they are to become a part of Latvian society, they have to learn the local language. This is typical among those foreigners who plan to stay in Latvia for a longer period of time:

*"Of course I have to learn the Latvian language. It is the state language, and you have to respect the country's laws. It's very interesting for me."* (Spouse from Eastern Europe)

*"I think that if I'm in Latvia, then I have to speak Latvian."* (Employee from South America)

Although most people in Latvia speak Russian, and Russian skills are essential in the country's business environment, respondents generally believe that even if they do speak Russian, they have to learn Latvian, as well.

Then there are those who feel that even though they're in Latvia, it makes more sense to learn Russian, because that also makes it possible to become integrated into the local society, plus it offers greater opportunities beyond Latvia. This is often the view of foreigners who don't think that they're going to stay in Latvia too long. Some foreigners, moreover, have the impression that they don't need Latvian language skills because most people in the country speak Russian:

*"If I choose a language, then it will be Russian, because more people speak it. The point is that if I depart for another country, I'll be able to speak Russian. Not that many people speak Latvian."* (Employee from East Asia)

*"Everyone in this region speaks Russian. If you see someone speaking Latvian on the street, you see that some 50 people speak the language. Everyone speaks Russian, not Latvian. Even Latvians speak Russian."* (Employee from Africa)

All of the surveyed foreigners agreed that the Latvian language is complicated. They say that locals have to understand that it's comparatively difficult for a foreigner to learn the language. If

people are intolerant and don't help foreigners to learn the Latvian language, they cause a loss of motivation among foreigners. If they expect foreigners to speak Latvian, then they have to be open and understanding, thus encouraging foreigners to learn the language:

*"I've studied for four years, but I don't speak Latvian. It's a very difficult language. I studied twice – once for six months, and then a second time, but I didn't learn it. It's a very difficult language."*  
(Employee from Southeast Asia)

Some foreigners who agree that they should speak Latvian if they live in Latvia haven't learned the language despite this. Respondents say that the biggest problems include a lack of time for those who always have to work overtime, and the unavailability of Latvian language courses in financial and practical terms.

**Learning Latvian.** Integration theory posits that local residents have the right to expect foreigners to learn the Latvian language, but at the same time, locals must help foreigners in doing so. This creates conditions for the mutual integration of local residents and immigrants.<sup>134</sup> An evaluation of what happens in this regard in other EU member states shows that most countries offer language courses that are organised with the help of the national government.

Most respondents say that they want to learn Latvian, but they can't find ways of doing so. There is no unified programme in Latvia to help foreigners to learn the Latvian language. Respondents say that the number of courses is just insufficient. Private language schools are the only ones to offer Latvian language courses to foreigners, but the offers are limited. Language schools often refuse to launch a course if there is not a defined minimum number of students. This means that foreigners sometimes can't start to learn the language when they want to do so. Given this situation, all foreigners agree that the state should help in arranging language courses for foreigners. Of course, some foreigners don't want to learn the Latvian language, so any courses organised at the national level should be voluntary, not compulsory.

Some respondents have already learned or are learning the Latvian language on their own or with the help of a private instructor. Some of them say that this is an expensive process. Spouses of Latvians learn the language via everyday communications.

There is the formal requirement in Latvia that a foreigner who wishes to become a permanent resident must learn the Latvian language. In other words, there is the requirement that foreigners must speak enough Latvian to be accepted as a permanent resident, but there is no legal or practical support for the ability of foreigners to learn the language. This is a unilateral, not bilateral model for integration – we expect foreigners to speak the language, but we have no support mechanisms to ensure that they do:

*"I have friends who want to seek a permanent residence permit, but they have to speak the Latvian language. Where are they supposed to learn it? Where are they to go? Either you have to look for a private teacher or some kind of course or school. There are very few schools which offer Latvian language courses, and they cost a lot of money. I know a great many people who have problems in attending Latvian language courses."* (Spouse from the Middle East)

Some respondents think that language courses offered at the national level could be offered for free, but most agree that they should pay something for the courses as a form of motivation to learn. At the same time, however, respondents say that language courses should not be expensive, at least not at the basic level, because foreigners in Latvia who don't earn a lot of money would have trouble in affording them:

*"They could organise fee-based courses, but the main thing is to have one good place to learn – perhaps a group, because in truth it is sometimes more interesting to study together with others. (..) I don't know, but I guess people should have to pay something. You don't respect things that you get for free."*  
(Employee from North America)

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<sup>134</sup> Carens, J.H. "The Integration...", *op. cit.*

*“If people have to pay for courses, then that is an emphasis. They will think hard about whether they really need the course. Of course, then there will be one negative thing. I think that it would be more attractive if there was a charge for the courses – not a lot of money, but a symbolic fee at any rate.”* (Student from the Middle East)

Some respondents have found free Latvian language courses which have been set up for non-citizens so as to encourage them to undergo naturalisation. These courses have been financed by the European Union. Foreigners praise this experience and see it as an example of good practices that should be taken into account when establishing Latvian language courses for foreigners. The only problem for foreigners was that the courses in question were meant for Russian speakers, and instructors didn't speak English well enough to explain the content to foreigners who didn't speak Russian. The fact is that the effectiveness of language courses depends very much on the ability of the instructor to work with different kinds of audiences:

*“When I worked for Lauma [a company in the town of Liepāja], there was EU money which paid for courses for Russians. I attended those. (...) The EU programme for Latvian language learning was excellent, because it was for free. (...) It so happened that I had a wonderful teacher. She didn't speak the English language that well, but she was a very good teacher, a true actress. I wrote down the things that I didn't understand, and when I was going home, I asked questions.”* (Spouse from the Middle East)

Some respondents think that there should be special language courses for mothers and children. Norway is cited as a good example in this regard:

*“If you're a mother and want to learn Norwegian yourself and make sure that your kids learn it, too, then the government gives you money to do so. They encourage this, because otherwise women and children sit around at home in their own environment and never do learn the language.”* (Spouse from Eastern Europe)

**Latvian language lessons for foreign students.** Basic Latvian language courses are offered by universities to foreign students as part of the overall study process. These are sometimes mandatory and sometimes voluntary courses, two to four semesters long. One student said that the problem was that once the mandatory course was finished, the university didn't offer any further instruction. Further instruction had to be purchased on the private market – something which students often can't afford. Other students said that they wanted to study Russian, not Latvian, because they knew that they wouldn't be spending too much time in Latvia, and Russian would be of greater use to them. Students from Eastern Europe who attend private higher education institutions where classes are taught in Russian have fewer motivations to learn Latvian, because Russia is enough for their studies and their everyday communications.

Students who have attended Latvian language courses as part of their study programme say that initially there isn't much motivation in this area. The motivation to learn the Latvian language appears when students want to find a job, because it is enormously difficult to find a job without such skills. A second motivation is a romantic relationship with a local resident. The experience of foreigners shows that in this latter case, Latvian is learned very quickly through everyday conversation.

One medical student said that the Latvian language courses that are offered by the relevant institution are focused on professional terminology and grammar, not on everyday speech. The student thinks that it would be better to learn the basics first:

*“When we started, the course in Latvian was mandatory. The instructor was excellent, I'd say, but it was all focused more on medicine and grammar. I can't say that I learned a lot there, but I also can't say that I didn't learn anything.”* (Student from the Middle East)

One problem in learning the Latvian language is that students don't have much of a chance to use the language in practice. Foreign students study separately from locals, and often they have separate floors in dormitories. This means that there is a minimal chance to speak Latvian. Foreign students should be given greater opportunities to make contacts with local students.

A positive example of an alternative approach to Latvian language learning is the Couple Learning Programme that is offered by the University of Latvia. This is not a particularly academic approach, but it involves two people – a Latvian who learns the foreigner's language and the foreigner who learns Latvian. The student self-government is involved in this process, ensuring regular meetings between the couples and monitoring the process to a certain extent.

#### **6.4. The establishment of social contacts and open social networks**

Theories about the integration of immigrants say that the extent of social networks in their host countries is of key importance in promoting their integration into the local society. That's why these researchers looked at how foreigners in Latvia establish ranges of acquaintances. It turns out that there are three different types of immigrants in this area, and the group into which an immigrant falls depends on socioeconomic matters, the individual's everyday communicative experience in Latvia, and the immigrant's individual nature.

There are some foreigners who stay away from local residents. They haven't had good experiences for interpersonal communication in Latvia, and they think that locals cannot be trusted, that there are simply too many differences about various areas of life between foreigners and local residents. Discourse analysis of what these respondents said shows that powerful foreign identities emerge here. There's a sense of belonging to the group of foreigners, and that group is often posited against local residents. This is seen in the fact that many respondents used the words "we foreigners" in the discussion. This is most typical among foreigners with little money, because a low level of income often makes it impossible to join various institutions and networks of social life.

There's a great risk of marginalisation here, because local acquaintances and friends represent substantial social capital – one that can open up the door for greater inclusion into Latvian society.

The second type of foreigner is a person who wants to establish social networks with other foreigners, but also wants very much to make friends among locals. Most of these people are students who say that their ability to become a part of the local society is hindered by the fact that they're kept apart at university and in dormitories. Here we also find working people who are in Latvia because of a job and have to work overtime all the time. Such people have no free time to make contacts with local residents, and they feel very lonely:

*"Most of them are foreigners. My classmates are foreigners. Some of my friends are from Pakistan."* (Student from South Asia)

*"I have no relationships here, that's why I need friends."* (Employee from South Asia)

The third group is made up of foreigners who have both locals and foreigners among their acquaintances. Here we mostly find spouses and foreigners with a high level of qualifications and income. There are also foreigners who speak Latvian. It's easiest for such people to become integrated into the local society, because they have much broader access to various areas of social life – the job market, cultural events, and various public activities:

*"Among my acquaintances, most are Russian speakers, but there are also Latvians, and they want to speak Russian to me, because they want to learn the Russian language. (...) My husband has lovely relatives who are Latvians. They are very friendly, and we have a great relationship. When there are celebrations, we definitely invite them to visit."* (Spouse from Eastern Europe)

*"Yes, I have such friends, because I've lived in Latvia for five years. I have more contacts than Latvians and Russians do, because I'm a bit different. I'm an open person by nature, and so I have more contacts. It's easier for me to find friends than enemies."* (Employee from the Middle East)

*"I have different friends – I guess those I see most often are foreigners, but I also have several Latvian friends, though I don't see them that often."* (Employee from North America)



### **The attitudes of local residents**

Foreigners think that it's not easy to establish social networks with local residents in Latvia, particularly in terms of Latvians who, they say, are closed off and prefer close relations with relatives and very good friends. Foreigners, particularly those who don't have a family in Latvia, are far more often to new contacts than local residents are.

Respondents say that most locals in Latvia are not interested in foreigners, their culture and the way in which they are different. Perhaps that's one reason why it's hard for foreigners to make contacts with locals. At the same time, some respondents enjoy the local attitude, because it means that foreigners don't attract too much attention:

*"In other countries, particularly in Europe, if you have black hair or a different skin colour, people stare and make you feel it. That's not the same, people mostly don't care what colour you are. All in all, I'd say, they're not interested, they're neutral and uninterested. In countries such as Sudan, the locals are black, and if you're a foreigner with a lighter skin, then oh, my. In Germany, it's the opposite situation – they'd rather kill anyone who is different, they want to do something. Here, though, people are more neutral, they walk by and pay no attention to the fact that you're different. I think that that's very good."* (Employee from the Middle East)

There are some foreigners who believe that it is easy to find "formal" friends in Latvia, but not people who will become truly trusted comrades.

Foreigners who speak Russian often encounter negative attitudes and denunciation, because they're perceived as representatives of the local Russian speaking community. This has to do with ethnic contradictions in Latvia, where there are people who dislike Russian speakers who, although they live in Latvia, have never learned the Latvian language:

*"Sometimes when I speak Russian, people think that I'm a Russian. I say that I'm a Ukrainian, I don't like to be described as a Russian. Not that I have a bad attitude toward Russians, but it's a matter of principle. I do feel a sense of pressure. When we got here, I would ask a question in Russian at a store, and the person wouldn't answer me in Russian."* (Spouse from Eastern Europe)

### **The language and culture of communications**

Asked about obstacles against contacts with local residents, respondents speak of cultural differences and practices, as well as differing interests and language of communication. Respondents say that the ability to speak freely in a language which someone else understands is a key element in successful contacts.

Eventually, foreigners grow accustomed to the practices of the local society and perceive them as a norm:

*"People on the street in Latvia are not as friendly. Now I cannot imagine speaking to someone on the street or saying hello to a stranger. I tried that when I lived in Rīga. One morning when I had been in Latvia for two months, there was a little old lady sweeping the floor. I said 'good morning!' to her, and she looked at me like I was from a different planet."* (Employee from South America)

Respondents say that contacts with local residents are encouraged by common interests and time which people spend together:

*"I'm increasingly involved in social life here. I go to hockey games. That makes me almost feel like a Latvian, because I'm doing the same things that Latvians are doing. I suppose that's the main thing – you have to get involved, because otherwise lots of things seem different to you."* (Employee from Oceania)

## **6.5. Political participation**

The inclusion of foreigners into a local society involves the level of political participation, among other things. Here we refer not only to suffrage in elections and the ability to join a party or NGO, but also to the level of interest and knowledge among foreigners about socio-political events in Latvia. Previous research has shown that interest in important events in the society of

the host country has a positive effect on political participation and is, indeed, an absolute prerequisite for such participation.<sup>135</sup> Respondents themselves agree that interest in what's happening in the host country is an important means for feeling a sense of belonging:

*"That's particularly true now that there's a crisis, but in any event it's important for me to understand what's happening in the place where I'm living. Otherwise you partly feel like a tourist. The fact is that lots of foreigners who come here feel that way."* (Employee from North America)

*"I'm very interested, because I live in Latvia, after all. I watch what's happening in Latvian politics, and that's particularly because I have a family here, I live and work here."* (Spouse from the Middle East)

### **Interest in socio-political events in Latvia**

Among spouses, foreign students and employees, there are those who actively monitor socio-political events in Latvia. Access strategies in terms of accessing information about timely events can differ. Foreigners listen to the radio, watch TV, read newspapers, and look for information about Latvia on the international Web. Because there is often a language barrier, foreigners cannot access information about ongoing events in Latvia without speaking to friends and acquaintances.

Among foreign students, those who have romantic or labour relations in Latvia have the greatest interest in the news. They feel more closely linked to what's happening in Latvia. This indicates that social relations have a positive effect on civic activity.

There are also respondents who aren't interested in socio-political events and say that they weren't interested back in their home country, either. Other foreigners say that they mostly monitor international, not local news, thus indicating their belonging to the global community, not a specific local identity. The statements from these foreigners indirectly suggest that they just don't know where to find good sources of information about Latvia:

*"No, I don't monitor news in Latvia; I look at international news a bit. I don't know where to find good information sources. I know that there are a few homepages where I can probably find information about what's happening in Latvia, but I don't particularly monitor those. I've tried to watch news reports in Latvian, but..."* (Employee from Oceania)

*"I monitor things through my friends who are Latvians. They say that everyone is corrupt, everyone is this and that. It's the same as in Turkey, so there's not a lot that I have monitor – it's all the same."* (Employee from the Middle East)

### **Participation in NGOs and other organisations**

It is a well-established fact that involvement in non-governmental organisations promotes political participation and civic activity, because it allows people to see that they can have an effect on political and social processes. Participation in NGO activities also helps people to understand their belonging, attitudes and loyalties, thus helping to formulate their political attitudes, as well.<sup>136</sup> Among the respondents in this survey, there were only a few who are members of NGOs, as well as a few others who wanted to join some:

*"I like to live here, and I think that there are other things that I could do here. I do volunteer work and other, similar things. I'm on the board of my church congregation, I'm responsible for finances. They have different programmes. They have a soup kitchen, there are several old people, and we have to follow along with these things. I like that, because I prove myself to a certain degree, as opposed to just sitting at the computer. It's a good way to help people. Sometimes I help them with other things."* (Employee from North America)

*"There was a woman from the Moldovan organisation who found me and suggested that we develop the presence of Moldovans here with dances, national folklore and music. For the time being, we've only*

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<sup>135</sup> Quintelier, E. "Who is Politically Active: The Athlete, the Scout Member or the Environmental Activist? Young People, Voluntary Engagement and Political Participation", *Acta Sociologica*, Vol. 51(4), 2008, pp. 355-370

<sup>136</sup> *Ibid*

*spoken once, but I think that we'll work together. We'll see. That's not an area that's close to me. Perhaps I'll be able to help, perhaps she'll be able to help me in some way.*" (Spouse from Eastern Europe)

Some other foreigners are not involved in NGOs, but they feel a sense of social responsibility and do try to help people in Latvia who are having a tough time of it:

*"There are some people who have lost their jobs. We don't know what we can do. Sometimes sick people come here [to the respondent's place of employment], and we can help them with money. We can give them a bit of money, but nothing much more."* (Employee from Southeast Asia)

The social and political participation of foreign students can be facilitated by their participation in student self-government. Several foreigners have expressed an interest this, but they've been turned down, thus making them think that this is an area for locals, not foreigners:

*"One of my friends wanted to join, but he was kicked out. They didn't want a foreigner in their parliament."* (Student from Africa)

*"I've never gone, because the self-government system is for locals, not foreigners."* (Student from South Asia)

### **Voting rights**

Political participation has a lot to do with citizenship issues. Only Latvian citizens can vote in national and local elections in Latvia. Foreigners can become citizens only if they have lived in Latvia for 10 years and have undergone naturalisation.

Voting rights offer a sense of belonging in the host country, because foreigners can take part in decisions related to processes which surround them. There are several EU member states in which foreigners are allowed to vote in local government elections. In Sweden and Denmark, that's possible when the person has lived in the country for three years. In Hungary, one year of employment is all that's needed. In Latvia, foreigners and non-citizens simply cannot vote. Respondents were asked whether they'd like to vote in local government elections. Some said no, arguing that foreigners who are in Latvia for a short period of time might not know enough about socioeconomic processes to cast a competent vote. These are respondents who link voting rights to citizenship.

Other foreigners, however, would like to vote in local elections. That's true among those who have found love in Latvia and those who are sure that they'll be here for a long time – they have jobs, have made investments and bought real estate, and they think that should be enough to allow them to vote in local government elections.

*"I have two reasons to vote in elections – my family and my money."* (Spouse from the Middle East)

*"Let's put it this way – if I pay taxes, then I want to influence the situation. If I don't pay taxes, then I think that such people shouldn't have the right to vote."* (Spouse from Eastern Europe)

The views of foreigners suggest directly and indirectly that local government voting rights should be granted after foreigners have lived in Latvia for a long period of time and have basic knowledge about local social and political processes:

*"Probably later so that the person understands this country better – a year or two, perhaps. The person should live here and understand the situation. I only recently started to take an interest in who is the mayor, who is the president. I started to look at MP discussions and so on."* (Spouse from Eastern Europe)

*"I don't know, it's a tough question. I think that 3-5 years would be enough to vote in local government elections and take decisions about the relevant city."* (Spouse from the Middle East)

## 6.6. Discrimination

The situations and experiences identified by respondents in previous sections of this study show that there is institutional discrimination against third-country nationals with temporary residence permits, because they have much fewer rights than locals in terms of state-financed health care services, legal assistance and general education. There is also indirect discrimination at work, where foreigners don't have the same working conditions as locals. There are cases, for instance, in which a local who feels poorly is sent home to rest and heal, while foreigners are given no such chance. It also has to be said, though, that respondents don't always see this as discrimination. They're guests in this country and cannot expect equal attitudes with locals, they say.

Respondents also say that foreigners, particularly those who are visually different, are subject to hate crimes in Latvia. These are attacks against people of a specific race, religion, ethnicity or sexual orientation. Hate crimes usually involve offences and attacks against a specifically selected victim who has been chosen because of his or her status and the attacker's biases vis-à-vis that status. Hate crimes are a form of discrimination and intolerance.<sup>137</sup>

Discrimination is a difficult area to study, because people who have suffered discrimination often find it hard to admit that it has happened. Respondents in this study were asked whether they felt differing attitudes toward themselves in Latvia. Foreigners from former Soviet republics most say that they haven't, apart from situations in which they speak Russian and are perceived as representatives of the local Russian speaking community. This has to do with ethnic relations in Latvia.

*"If I really fuss about this, then yes, twice people looked angry at a store when I spoke in Russian, but I deal with such situations with respect – I turn to English. I have not noticed any discrimination."* (Spouse from Eastern Europe)

*"Absolutely not. On the contrary, if I say that I'm from Moldova, people are interested. Some people don't even know where it is and consider it to be some exotic country."* (Spouse from Eastern Europe)

Foreigners who are visually different, however, indicate both directly and indirectly that there have been different attitudes toward them as foreigners. In most cases, however, they try to soften the matter, arguing that it is nothing of importance at all. Such respondents typically choose to talk about discrimination against friends:

*"I haven't experienced racism, my experience is quite good, but my friends were beaten up."* (Student from South Asia)

Foreigners who have suffered discrimination mostly speak of hate crimes. They most often have to deal with spoken or written attacks or hate speech and physical attacks.

Representatives of higher education institutions are worried about the experience of foreigners and say that incidents occur most often on the street or on public transportation, where foreign students are less protected:

*"Each year someone gets attacked by our students, sometimes more seriously, sometimes less."* (University representative)

*"I've heard that they shouldn't walk around at night. They're a bit afraid of big crowds or mass events, where drunken Latvians are not particularly tolerant."* (University representative)

One foreign student spoke to discrimination in the labour market, saying that his background was an obstacle against finding a job.

Asked whether they have approached the police after an attack, all respondents said no. They think that attacks are the problem of the person who is fomenting hatred, not of the victim. That

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<sup>137</sup> Office of Democratic Institutions and Human Rights. See <http://www.osce.org/odihr/20052.html>

may be because foreigners don't feel secure in their status and don't believe that they could change anything:

*"Why should I go to the police? Why should I complain? I won't, because they [fomenters of hate] have to say something. In those cases when someone approaches me, I try to know what he's saying and what he means. If someone says something, you walk away. It's his problem, not mine."* (Employee from Africa)

Other respondents talked about nation-based discrimination. A foreigner from Pakistan who was in Latvia with a temporary residence permit wanted to go on a brief holiday to Finland. Border guards at the Rīga Airport detained him to check his passport and make sure that his residence permit was fine. The process took so long that the foreigner missed his flight and lost money because he had already paid for the holiday which he couldn't enjoy because of the border guards. The Border Guard did not find any problems with the foreigner's documents. The respondent feels that the belief that Muslims are dangerous in terms of terrorism turns many Muslims into "victims of terrorism" themselves.

### **6.7. Migration of seconded employees**

In-depth research in this study focused on highly qualified and qualified migrants who engage in circular migration. Here we refer to situations in which foreigners come to Latvia as representatives of an international company for a specific period of time or to do a specific job, and once that's done, they go back home. In our case, there were foreigners who came from North America for two or three years.

These are people who focus mostly on their job while in Latvia, as opposed to any strategies aimed at inclusion in the local society. These are people who see Latvia as a place where they have jobs. They have a distanced view of their situation in Latvia, often comparing the situation in Latvia to that in another country, as opposed to offering a contextual view of their lives in Latvia. That's because the main reason for their presence in the country is that they work here.

Such foreigners also have work and life rhythms which don't leave time for informal social contacts with local residents. They spend most of their free time with colleagues, most of whom are also foreigners, not locals. Sometimes such people travel around Latvia or its neighbouring countries, and they perceive the country itself as if they were tourists – this despite the fact that they're spending several years in the country.

The international companies which employ these foreigners focus on the welfare of employees and support them in different ways. One company allows the foreigner to go home to see his or her family once every seven weeks. This means that the employees maintain links to their countries of origin and see no particular point to becoming part of Latvian society. At the same time, the company offers support for the employees' welfare in Latvia so that they can deal with problems and be familiar with what's happening in the country:

*"The only thing that worries me is that if I have an accident on the street and have to go to hospital, I have contacts with someone who can help so that I'm not all alone. The company demands that we always be with someone else so that there's always someone alongside to help if necessary."* (Employee from North America)

*"I usually receive news from Rīga in English by post about the economic situation and problems in the cities and the regions. I learn the currency exchange rate and so on. Yes, it is the internal newspaper [of the company]."* (Employee from North America)

These foreigners spend two or three years in Latvia, and live in small towns where locals don't speak foreign languages. This leads some to learn at least some Latvian to make it easier to communicate with local residents when buying goods or services.

A positive thing is that small town residents are open to making the lives of foreigners easier. Respondents say that initially people are reticent, but eventually they open up and smile:

*“There are things that have changed, including the menu. When we first came here, all menus were in Latvian, but now there are ones in English and Latvian.”* (Employee from North America)

These respondents, like others, say that residence permits in Latvia are a complicated and time-consuming process. They think that Latvia lacks a “businesslike approach” vis-à-vis companies which want to send highly qualified specialists to Latvia for a brief period of time. They can’t organise residence permits for foreigners who arrive in Latvia for a short period of time on easier terms and more quickly.

## 7. The situation of immigrants in Latvia: quantitative data analysis

### 7.1. Foreigners by duration of stay, status, country of origin and purpose of arrival

The study, which was conducted in 2009 showed that more than one-half of respondents had been in Latvia for less than five years and had a temporary residence permit (TRP). This is the target audience for our study. There were also other groups of third-country nationals – foreigners living in Latvia for up to five years with a permanent residence permit (PRP); those who spent between five and 10 years in Latvia with a TRP;<sup>138</sup> foreigners who have been in Latvia for at least five years in Latvia with a PRP and at least 10 with a TRP;<sup>139</sup> and foreigners who are in Latvia without any residence permit.<sup>140</sup>

Figure 8. Foreigners by duration of stay and status

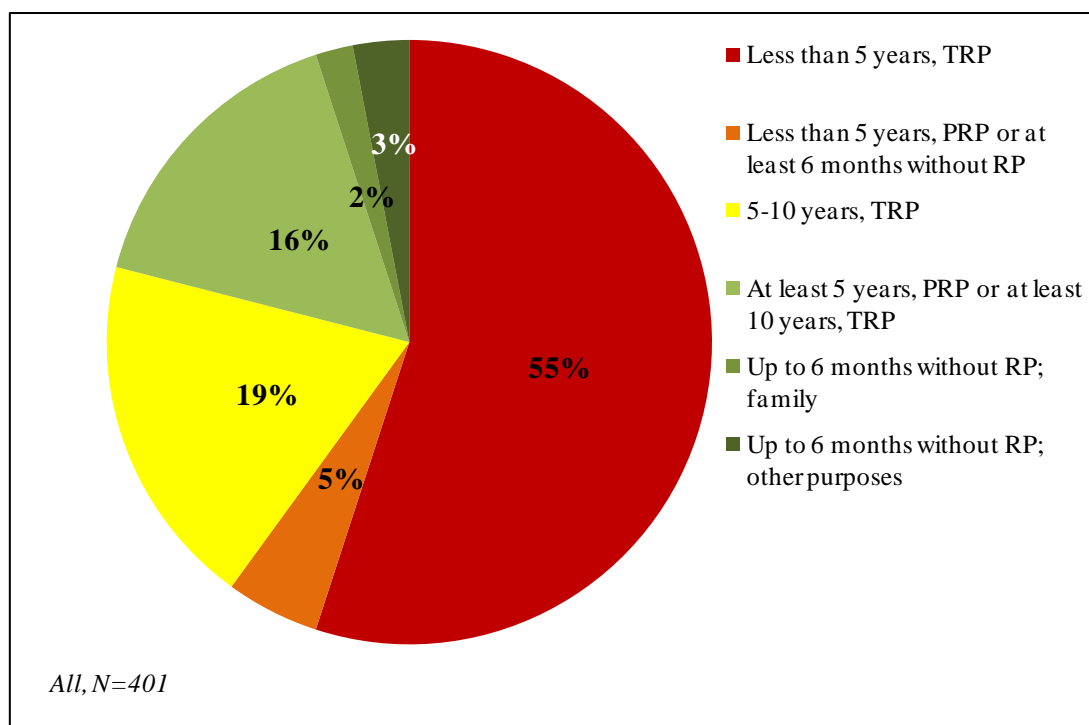


Figure 9 shows that nearly one-half of surveyed foreigners and 40% of the target group came to Latvia to join family members. Nearly one-third of members of the target group came to work as employers or employees. This proportion is far lower (16%) among those who are spending up to five years in Latvia with a TRP or at least six months without any permit at all, and it is even lower (11%) among those foreigners who have a PRP or who have spent at least 10 years in Latvia with a TRP.

### 7.2. Languages of communication

Approximately three-quarters of all immigrants speak Russian to a greater or lesser extent, nearly two-fifths speak English, and every seventh speaks Latvian (see Figure 10). Among those immigrants who have come from the former Soviet Union, three-quarters speak Russian, but nearly all of the others (except for 2%) speak both Russian and another language (mostly Latvian

<sup>138</sup> This group was defined on the basis of two criteria – residence in Latvia for at least five, but not more than 10 years, and no permanent residence permit. Most of these people are foreigners with temporary residence permits, but a few have a different status.

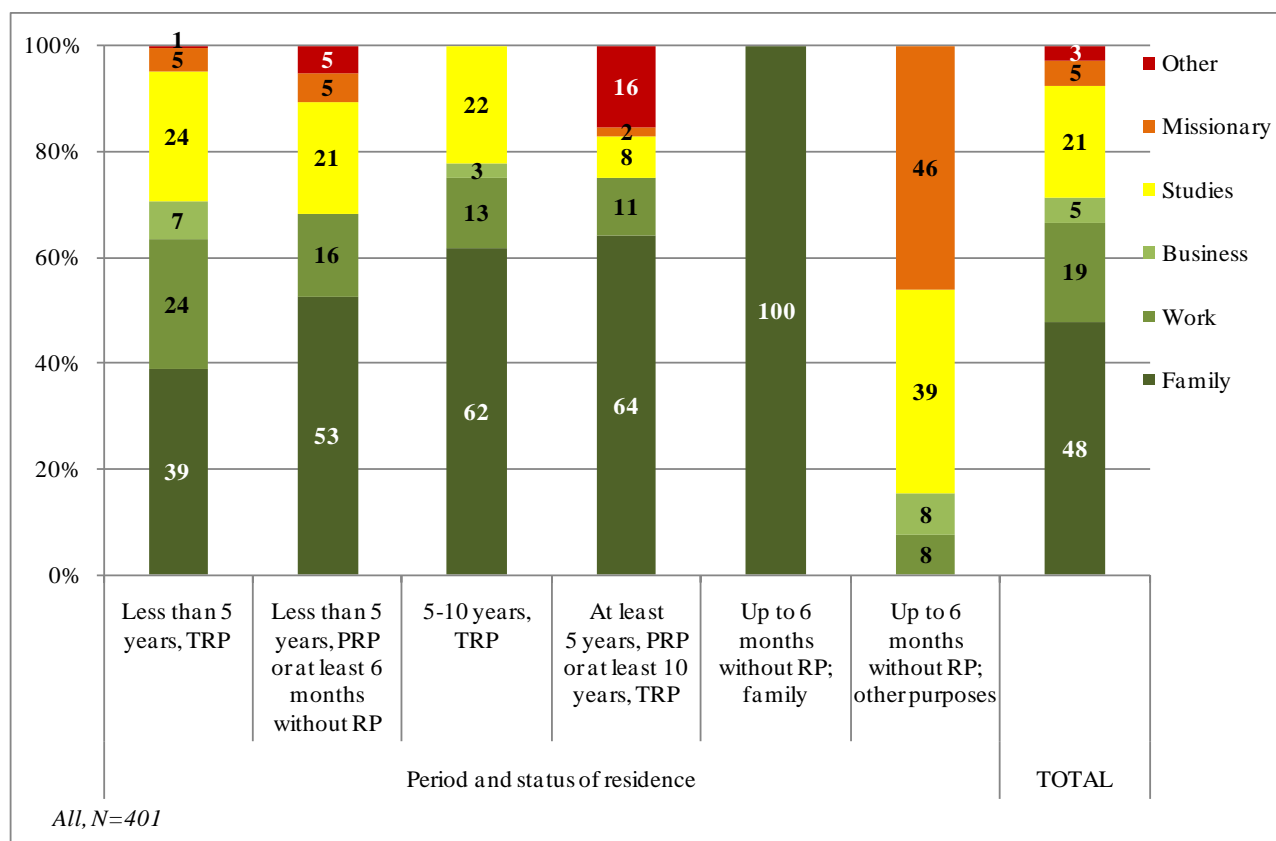
<sup>139</sup> This is a very small group of people who don't have a temporary residence permit. They may have a permanent residence permit from another EU member state.

<sup>140</sup> Here are people with a visa and those who are here on a different basis, including a permanent residence permit from a different EU member state.

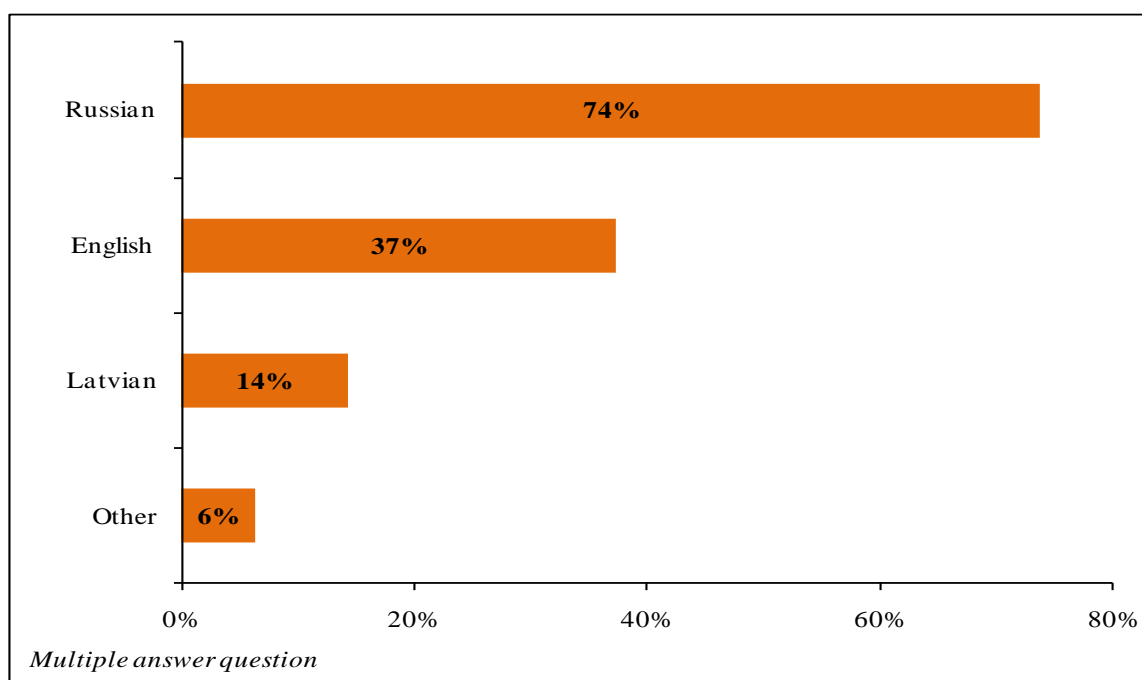


or English). The English language in parallel to Latvian or Russian dominates among other immigrants – 55%, 10% and 13% among citizens of OECD countries; 31%, 21% and 26% among those who come from less developed countries in Asia, Latin America and Africa (Figure 11).

**Figure 9. Purpose of arrival by duration of stay and status**

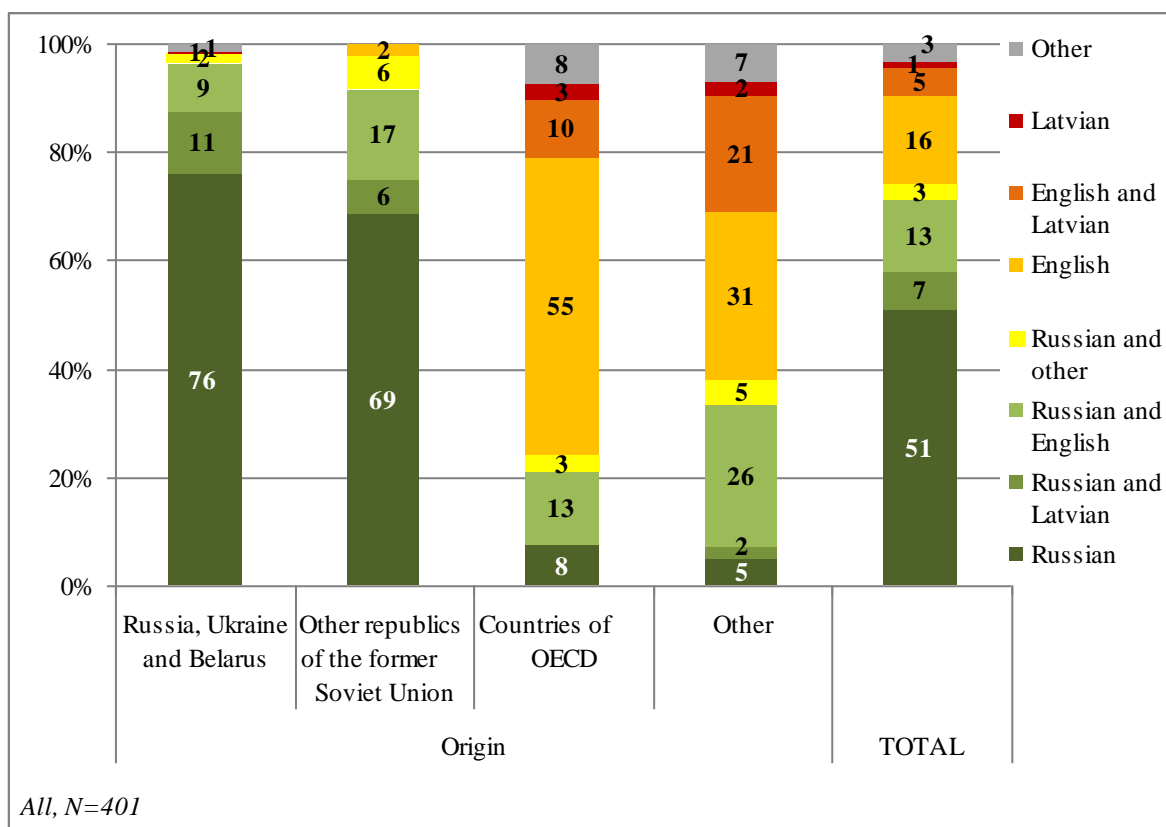


**Figure 10. Languages of communication in Latvia**



Note. Exclude immigrants which stay in Latvia (i) up to 6 months without RP; (ii) at least 5 years with PRP; (iii) at least 10 years with TRP. Respondents could choose up to two languages.

Figure 11. Languages of communication in Latvia



Note. Exclude immigrants which stay in Latvia (i) up to 6 months without RP; (ii) at least 5 years with PRP; (iii) at least 10 years with TRP

### 7.3. Latvia's demographic balance and human capital

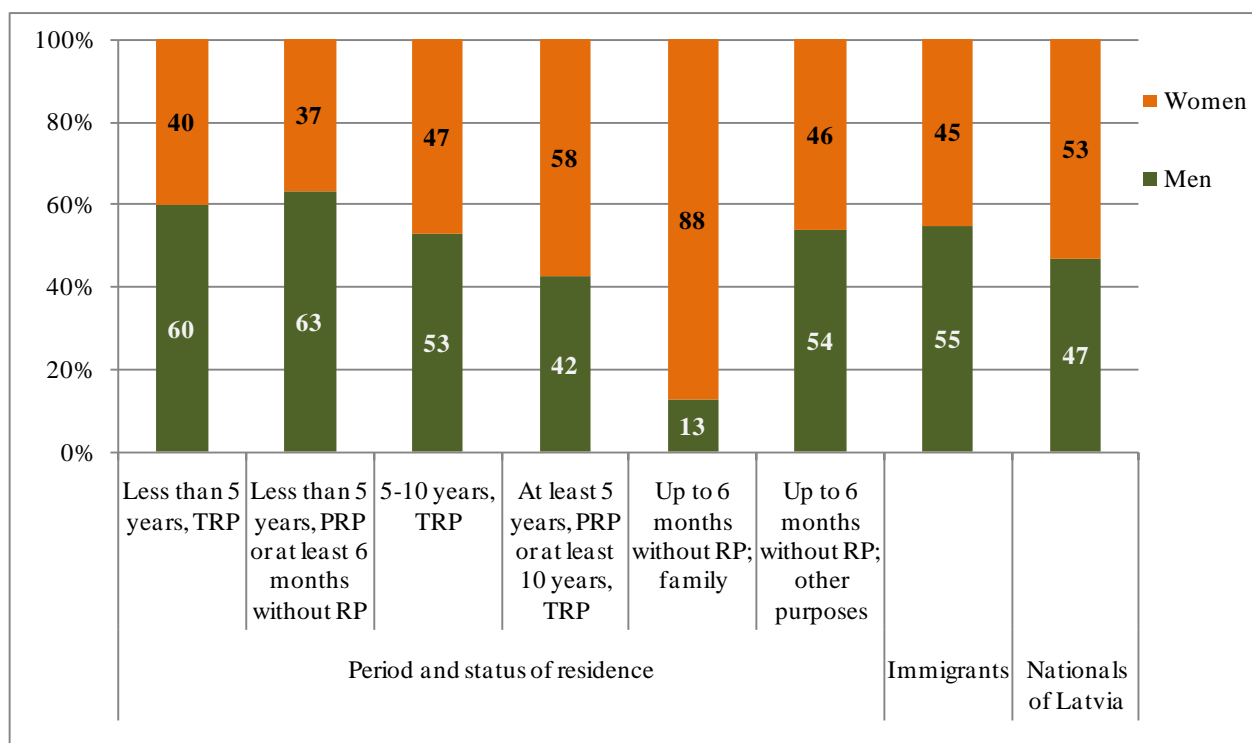
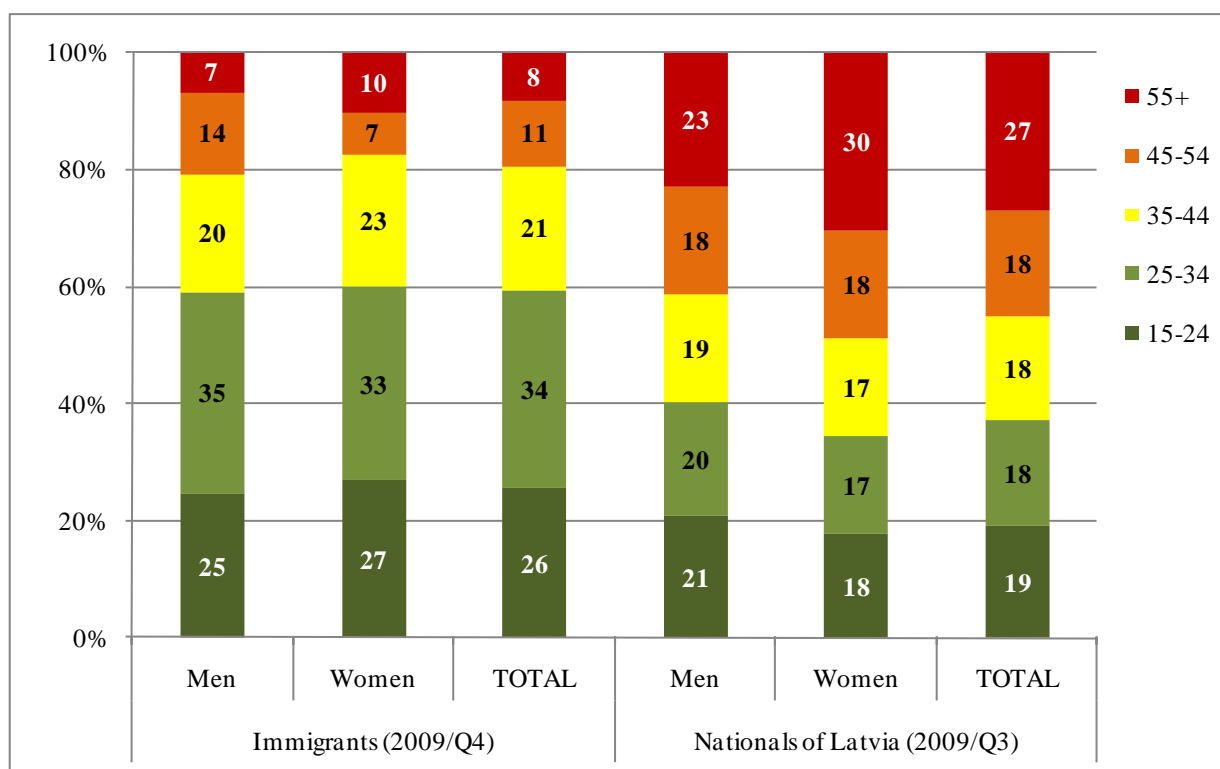
As noted in the introduction, an aging society is a threat against Latvia's sustainable development. This is a matter of gender imbalance, too – only 47% of the country's residents are men. Official statistics show that this imbalance starts at the age of 45, but given unregistered international migration since May 1, 2004, the truth is that there are also fewer young men than young women. Since Latvia's accession to the EU, more than two-thirds of labour emigrants from Latvia who left to become as guest workers were younger than 35.<sup>141</sup> There were men than women among these emigrants, and among those who come back home, there is a higher proportion of women than men. That makes it clear how important it is to understand the way in which immigrants from other countries affect the gender and age structure in Latvia.

Figure 12 shows that the proportion of men in the target audience of foreigners was 60%, and it was 53% among all foreigners.

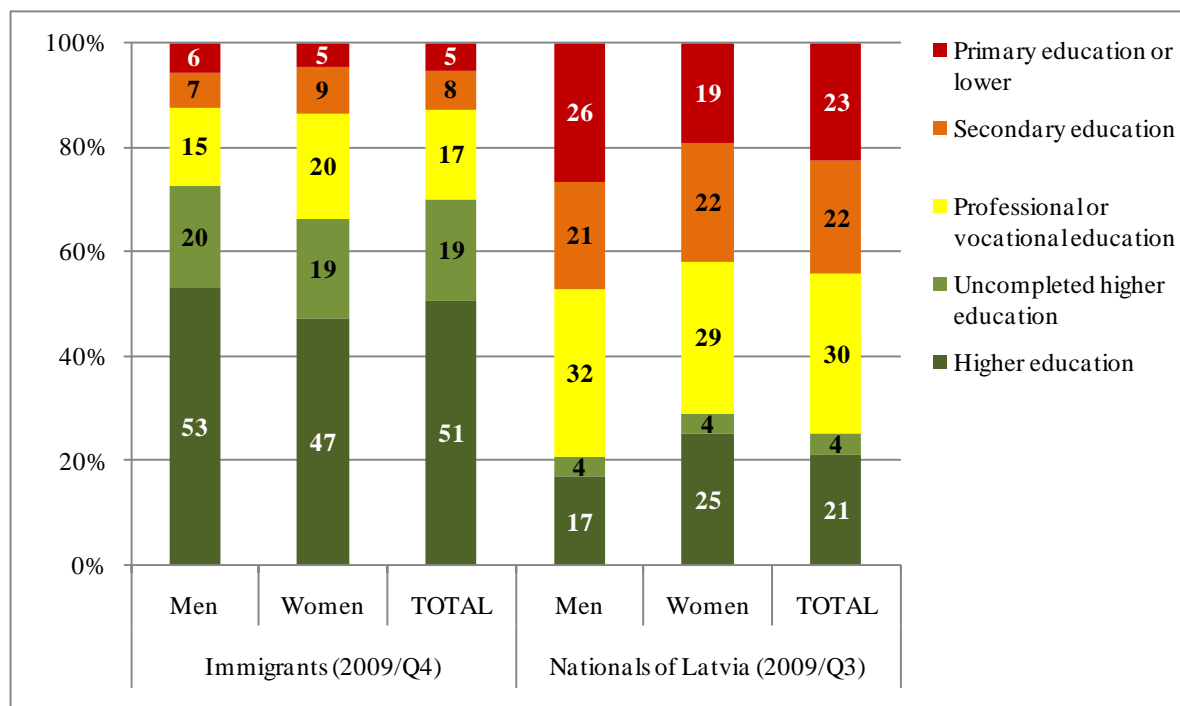
Three-fifths of target group foreigners (both genders) are younger than 35, while this proportion does not even reach two-fifths among Latvian nationals (Figure 13). This suggests that immigrants have had a positive effect on Latvia's gender and age structure by increasing the number of people who are of working age. Given high emigration and low immigration indicators, however, these effects are minimal.

Half of the foreigners in the target group have a higher education, and more than one-fifth have an incomplete higher education. There are three times more men and two times more women with a higher education among immigrants than among Latvian nationals (Figure 14).

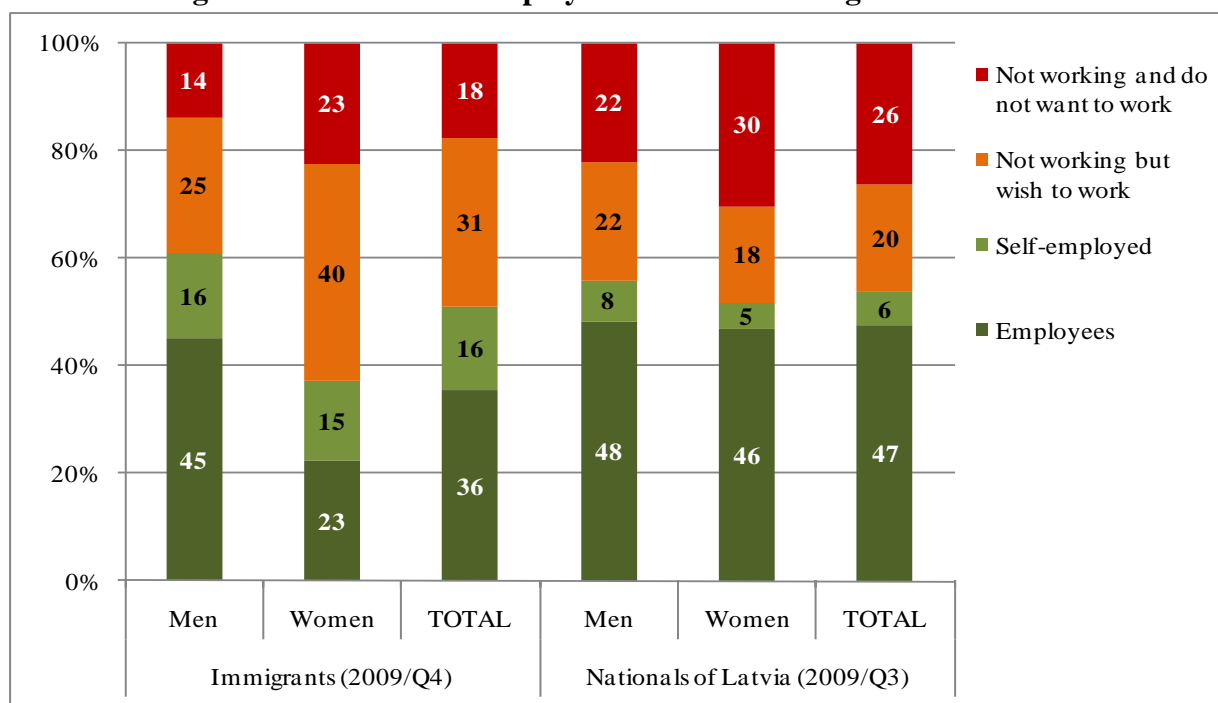
<sup>141</sup> Hazans, M. and K. Philips. "The Post-Enlargement Migration Experience in the Baltic Labour Markets." In Kahanec, M. and K.F. Zimmerman (eds). *EU Labour Markets After Post-Enlargement Migration*. Berlin, Heidelberg: Springer, pp. 255-304, Table 3 and Figure 11.

**Figure 12. Gender of foreigners and nationals of Latvia (in age 15-75)****Figure 13. Gender and age of foreigners and nationals of Latvia (in age 15-75)**

Note. Exclude immigrants which stay in Latvia (i) up to 6 months without RP; (ii) at least 5 years with PRP; (iii) at least 10 years with TRP

**Figure 14. Gender and education of foreigners and nationals of Latvia (in age 15-75)**

Note. Exclude immigrants which stay in Latvia (i) up to 6 months without RP; (ii) at least 5 years with PRP; (iii) at least 10 years with TRP

**Figure 15. Gender and employment status of foreigners and nationals of Latvia**

Note. Exclude immigrants which stay in Latvia (i) up to 6 months without RP; (ii) at least 5 years with PRP; (iii) at least 10 years with TRP

Source: Calculation based on survey of foreigners and Survey of Labour Force<sup>142</sup>

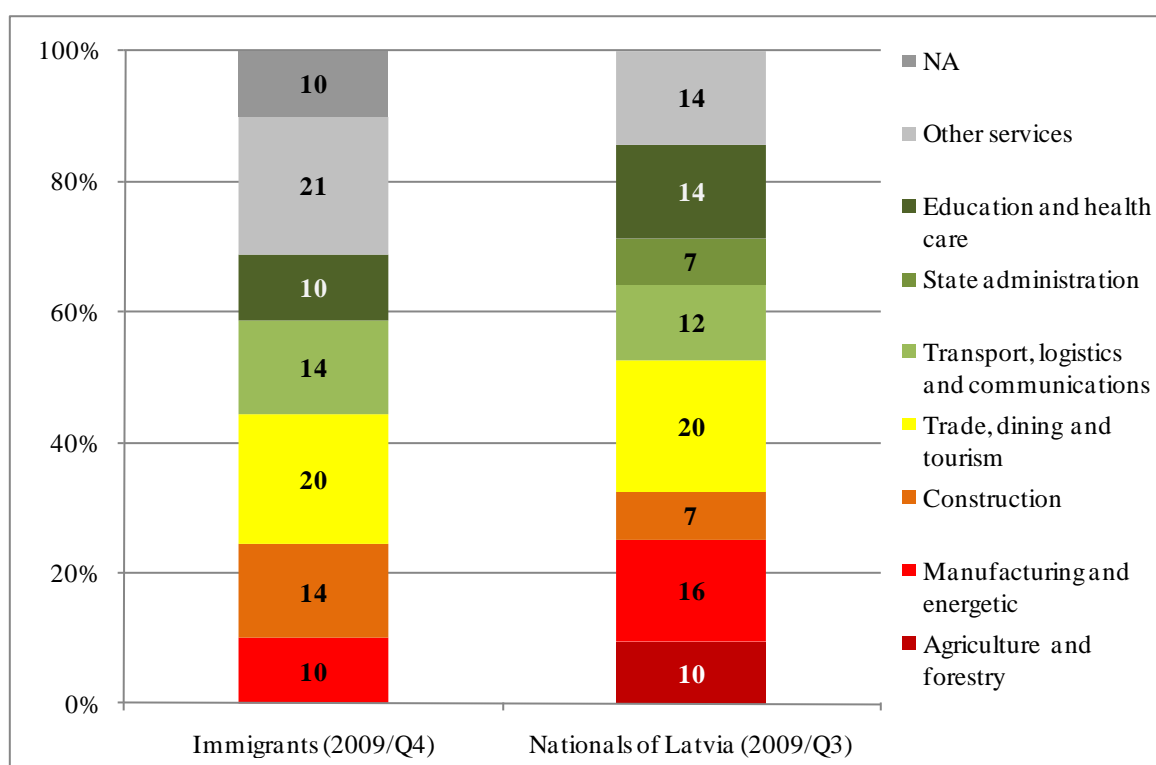
<sup>142</sup> Central Statistical Bureau of Latvia data. See data bases on Central Statistical Bureau home page <http://data.csb.gov.lv/DATABASE/iedzoc/Īstermina%20statistikas%20dati/Nodarbinātība%20un%20bezdarbs/Nodarbinātība%20un%20bezdarbs.asp> Table 5-1. (last viewed 12 December 2009)

#### 7.4. What do immigrants do in Latvia?

In the target group of immigrants, the level of employment (51% among people aged 15-74) is not much different from the level among Latvian nationals (53.4%), but there are substantial differences here in terms of gender. 61% of immigrant men are employed, which is 5% more than is the case among local men, while 51% of Latvian women are employed, while only 37% of female foreigners are (Figure 15). A key factor here is the high proportion of employers and self-employed people among foreigners – 15.5% of all target group immigrants and 30.3% of all employed people are in this status. This is nearly three times more than among Latvian nationals. Nearly one-third of target group foreigners and one-fifth of local residents don't have a job but want one. Every sixth foreigner aged 15-74 does not have a job and does not want one. Among Latvian nationals, the proportion is a bit more than one-quarter.

Figure 16 shows the distribution of foreigners and locals by sector. The situation is quite similar, except that hardly any foreigners are found in state administration, agriculture and forestry.

**Figure 16. Employed foreigners and nationals of Latvia by sector**



Note. Exclude immigrants which stay in Latvia (i) up to 6 months without RP; (ii) at least 5 years with PRP; (iii) at least 10 years with TRP

Source: Calculation based on survey of foreigners and Survey of Labour Force<sup>143</sup>

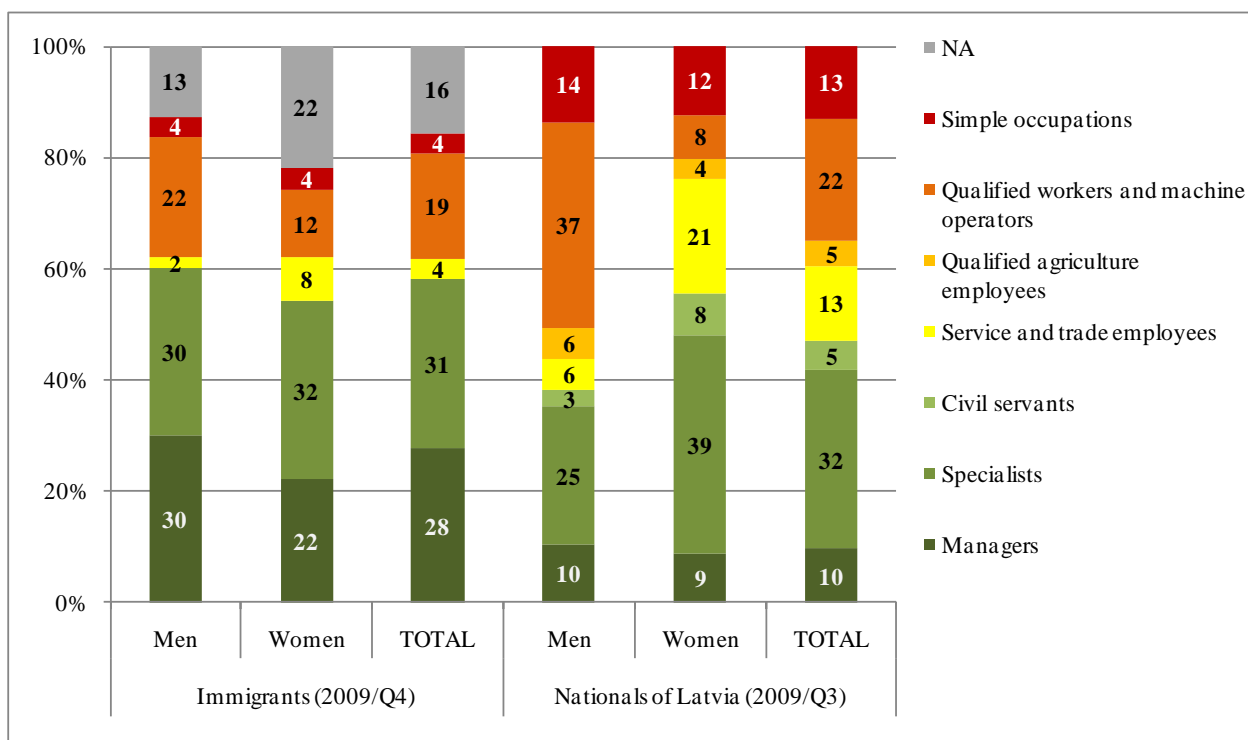
Figure 17 shows a distribution of foreigners and locals among basic professional groups.<sup>144</sup> The proportion of managers among foreigners (~28%) is three times higher than among locals, while in the professions with lesser qualifications, the 4% of foreigners who hold such jobs is more than three times lower than among locals. Among immigrants and locals alike, nearly one-third of people are specialists. For immigrants, this proportion is nearly the same among men and women, while among locals it ranges from one-quarter among men to two-fifths among women. 19% of foreigners and 22% of locals are qualified workers or machinery operations. 4% of all foreigners and 8% of foreign women are in retailing and sales, while the same is true of 13% and

<sup>143</sup> See footnote No. 142. In the Figure 16 the data of Table 5-6.2 has been used.

<sup>144</sup> Senior specialists and specialists (the 2<sup>nd</sup> and 3<sup>rd</sup> basic group) have been merged under the title "Specialists," because the information given by foreigners on questionnaires was not sufficient to differentiate between the two groups.

21% of locals. No immigrants working as servants were found in the cohort. Nearly 16% did not state their profession or job.

**Figure 17. Employed foreigners and nationals of Latvia by gender and professional groups**



Note. Exclude immigrants which stay in Latvia (i) up to 6 months without RP; (ii) at least 5 years with PRP; (iii) at least 10 years with TRP

Source: Calculation based on survey of foreigners and Survey of Labour Force<sup>145</sup>

In interpreting the professions and jobs of foreigners, we have to remember that this survey was conducted in the midst of an economic crisis. Employer interviews and statistics from the State Employment Agency show that before the crisis there was, and after the crisis there probably once again will be a higher proportion of people working for the building industry and related industries.<sup>146</sup>

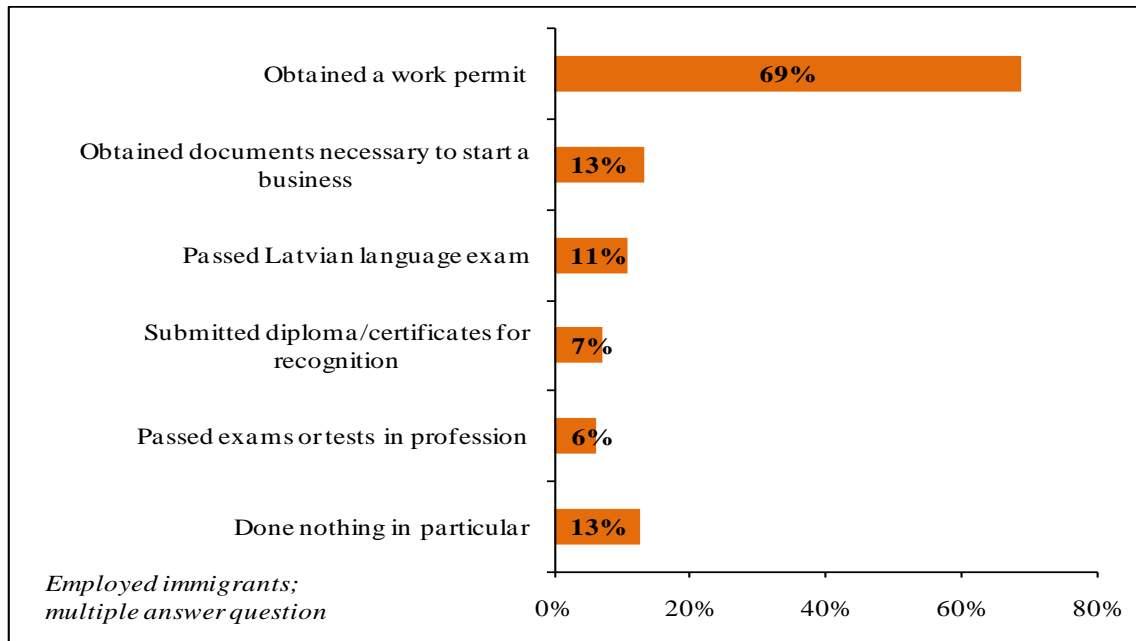
### 7.5. Formalities for immigrants

Figure 18 speaks to the experience of foreigners in preparing documents and dealing with inspections in Latvia. 70% organised work permits themselves or via an employer. One-third did something else – 13% prepared documents to launch a business, 11% passed a Latvian language test, 7% underwent a process of recognising a diploma or certificate, and 6% took a test in their profession (the sum exceeds one-third because several respondents did more than one of these things). Only 13% got the right to work without any formalities at all. Interestingly, this is a group in which there are people from various sectors and professions.

<sup>145</sup> See footnote No. 142. In the Figure 17 the data of Table 5-10 has been used.

<sup>146</sup> See Figure 5 in Chapter 2.

**Figure 18. What have you done to have a possibility to work in Latvia?**

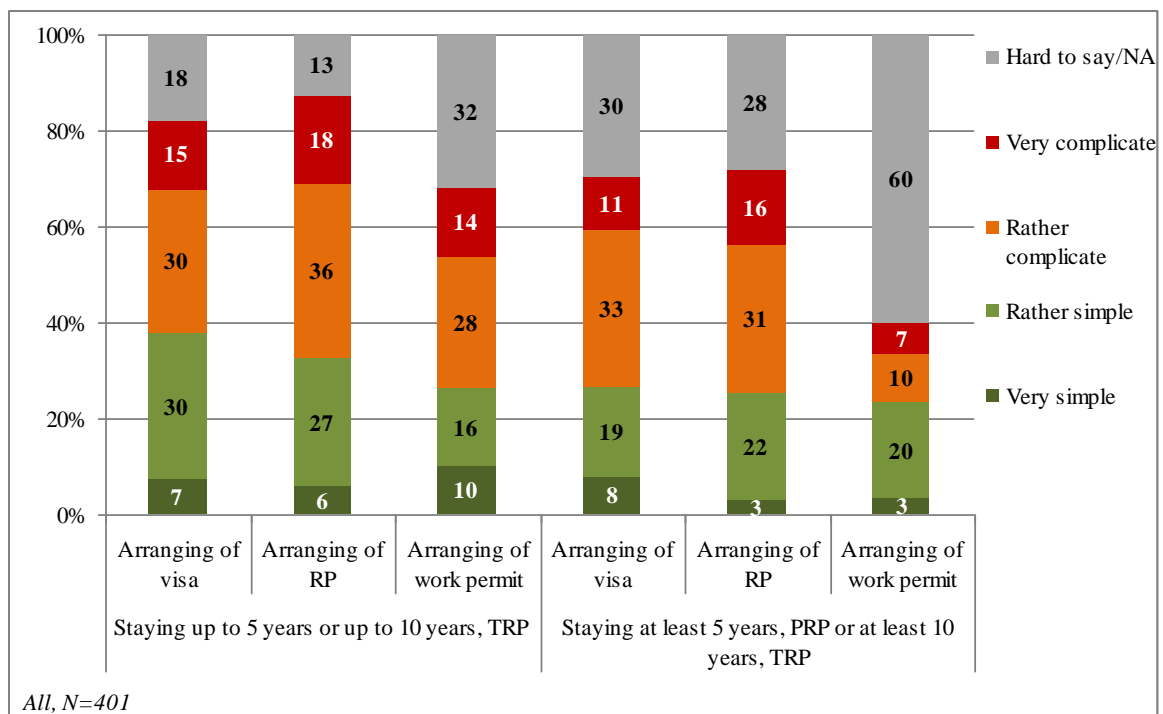


Note. Exclude immigrants which stay in Latvia (i) up to 6 months without RP; (ii) at least 5 years with PRP; (iii) at least 10 years with TRP

**7.6. Views of foreigners about visas, residence permits and work permits**

Figure 19 shows what foreigners think about procedures related to visas, residence permits and work permits. All three procedures (especially those related to residence permits) must obviously be simplified. In all cases, foreigners who say that the procedure is mostly complicated or very complicated are higher in number than those who feel that it is mostly simple or very simple. Among foreigners in Latvia for five or 10 years with a TRP, 45% think that it is complicated to receive a Latvian visa, while 38% think that it's simple. 55% of respondents think that the procedure to get a residence permit is complicated, while 33% say that it's simple. The numbers for work permits are 42% and 26% respectively (see the left side of Figure 19).

**Figure 19. Evaluation of procedures of preparation of documents by duration of stay**





Among immigrants in Latvia for at least 5 years with a PRP or 10 with a TRP (the rights side of Figure 19), visa procedures have apparently become a bit more simple than was the case in the past – the proportion calling them mostly simple or simple has increased from 26% to 38%, while the proportion of negative evaluations has remained unchanged.

Table 6 shows evaluations on the basis of respondents' countries of origin. As can be seen, the greatest difficulties are faced by immigrants from countries outside of the former USSR which are not part of the OECD. Negative evaluations among immigrants from these countries range between 54% and 60% – a much higher percentage than is true in terms of positive evaluations. That may be true to a certain extent because Latvia does not have embassies in most of these countries. Negative views, however, are also expressed by immigrants from other former Soviet republics (except Russia, Ukraine and Belarus) – between 44% and 55%.

The lack of a Latvian embassy and/or a long distance between a respondent's home country and Latvia – these are objective reasons as to why some groups of foreigners may have a negative view of Latvia's procedures. Others might have to do with selective immigration policies (formal or informal) vis-à-vis the origins, education, gender, age and purpose of immigrants. These factors, if all else remains the same, have an effect on the views of foreigners vis-à-vis the complexity of visa, residence permits and work permits in Latvia which can be evaluated via econometric analysis.<sup>147</sup> We also looked at the length of the stay of immigrants in Latvia so as to compare those who underwent the relevant procedures at approximately the same time. The results show that:

- Visa procedures, all other things being the same, are criticised most by immigrants from Asian, African and Latin American countries which were not in the USSR and are not in the OECD. They are also negative among former Soviet republics, apart from Russia, Ukraine and Belarus. Women are more likely than men to feel that the procedure is complicated. The likelihood of a negative evaluation increases with age. The reason for coming to Latvia is not of statistical importance here.
- The procedure for residence permits, all other things being the same, is viewed most negatively by immigrants from Asia (outside of the former USSR), Africa and Latin America, including the OECD countries of Japan, South Korea, Mexico and Turkey, as well as the OECD partner country that is Israel. There are differences between Russian, Ukrainian and Belarusian nationals on the one hand and immigrants from the other former republics of the USSR on the other that are not statistically important. Reasons of arrival, gender and age also have no statistically important effects here.
- Work permit procedures, all other things being the same, are most often criticised by immigrants from the former Soviet Union, except for Russia, Ukraine and Belarus. Immigrants who have come to Latvia to reunify a family have much fewer difficulties in getting a work permit than others do. The likelihood of negative views increases with age, but has no statistically important difference between genders.
- The level of education among immigrants has no statistically important effect on any of these evaluations of procedures.

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<sup>147</sup> For a description of the probity regression model that we used, see Wooldridge, J. *Econometric Analysis of Cross Section and Panel Data*. Cambridge: MIT Press (2002), pp. 504-508

**Table 6. Evaluation of procedures of preparation of documents by state of origin (%)**

	Immigrants' origin countries				
	Russia, Ukraine and Belarus	Other republics of the former Soviet Union	Countries of OECD	Other	All foreigners
	<b>Arranging of visa</b>				
Very simple or rather simple	42,3	24,1	37,5	18,2	35,4
Rather complicated or very complicated	41,4	50	33,8	60	43,7
Hard to say/NA	16,3	25,9	28,8	21,8	20,9
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
Proportion of negative answers in respect of positive	0,98	2,07	0,9	3,3	1,23
<b>Number of observations</b>	<b>208</b>	<b>58</b>	<b>80</b>	<b>55</b>	<b>401</b>
	<b>Arranging of RP</b>				
Very simple or rather simple	31,7	25,9	36,3	25,4	30,9
Rather complicated or very complicated	53,8	55,1	43,8	56,4	52,4
Hard to say/NA	14,4	18,9	20	18,2	16,7
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
Proportion of negative answers in respect of positive	1,7	2,13	1,21	2,22	1,7
<b>Number of observations</b>	<b>208</b>	<b>58</b>	<b>80</b>	<b>55</b>	<b>401</b>
	<b>Arranging of work permit</b>				
Very simple or rather simple	32,6	18,5	33,3	25	29,4
Rather complicated or very complicated	40,4	44,4	43,3	54,2	43,5
Hard to say/NA	26,9	37	23,4	20,9	27,1
<b>Total</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>	<b>100</b>
Proportion of negative answers in respect of positive	1,24	2,40	1,30	2,17	1,48
<b>Number of observations</b>	<b>89</b>	<b>27</b>	<b>30</b>	<b>24</b>	<b>170</b>

### 7.7. A comparison of the wages of foreigners and locals

There have been extensive studies to compare the wages of immigrants and locals in different countries.<sup>148</sup> It is usually the case that immigrants are paid less than similar locals. As can be seen in Table 7, the situation in Latvia is different, at least during the crisis period. Most foreigners with low qualifications have left Latvia.

**Table 7. A comparison of the wages of foreigners and locals in England, Ireland, Germany and Sweden (%)**

	England 2006/Q4-2008/Q1	Ireland 2006/Q1	Germany 2006	Sweden 2005
Immigrants from new EU member states		90,5		
Arrived 2004 and later	87,5		78,2	98,5
Arrived before 2004	96,1		84,7	92,3
Immigrants who are not from EU member states	NA	95 <sup>a</sup>	90,5	NA
Immigrants from 15 EU member states	NA	97 <sup>b</sup>	96,4	NA

Note: <sup>a</sup> Exclude immigrants from USA, Canada, Australia, New Zealand and South Africa.

<sup>b</sup> Exclude immigrants from England.

Source: See footnote No. 148.

Wage differences relate to legal norms which limit the lower boundary of wages paid to foreigners, as well as to the fact that foreign workers are often called to come to Latvia on the basis of skills and competences that are hard to find in the local market.

Among the surveyed foreigners, there were 131 employers, and 92 of these answered a question about their wages, while 39 did not. There are similar distributions of those who did and did not answer in sectors, professions, age groups, genders, countries of origin and status in Latvia (Table 8), which suggests that analysis of statistics offers us with an adequate sense of foreigner wages as such.

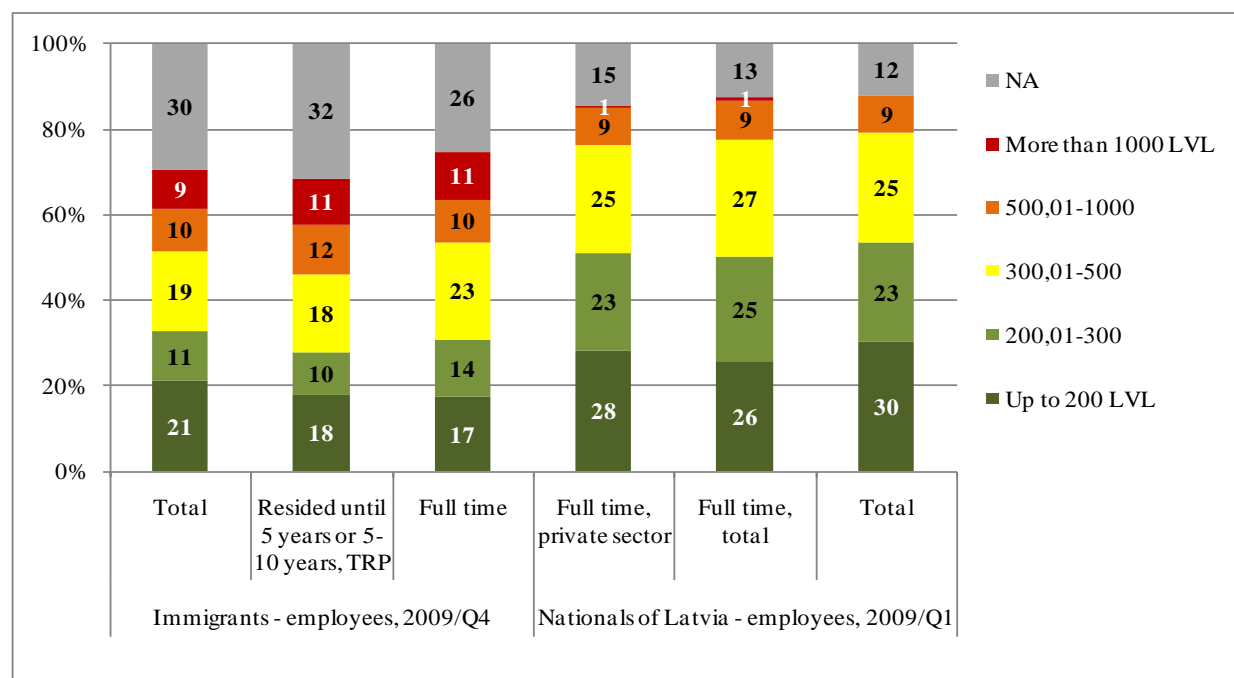
**Table 8. Statistical description of those foreigner employees who have and who have not answered the question about the monthly wage (%)**

	Answered	Not answered
<b>Origin</b>		
Russia, Ukraine and Belarus	54,4	46,2
Other republics of the former Soviet Union	13	10,3
OECD	20,7	25,6
Other	12	18
<b>Age</b>		
15-24 years	5,4	10,3
25-44 years	68,5	66,7
45 years and more	26,1	23
<b>Gender</b>		
Men	68,5	66,7
Women	31,5	33,3

<sup>148</sup> See, e.g., Blackflower, D.G. and H. Lawton. "The Impact of the Recent Expansion of the EU on the UK Labour Market", *IZA DP*, No. 3695 (Table 3). See also Barrett, A., McGuinness, S. ad M. O'Brien. "The Immigrant Earnings Disadvantage across the Earnings and Skills Distributions: The Case of Immigrants from the EU's New Member States in Ireland", *IZA DP*, No. 3479, 2008 (Table 7). See also Brenke, K., Yuksel, M. and K.F. Zimmerman. "EU Enlargement Under Continuing Mobility Restrictions: Consequences for the German Labour Market", *IZA DP*, No. 4055 (Table 3). See also Wadensjö, E. "Migration to Sweden from the New EU Member States", *IZA DP*, No. 3190, 2007 (Table 9)

**Table 8. cont. Statistical description of those foreigner employees who have and who have not answered the question about the monthly wage (%)**

	Answered	Not answered
<b>Education</b>		
Higher or uncompleted higher	53,3	59
Secondary	35,9	25,6
Primary or lower	10,9	15,4
<b>Status</b>		
TRP	88	79,5
PRP	8,7	10,3
Other	3,3	10,2
<b>Profession in Latvia</b>		
Managers	14,1	18
Specialists	33,7	28,2
Service and trade employees	5,4	7,7
Qualified and unqualified employees	38,1	23,1
Not answered	8,7	23,1
<b>Sector</b>		
Manufacturing and energetic	13	12,8
Construction	17,4	15,4
Trade, dining and tourism	19,6	15,4
Transport, logistics and communications	15,2	15,4
Education and health care	10,9	7,7
Other services	17,4	23,1
Not answered	6,5	10,3
<b>Number of observations</b>	<b>92</b>	<b>39</b>

**Figure 20. Foreigner and local employees by the amount of the net monthly wage**

Source: Calculation based on survey of foreigners and Survey of Labour Force <sup>149</sup>

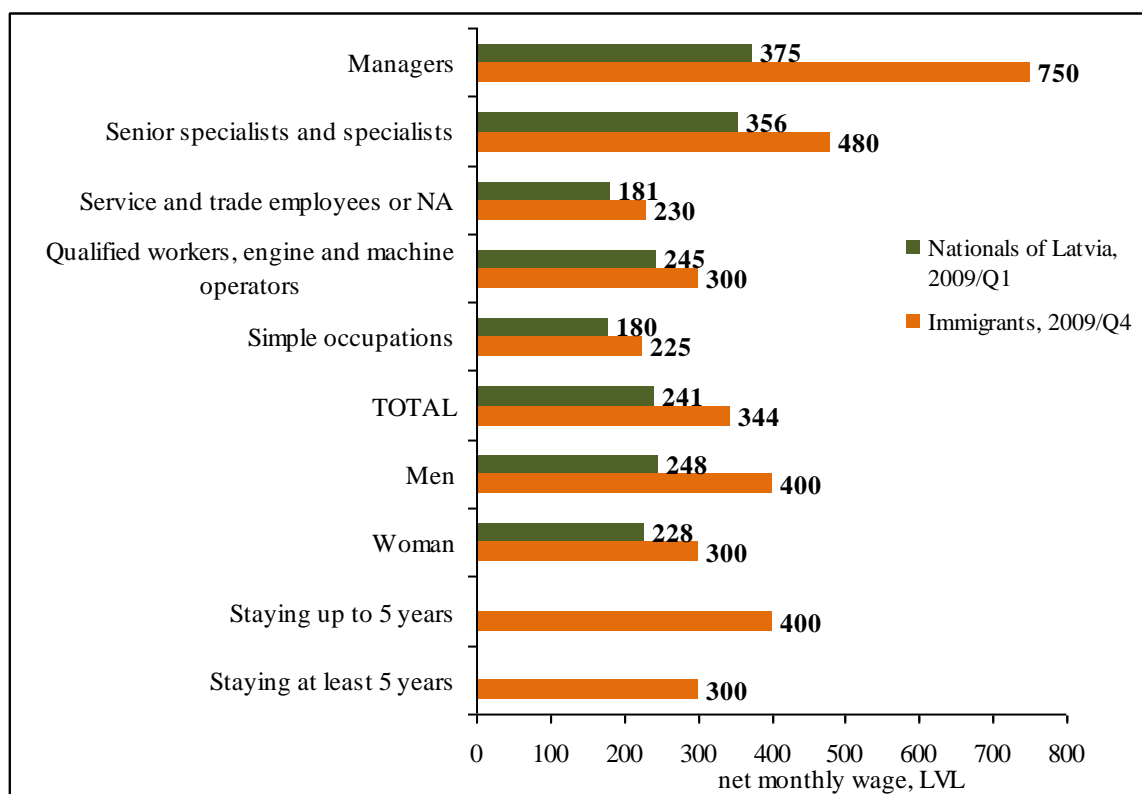
<sup>149</sup> In calculation based on Survey of Labour Force 9,5% respondents who did not give a certain answer were excluded. In the Survey of Labour Force the missing data were substituted by State Revenue Service (SRS) data, but as it shows only officially fixed amount of wage, it can not be compared with answers given in survey. This is a reason why answers differ from those

Figure 20 compares the distribution of foreigners and local workers vis-à-vis monthly net wages. We see that fewer foreigners are paid less than LVL 300 a month (30%, as compared to 50% of locals). If we exclude those who did not answer the question, the proportions would be 42% and 60%. Every ninth foreigner is paid more than LVL 1,000 a month, while among locals, the proportion does not even reach 1%.

Figure 21 shows a comparison of wages by groups of professions, also looking at gender and duration of one's stay in Latvia. The median was used as the indicator here, because exceptional cases have less of an effect on the indicators than is the case if the average is taken. The median in terms of wages can be seen as a "typical" wage. Data about foreigners apply to the 4<sup>th</sup> quarter of 2009, while data about locals apply to Q1 2009 (data from Q4 would be even lower). The typical wage of a foreigner (LVL 344) exceeds the typical wage of local worker (LVL 241) by 43%. Among managers, the difference in wages is 100%, while in other groups of professions it ranges from 22% (qualified workers and machinery operators) and 35% (specialists). The typical wage of a male immigrant is LVL 400 (61% more than among locals), while female foreigners earn a typical wage of LVL 300 (32% more than local women). These results do not change in qualitative terms even if the wages of foreigners are compared only to the wages of locals who work in the capital city of Rīga.

Immigrants who have been in Latvia for five years earn 33% more than others. Econometric analysis shows that in comparison to immigrants from Russia, Ukraine and Belarus, foreigners from other former Soviet republics, if all other things are the same, early 26% less, while immigrants for other countries earn 50% more.

**Figure 21. Median of net monthly wage of foreigners and locals working full-time in private sector by duration of stay, gender and profession**



available in data base of Central Statistical Bureau.

<http://data.csb.gov.lv/DATABASE/Iedzsoc/Istermina%20statistikas%20dati/Nodarbinatiba%20un%20bezdarbs/Nodarbinatiba%20un%20bezdarbs.asp>, Table 5- (12.12.2009). This difference does not bias the conclusions.

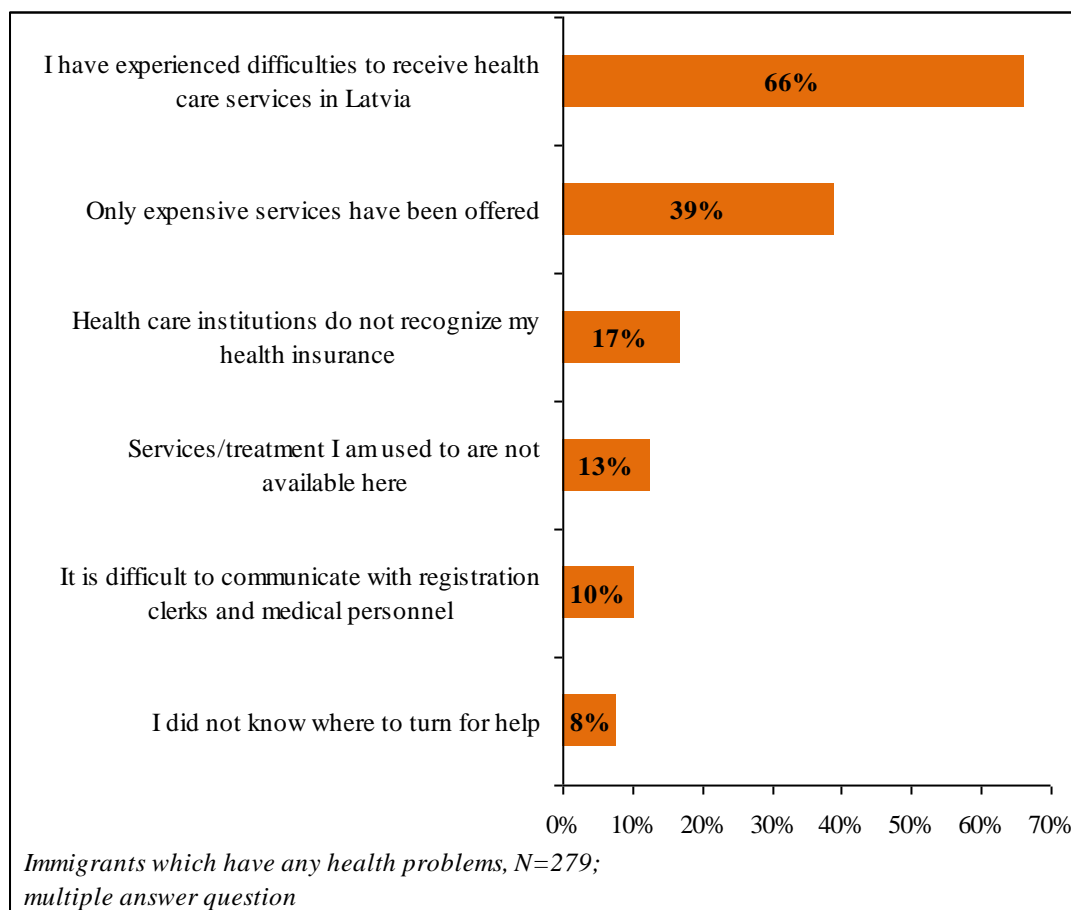
### 7.8. Health care and education

One of the goals of the survey was to identify problems which immigrants have in everyday life, particularly in terms of health care and education. Figure 22 shows that 2/3 of foreigners who have had health problems while in Latvia have had difficulties in receiving treatment. The most common complaint is about high costs (39% of respondents) and about the fact that medical institutions don't recognise insurance policies that have been issued abroad (17%). Both phenomena point to the same problem – foreigners don't have access to health insurance which is at an adequate price and covers an adequate proportion of services. The policy which must be bought when entering Latvia does not work in most cases.

Two other problems relate to communications obstacles and a lack of information – 10% of immigrants who have had health problems say that it was hard for them to communicate with intake personnel or doctors, while 8% didn't know what to do at all (Figure 22). These are problems for a smaller percentage of immigrants than is the case with those who complain about the prices of services, but the fact is that these are very important problems which can threaten the health of the immigrant and, in the case of an infectious disease, local residents, as well.

One-eighth of foreigners say that they can't find accustomed services or treatments (Figure 22). The problem is exacerbated by the fact that there are no adequate replacements here. In combination with the aforementioned problems with health care access, this clearly encourages immigrants to try to treat themselves, thus only exacerbating risks against their own health and that of others who are around them.

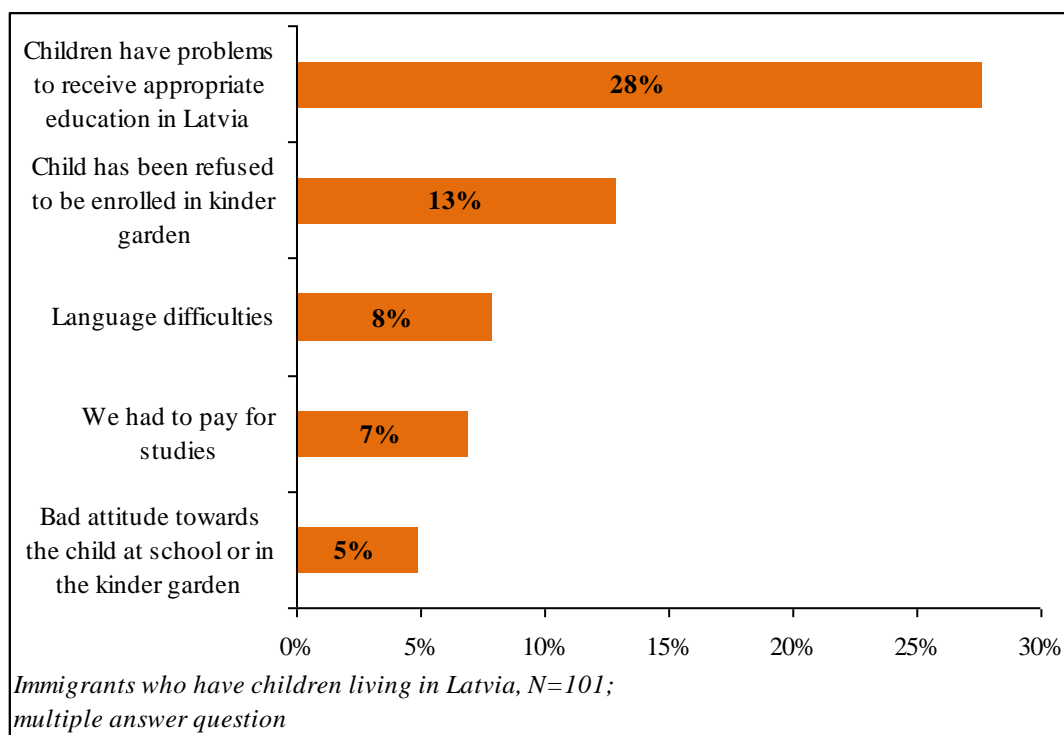
**Figure 22. Difficulties to receive health care services in Latvia**



Among those foreigners who have children with them in Latvia, 28% say that the kids have had problems in getting an appropriate education (Figure 23). 13% couldn't find a slot in a kindergarten, 8% had language problems, 7% had to pay to go to school, and 5% encountered

poor attitudes on the part of school or kindergarten personnel or, in some cases, other children. It is evident here that problems with the education of children are a fundamental obstacle against the ability of immigrants to take root in the country, and it clearly reduces the share of immigrants who would like to spend more time in Latvia.

**Figure 23. Problems to receive appropriate education in Latvia**



Note. Exclude immigrants which stay in Latvia (i) up to 6 months without RP; (ii) at least 5 years with PRP; (iii) at least 10 years with TRP

### 7.9. Ethnic or religious discrimination and offences

The survey shows that two-fifths of foreigners have encountered discrimination or unjust or offensive attitudes because of their ethnicity or religion. One-tenth have experienced this often, while nearly one-third have experienced it occasionally (Figure 24). The most typical manifestations of discrimination are described in Chapter 8, where there is analysis of the interviews of immigrants. Here we are using statistical and econometric analysis to reveal the factors which increase or decrease the risk of discrimination against foreigners in Latvia. These factors are formulated on the basis of the characteristics of immigrants, but in some case this offers indirect evidence of institutional and social risks, as well. It has to be said, however, than exhaustive study of this matter would require far more resources and time than were available this time.<sup>150</sup>

Given that people who are visually different are most likely to face ethnic or racial discrimination, it would be expected that discrimination is faced most often by immigrants from distant countries in Africa and Asia, while people from Russia, Ukraine and Belarus should face

<sup>150</sup> For information about survey instruments to analyse perceived ethnic discrimination, see Brown, T.N. "Measuring Self-Perceived Racial and Ethnic Discrimination in Social Surveys", No. 21(3), 2001, pp. 377-392. See also Contrada, R.J., Ashmore, R.D., M.L. Gary, et al. "Measures of Ethnicity-Related Stress: Psychometric Properties, Ethnic Group Differences, and Associations with Well-Being", *Journal of Applied Social Psychology*, No. 31, 2001, pp. 1775-1820. See also Brondolo, E., Kelly, K.P., V. Coakley, et al. "The Perceived Ethnic Discrimination Questionnaire: Development and Preliminary Validation of a Community Version", *Journal of Applied Social Psychology*, No. 35(2), 2005, pp. 335-365. See also Broudy, R., Brondolo, E., V. Coakley, et al. "Perceived Ethnic Discrimination in Relation to Daily Moods and Negative Social Interactions", *Journal of Behavioural Medicine*, No. 30(1), 2007, pp. 31-43

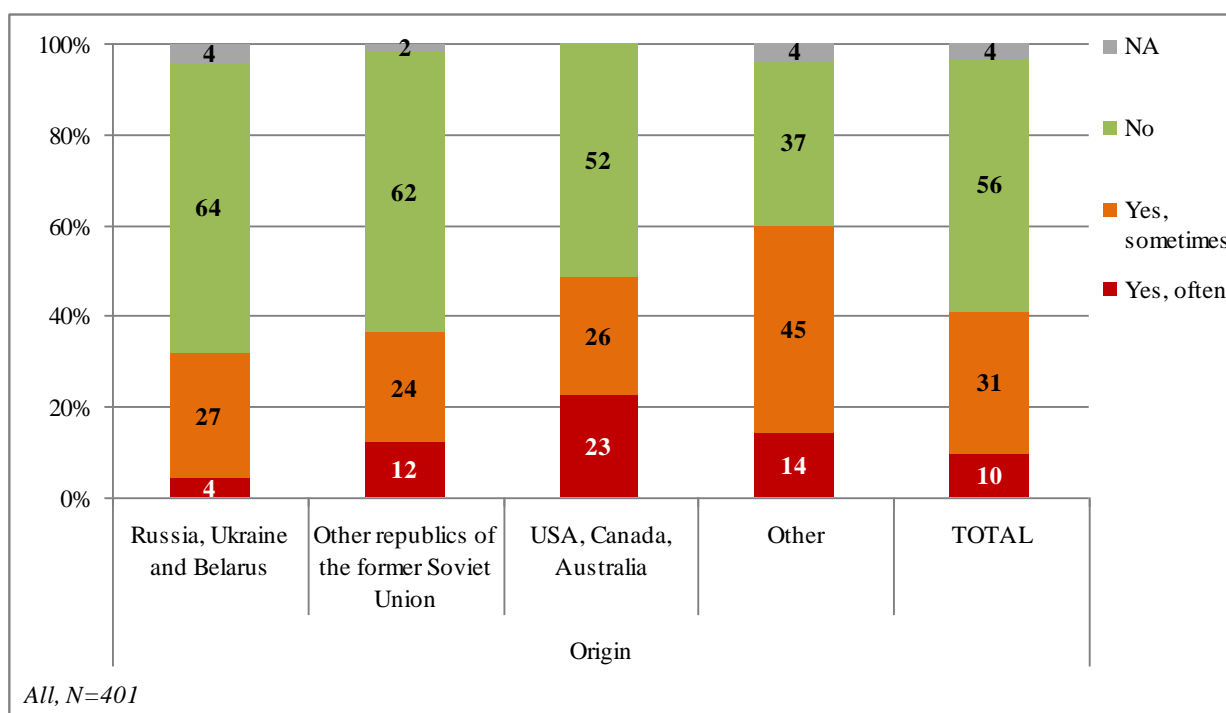


the least discrimination.<sup>151</sup> This was confirmed in 2005 and 2006 studies of public attitudes toward immigrants.<sup>152</sup>

Figure 24(a) confirms this hypothesis. Discrimination in Latvia has been faced by 32% of immigrants from Russia, Ukraine and Belarus (4% of them have encountered it frequently), 36% of immigrants from other Soviet republics (12% have encountered it often), 48% of nationals from the United States, Canada, Australia and New Zealand (23%),<sup>153</sup> and 60% of immigrants from Asia, Latin America and Africa (14%).

The experience with discrimination on the basis of the foreigner's status and duration of residence in Latvia is indicated in Figure 24(b), where we find less distinct differences among groups than is the case with country of origin. All in all, the greatest number of victims of ethnic or religious discrimination is found among immigrants who have been in Latvia for one to two years (44%) or at least five years (46%), while lower percentages are found among those who have been in Latvia between two and three years (32%).<sup>154</sup> This may be down to the duration of a foreigner's stay in Latvia. Foreigners with a higher risk of discrimination are less likely to live in Latvia for two or more years than others are. It is also true that foreigners who have lived in Latvia longer have perhaps encountered more frequent incidents of discrimination.

**Figure 24(a). Experience of discrimination by state of origin of foreigner**



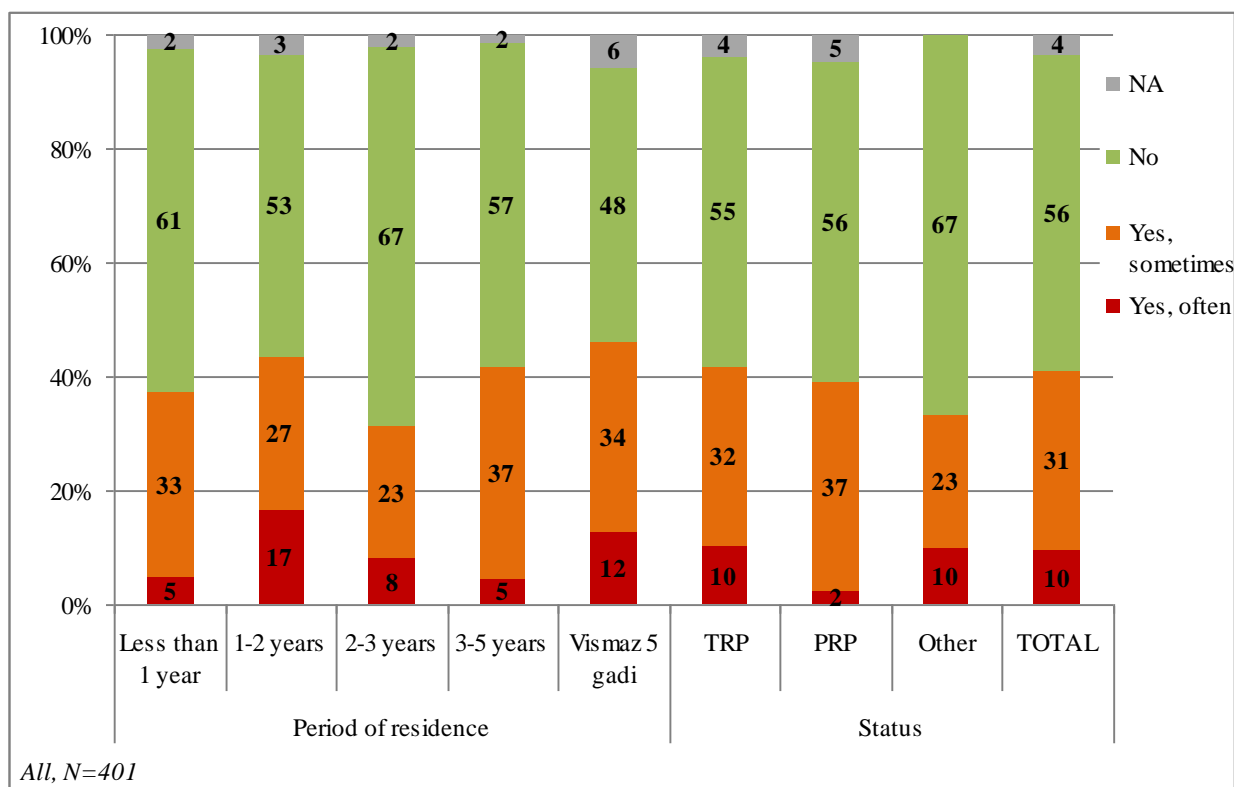
<sup>151</sup> There are some representatives of visually different minorities from these countries, too, but they, like nationals of other former Soviet republics, can at least communicate with locals in Russia. What's more, their social distance from locals and their cultural differences with locals are lesser than is the case with immigrants from "exotic" countries. See Zepa, B., Šūpule, I., L. Krastiņa, et al. *Etniskā tolerance un Latvijas sabiedrības integrācija* (Ethnic Tolerance and the Integration of Latvian Society). Rīga: BISS (2004)

<sup>152</sup> SKDS. "Sabiedrības attieksme pret darbaspēka migrāciju" (Public Attitudes Toward Labour Force Migration). In SKDS. *Sabiedrības integrācijas aktuālākie aspekti* (Major Aspects of Social Integration). Rīga: SKDS (2005)

<sup>153</sup> This group is dominated by people from the United States, where there are lots of people who represent visual minorities.

<sup>154</sup> These differences are not of statistical importance, because the statistical margin of error is between 4 and 7%.

Figure 24(b) Experience of discrimination by status and duration of stay



We used econometric analysis to identify the following factors which, all other things being the same, substantially increase the risk of discrimination:

- Coming from outside the former USSR;
- Spending one to two or at least five years in Latvia;
- Health problems;
- Youth (the older the person, the less the risk);
- Being unemployed;
- Living in small towns or the countryside;
- To a lesser extent, having children, and/or a higher (nearly completed higher) education.

The interpretation of the effects of the first two of these factors can be found previously in this report. The factors of health and whether one has children indicate that there's a higher risk of discrimination at health care and educational institutions. The age issue has to do with lifestyles – young immigrants are more likely to go to nightclubs and other places of entertainment which bring together young people, and discrimination and offensive attitudes might be found more often there than elsewhere. The issue of employment shows that unemployed people have a far greater risk of discrimination. First of all, people who are visually different have a substantially lesser chance than Latvians, Russians, Ukrainians and Belarusians to find a job in the private or the public sector.<sup>155</sup> Secondly, employed people spend a lot of time at work where the risk of ethnic discrimination is probably lesser than in everyday life.<sup>156</sup>

<sup>155</sup> See LLU. Latvijas un tās reģionu darba tirgus specifiskas problēmas (Specific Problems in the Labour Market of Latvia and its Regions). Jelgava: Ministry of Welfare (2007). See Tables 4 and 5 in Appendix 5.3.1.

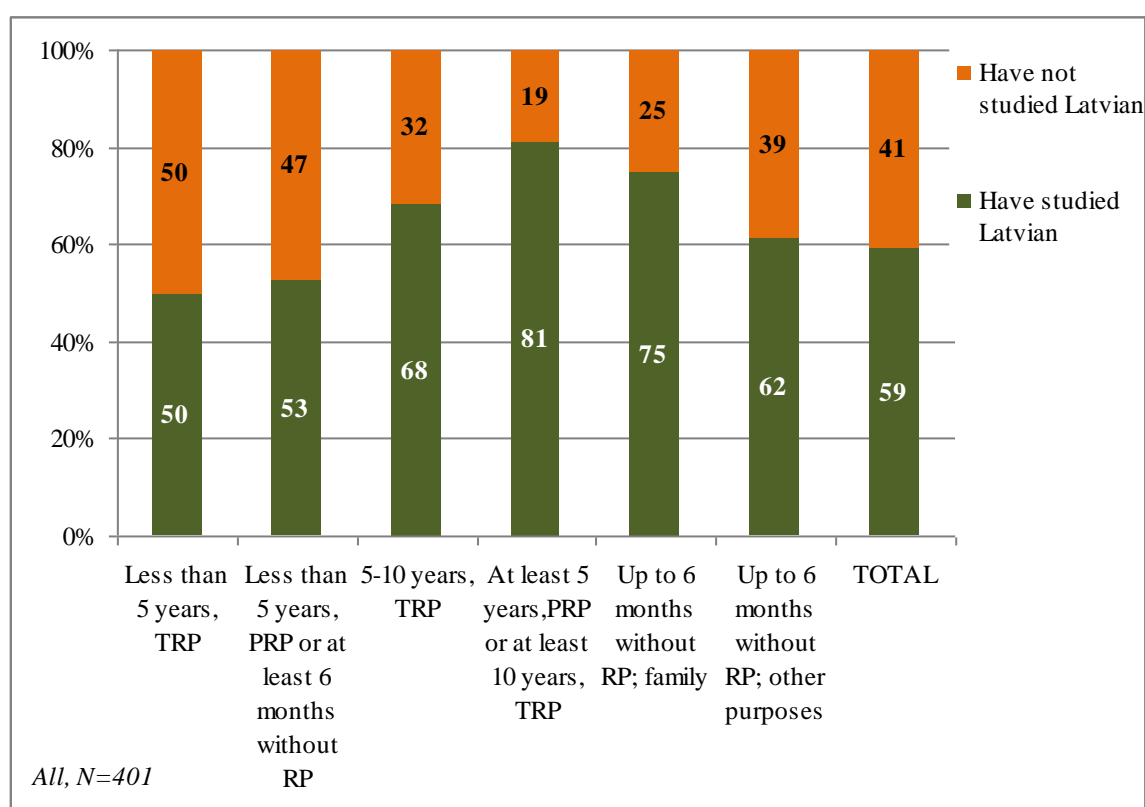
<sup>156</sup> That is not to say that immigrants never face discrimination at work. See, e.g., Krčmar, R. and O. Ozernaya (eds.). The Situation of Migrants from Belarus, Moldova and Ukraine in the Labour Markets of Latvia, Lithuania, Hungary, Poland and the Slovak Republic. Kyiv: European Commission (2009). See <http://soderkoping.org/ua/files/pages/20468/2.pdf>, p. 60. This study

### 7.10. Learning Latvian

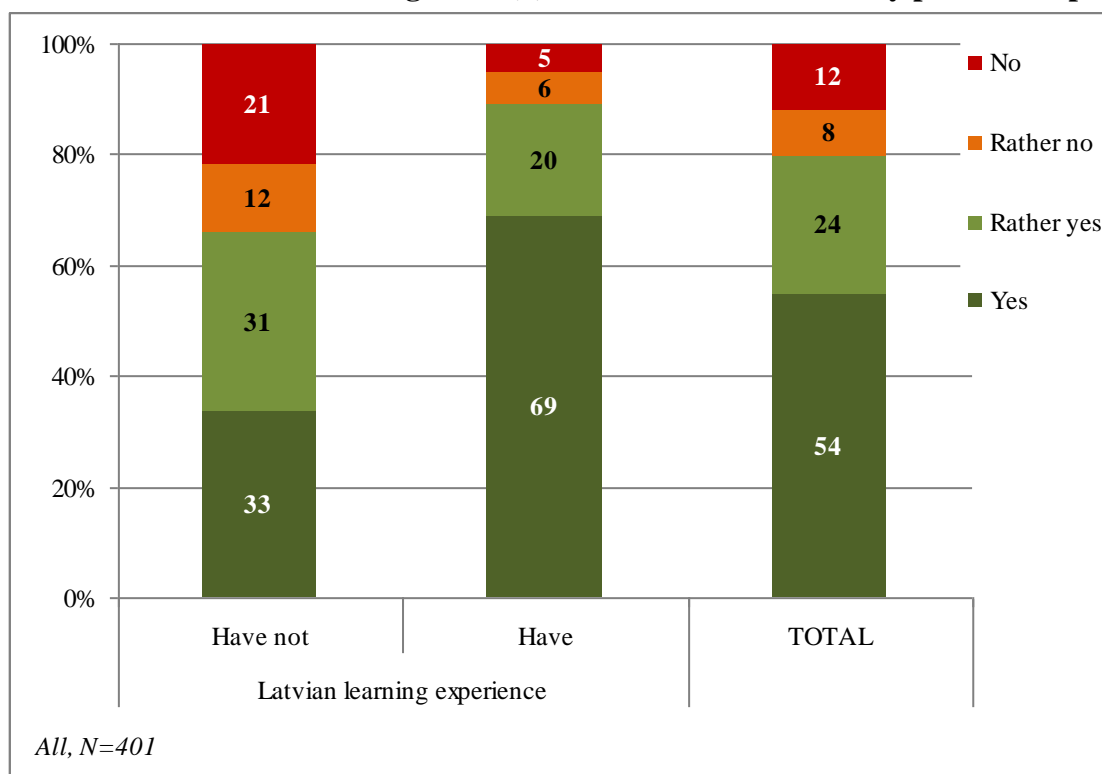
Half of the foreigners who have been in Latvia for up to five years with a temporary residence permit have studied Latvian (Figure 25(a)). This proportion increases along with the duration of a person's stay – four-fifths of foreigners with a permanent residence permit and those who have been in Latvia for at least 10 years with a temporary one have had such experience. Interestingly, more than three-fifths of those foreigners who have been in Latvia for up to six months without any permit at all have studied Latvian (this group includes students, missionaries, and those who have come to Latvia for the purpose of family reunification).

Figure 25(b) has information about the desire of foreigners to learn Latvia, depending on whether they have or have not had such experienced before. More than three-quarters of all respondents said that they would or probably would like to study Latvian (54% and 24% respectively). Only one of nine respondents among those who have already studied Latvian and one of three among other immigrants has no further plans to study the language.

**Figure 25(a) Experience of learning Latvian by status and duration of stay**



reports on unpaid overtime and lower wages than have been promised. These violations, however, are usually not perceived as a matter of ethnic discrimination. Instead, it is likely that the problems will be perceived as the result of discrimination based on the status of the immigrant or the illegal employee.

**Figure 25(b). Wish to learn Latvian by previous experience**

### 7.11. Inclusion in the social environment

In this section we'll look at aspects of integrating foreigners such as social networks, the presence of spouses (or life partners) and minor children in Latvia, and the extent to which the individual follows along with local events.

The inclusion, acculturation and integration of immigrants is very much related to social contacts with "locals." Figure 26(a) shows that the number of local friends and acquaintances and the proportion of friends in that group all increase along with the duration of the foreigner's stay in Latvia, although the status of the person's residence is also of importance (a more secure status encourages social contacts). There is also the reason why the person is in Latvia – those who are in the country for up to six months have for more social contacts if they have come to work or study than is the case if they have arrived to reunify a family.

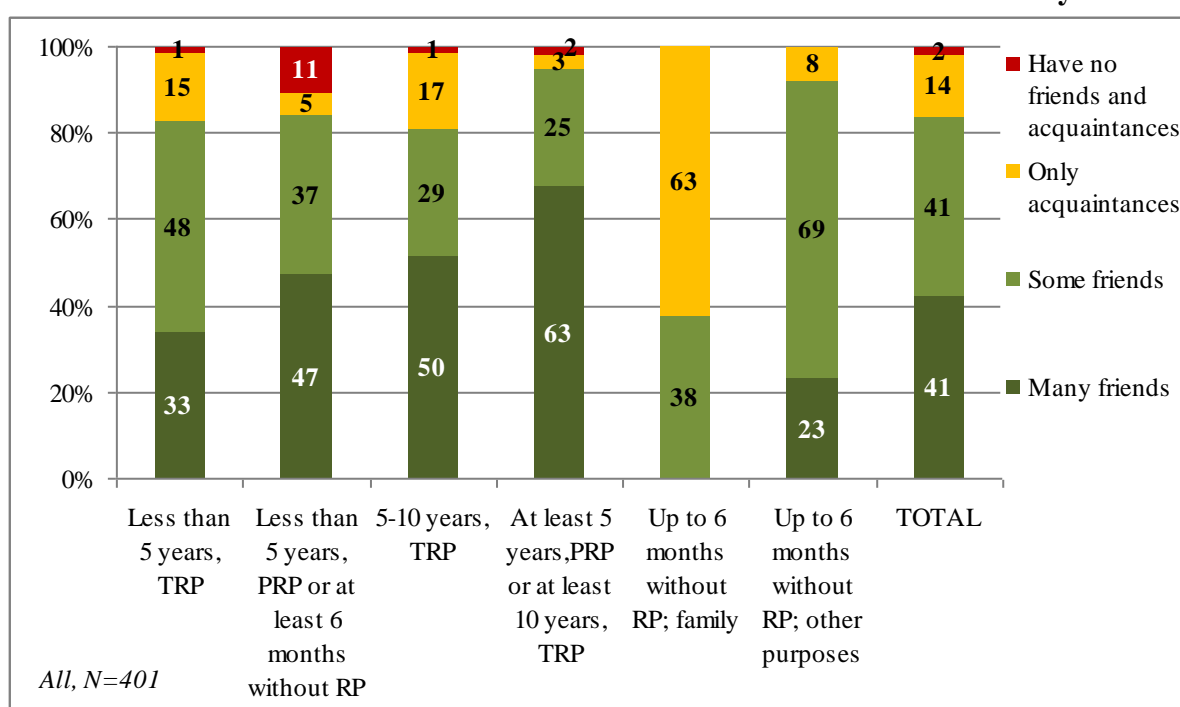
Respondents were given this question: "With how many foreigners in Latvia do you maintain regular contacts?" The aim was to find out whether foreigners were replacing social contacts with locals with ones with foreigners. As can be seen in Figure 26(b), there is a positive correlation about the intensity of both types of social contacts, and that probably has mostly to do with the person's characteristics (openness and ability to communicate). This gives reason to suggest that contacts with other immigrants do not hinder the ability of a foreigner to become integrated into Latvian society.

Econometric analysis was used to show that all other things being the same, the number of local friends and acquaintances:

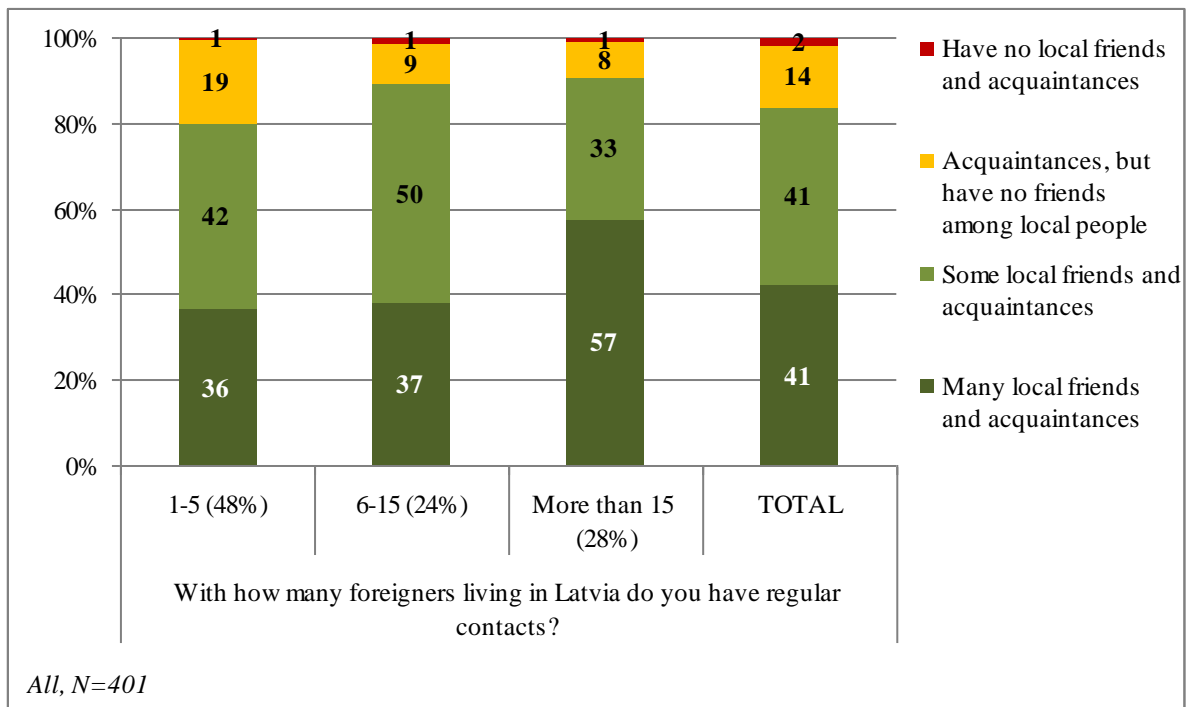
- Increases along with duration of stay (the greatest leap is seen when the immigrant has stayed in Latvia for more than one and for more than two years);
- Is lesser for immigrants from countries which were not part of the Soviet Union and are not member states or associated states of the OECD (this indicates greater social distance);

- Is greater for immigrants who speak Latvian (the hypothesis of reverse causality is thus not proven);
- Is greater for those immigrants from OECD member states who speak Russian;
- Is greater for working people (colleagues are definitely acquaintances and often become friends);
- Is greater for people without a higher education, particularly students (for whom social contacts emerge naturally; working people with poor qualifications, by comparison, tend to have more colleagues than specialists do);
- Is greater for foreigners with minor children (contacts with other parents are formed at school or the kindergarten);
- Declines with age (young people are usually more open to new contacts).

**Figure 26(a). The number of local friends and acquaintances of foreigners by duration of stay and status**



**Figure 26(b). The number of local friends and acquaintances of foreigners by the number of contacts with other foreigners in Latvia**



**Figure 27. Description of spouses of foreigners by state of origin and duration of stay**

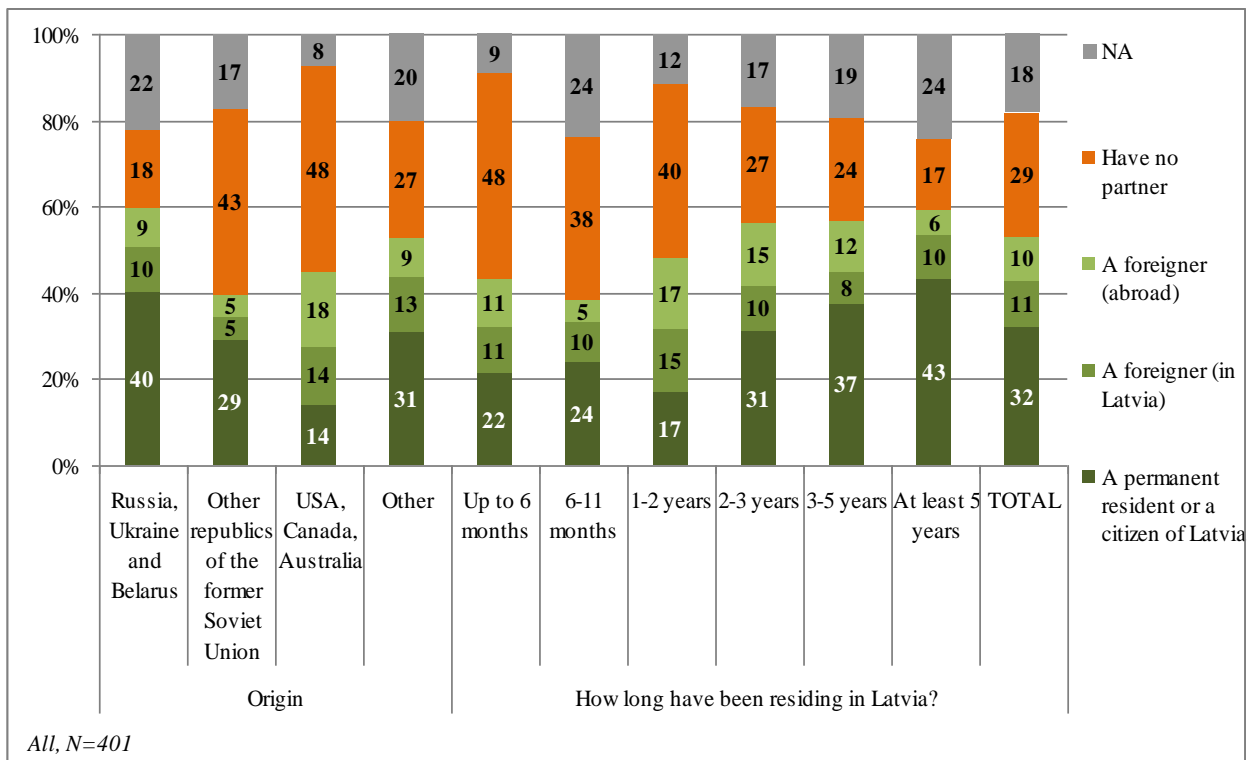


Figure 27 speaks to the spouses (life partners) of foreigners. One-third of immigrants have a local spouse or partner, while one-tenth live with a spouse or partner who is also a foreigner. Two of every five immigrants from Russia, Ukraine and Belarus have a local life partner. So do one in three immigrants from Asia, Latin America and Africa, but only one in seven immigrants from the United States, Canada or Australia (left side of Figure 27). The longer a foreigner is in Latvia, the better the chance of finding a local partner. Particularly evident changes in this regard occur after foreigners have spent more than two years in the country (the right side of Figure 28).

Table 9 has information about the minor children of foreigners. One-fifth of the members of the direct target audience for the study (foreigners staying in Latvia for up to five years with a temporary residence permit) had at least one minor child in Latvia. Among all foreigners, the proportion rises to one-quarter. Three of five immigrants have no minor children at all.

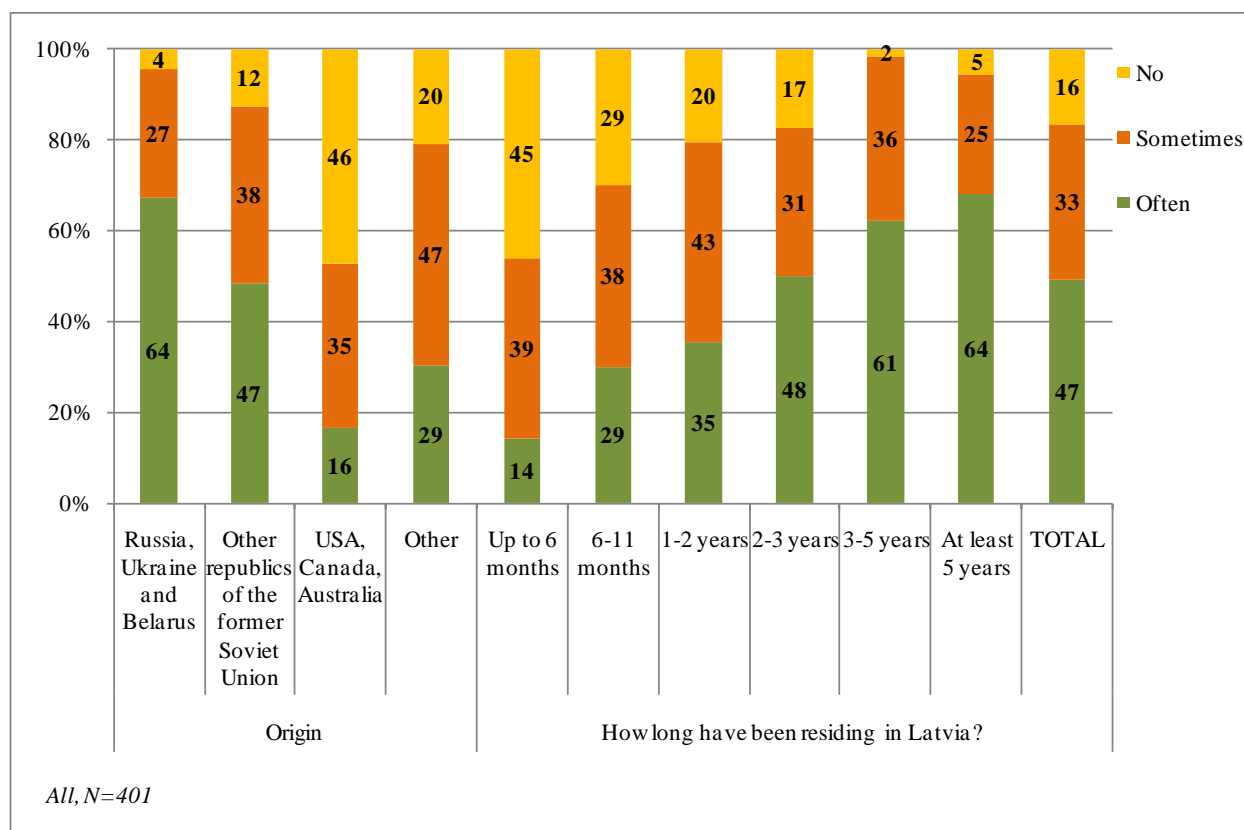
**Table 9. Minor children of foreigners (%)**

	Foreigners with TRP who staying in Latvia for up to 5 years	All foreigners
Living in Latvia with children	19,9	25,4
Planning to move children to Latvia	1,4	1,2
Not planning to move children to Latvia	8,1	5,2
Not answered	8,1	8,5
Have no children	62,4	59,6
<b>Total</b>	<b>100</b>	<b>100</b>

Another important sign of inclusion among immigrants is the issue of whether they follow along with various events in the country. Figure 28 shows that nearly one-half of foreigners use the media often and one-third use them sometimes to find out what's going on in Latvia. Interest in events in Latvia depends on the region of origin (i.e., the social distance) and the duration of the immigrant's stay. Two-thirds of immigrants from Russia, Ukraine and Belarus often use the media to see what's happening in Latvia. The same is true with less than half of immigrants from other Soviet republics, only one in six among those who come from North America and Australia, and fewer than one in three among other foreigners.

Interest in events in Latvia increases rapidly as the duration of an immigrant's stay increases (Figure 28).



**Figure 28. Following the news about Latvia by state of origin and duration of stay**

### 7.12. How long immigrants plan to stay in Latvia?

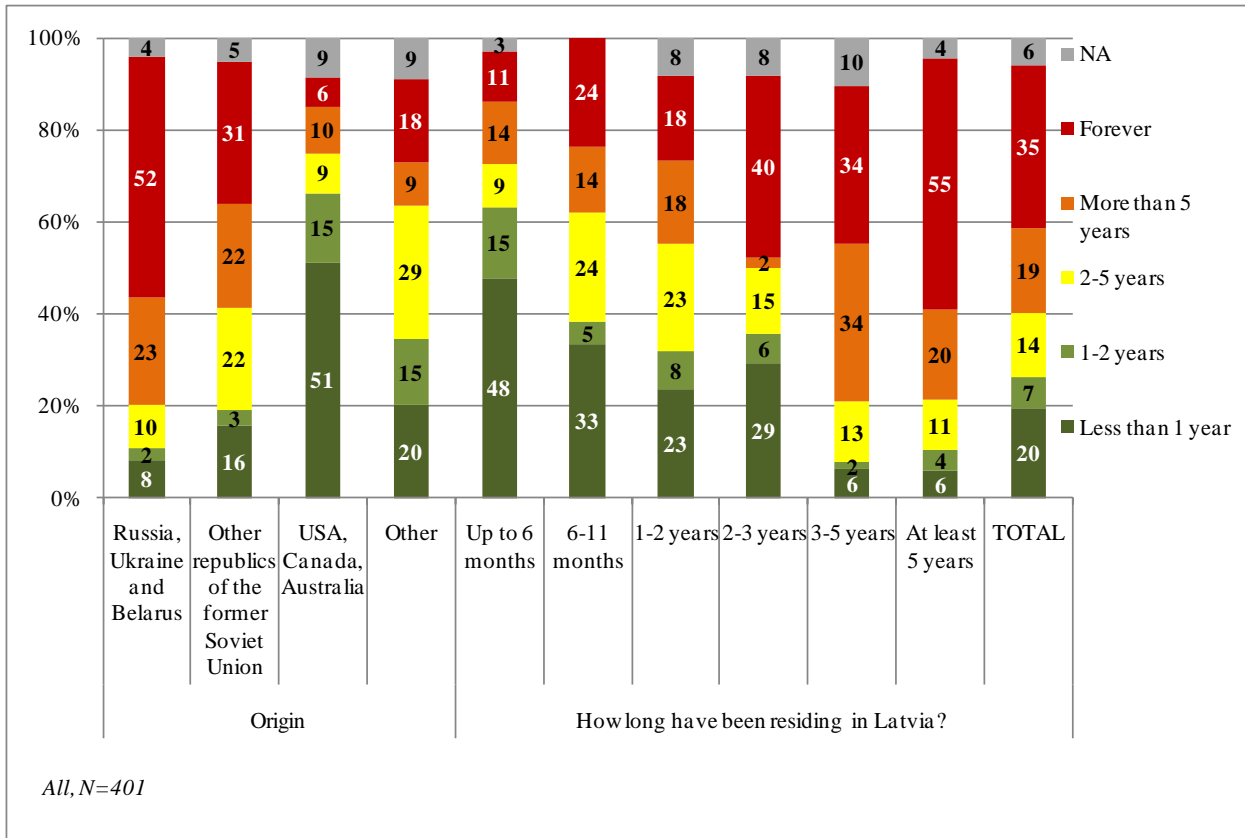
What is the distribution of immigrants in terms of how long they plan to stay in Latvia? What factors encourage a foreigner to stay in Latvia forever? These are critically important issues from the perspective of immigration policy.

Figure 29(a) speaks to this issue. We see that more than one-half of all immigrants plan to stay in Latvia for more than five years (19%) or entirely (35%). More than half of immigrants from Russia, Ukraine and Belarus and one-third of those from other former Soviet republics want to stay in Latvia for good. The same is true among 18% of immigrants from Asia (outside the former USSR), Africa and Latin America, and only 6% among US, Canadian and Australian nationals (the left side of Figure 29(a)).

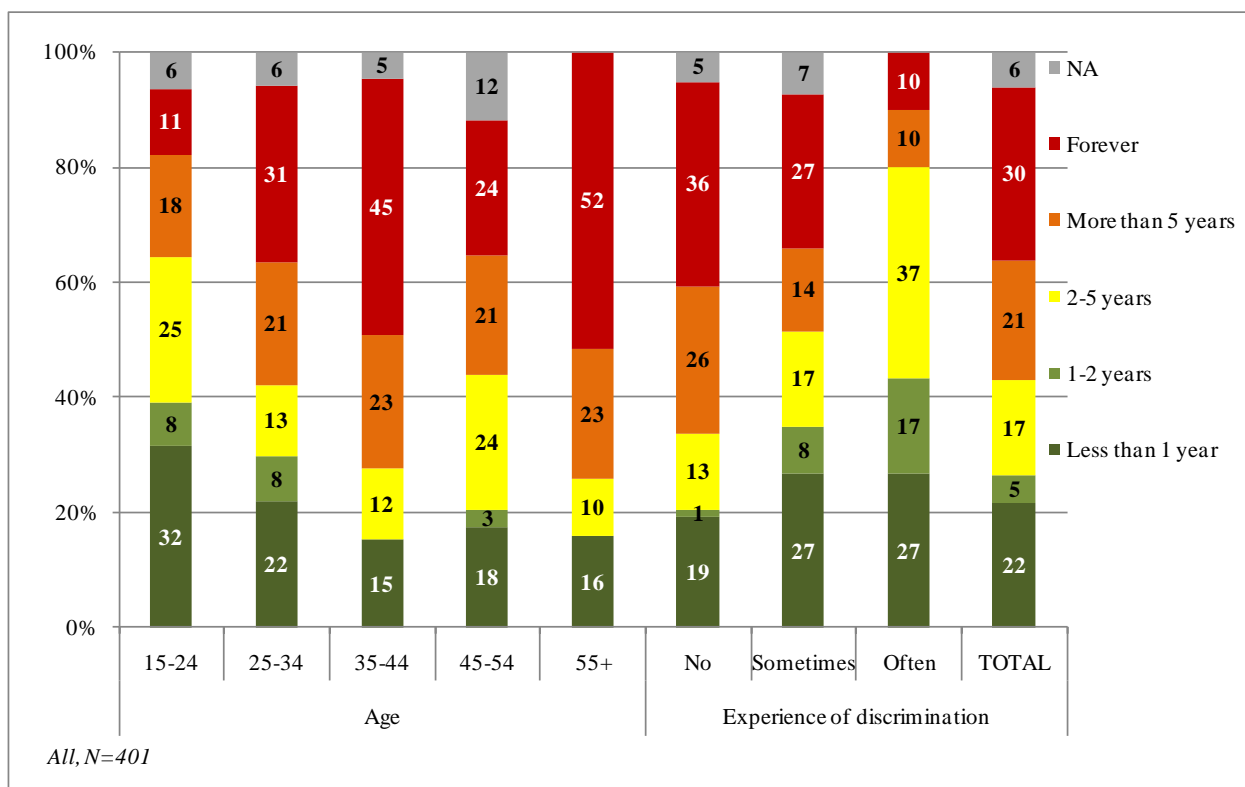
Among immigrants who have not faced ethnic discrimination in Latvia, one-third plan to stay in the country for good. Among those who have faced discrimination or offensive attitudes, only one-quarter would like to become a Latvian national (the right side of Figure 29(a)).

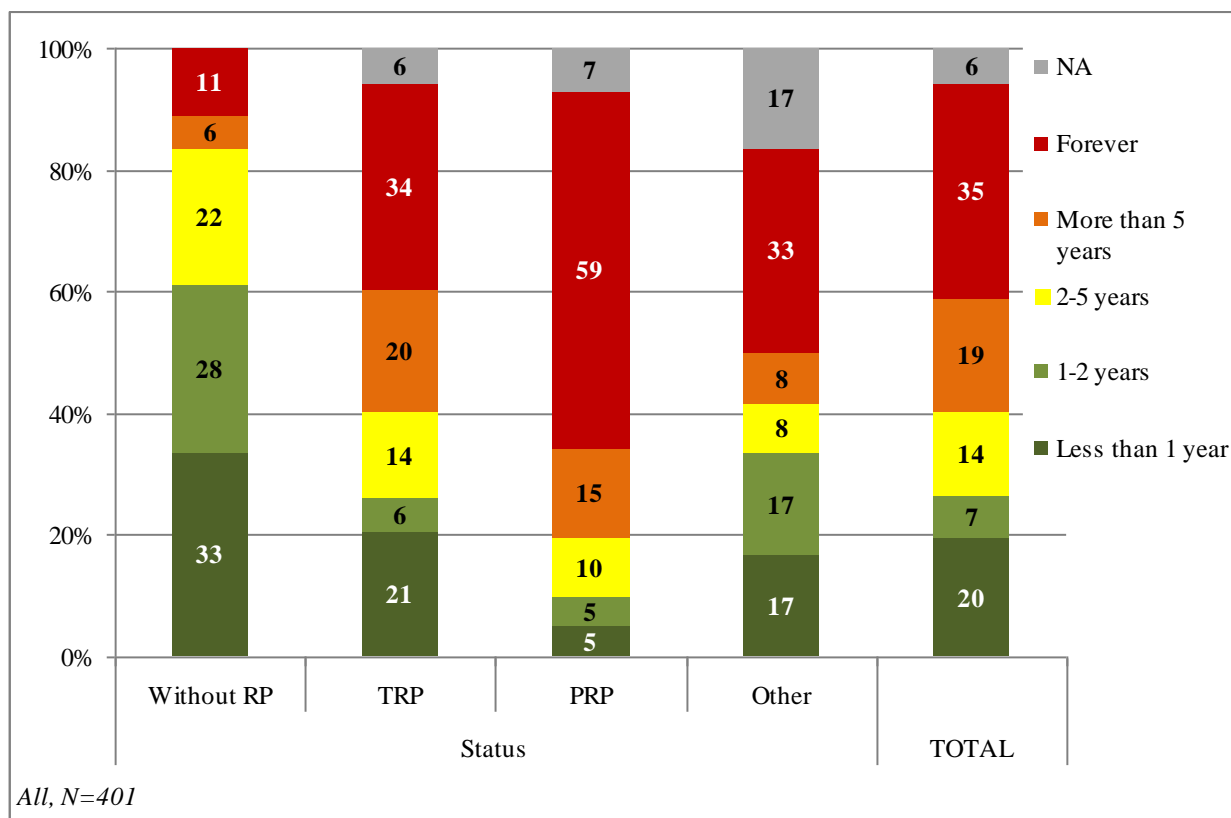
One-night of foreigners without any residence permit, one third of those with temporary permits, and three-fifths of those with permanent permits told researchers that they would like to stay in Latvia for good (Figure 29(c)).

**Figure 29(a). For how long are you planning to stay in Latvia? (By state of origin and duration of stay)**



**Figure 29(b). For how long are you planning to stay in Latvia? (By age and experience of discrimination)**



**Figure 29(c). For how long are you planning to stay in Latvia? (By status)**

Econometric analysis allows us to identify factors which have a substantial effect, if all else remains the same, on the plans of foreigners to stay in Latvia for good:

Positive factors:

- Comes from Russia, Ukraine or Belarus;
- In Latvia for at least three years;
- Has a local spouse or life partner.

Negative factors:

- Has no local friends;
- Has experienced discrimination and/or unjust or offensive attitudes;
- Youth (the desire to stay increases consistently along with age).

Gender, education and employment have no statistically important effect on the planned duration of an immigrant's life in Latvia.

A statistical portrait of foreigners who are in Latvia on the basis of a temporary residence permit but plan to stay for good is seen in Table 10.

**Table 10. Foreigners with temporary residence permit planning to stay in Latvia forever or more than five years by state of origin, age, gender, education and employment status (%)**

	Planning to stay in Latvia	
	Forever	More than five years or forever
<b>State of origin</b>		
Russia, Ukraine or Belarus	77,7	72
Other republics of the former Soviet Union	14,3	16,3
Other	8	11,7
<b>Age</b>		
15-34 years	37,5	42,6
35-54 years	44,6	41,6
55 years and more	17,9	15,8
<b>Gender</b>		
Men	45,6	43,8
Women	55,4	52,2
<b>Education</b>		
Higher or uncompleted higher	57,1	64
Secondary or lower	42,9	36
<b>Employment status</b>		
Employees	34,8	34,3
Employers and self-employed	16,1	19,7
Not working but wish to work	33	33,7
Not working and do not want to work	16,1	12,3
<b>Number</b>	<b>112</b>	<b>178</b>

## 8. Views of employers vis-à-vis the integration of employed immigrants

### 8.1. Demand for third-country workers in Latvia

Employers who have hired foreigners were asked about the supply and demand of such workers. Some said that the number of employed foreigners at their companies declined gradually in late 2008 and 2009, with those whose job contracts expired leaving Latvia.

Employers said that there are three reasons as to why companies look for foreign employees – a lack of the specific specialists in Latvia, an overall lack of workers in Latvia, and the policies of international companies.

The lack of specialists with specific professional skills has been characteristic in many sectors in Latvia – manufacturing, construction, transport, restaurants, as well as individual services. In many cases, demand for these specialists is constant. This is based on an imbalance in supply and demand in professional secondary education in Latvia, a reducing in the prestige of various professions, and other similar factors. As a result of this, Latvia lacks qualified workers and craftsmen in such industries as construction, ship-building, transportation and the processing industries.

Several employers said that they have trained specialists – mostly those who need a higher education – in nearby foreign countries. At the same time, there are insufficient numbers of people with a professional secondary education in Latvia. For many years, companies in Latvia have made do with workers who received a professional secondary education during the Soviet era, but these people are getting older, and there is a shortage of younger people to replace them. Because of internal competition among sectors and within sectors, employers feel that it would not be profitable for them to offer financial support for professional secondary education programmes.

Another factor which enhances demand for foreign workers is the specificity of a sector – shifts in the demand of services and the need to maintain high qualifications, as well as good skills. If employees are to satisfy both requirements at once, there have to be mobile brigades of workers who work at the company and in the country where there is demand.

Second, foreign specialists with special skills are most durably needed in the service sectors which offer southern or eastern cuisine, non-traditional medicine and beauty care. Employers say that demand for such specialists is not fully satisfied because costs related to work permits and the hiring of a foreigner are too hard, and these are sectors in which it is hard to recoup the money.<sup>157</sup>

*“A Chinese restaurant cannot make do with Latvians or other nationalities. There have to be Chinese cooks. (...) You screw yourself if you hire a local cook instead of a Chinese person. In that case, it will be Chinese food of the Latvian type. (...) I can go to any restaurant and know that it was not a Chinese person who cooked the food.”* (Employer in the public dining sector)

Third, foreigners may have socio-psychological skills which Latvian workers don't have. Here's a vivid example:

*“Transporters from third countries usually drive to the East. (...) If you're going to the West, if you have proper documents, if you're not drunk, if you do everything properly, and if you don't violate any laws, then no one will stop you for no reason, nothing will make you nervous, and no one will try to blackmail you for money. In Russia, the situation is quite the opposite. The roads are bad. Even if everything is good with you, they'll try to make you nervous, they'll try to get you to pay money or force you to do something that you don't want to do. We thought that we escaped that environment recently, but Latvian*

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<sup>157</sup> In the first half of 2006, people working in the public dining and individual services sectors were paid 35% less than construction workers of similar education levels, gender, age, work history, etc., with comparable qualifications.

*citizens don't want to drive to Russia – it's stressful for them. For those who come from that direction, however, that's normal life, they're accustomed to it.*" (Employer in the transport sector)

In still other cases, specialists with special skills are only needed for awhile – to install equipment and train locals to work with it, or to do other work that is seldom in demand in Latvia:

*"He was brought in to launch a big new project. These are technologies which have never been seen before in Latvia."* (Employer in the manufacturing sector)

The second important reason for demand for foreign workers in 2007 and 2008 was a local labour shortage overall, but particularly in construction and other sectors which need qualified workers – manufacturing and transport, for instance.

Labour shortages and the time-consuming process of inviting foreigners to come to work – these have a negative effect on the Latvian economy, according to employers. First of all, the labour shortage makes it hard to ensure sustainable economic development. In recent years, businesses have not invested in manufacturing or expanded operations because of this. Second, the labour shortage has pushed up the wages of construction workers who are not sufficiently productive to keep up with the wage hikes. An increase in construction volumes and a lack of people to do the work caused a deterioration in quality, and the result was the construction of many expensive but shoddy buildings.

A third reason for the demand for foreign workers is international companies and their policies. They bring in tested specialists or working groups which move from country to country to do the same things at each of the relevant company's offices – launch a new product, train local personnel, etc.

The amount of time which employed foreigners spend in Latvia is partly dependent on the aforementioned issue of labour demand. If a specialist has skills that are in demand in Latvia or if the person works for an international company for specific purposes, then the duration of the stay will be based on the job contract, the amount of work that needs to be done, etc. If people are brought in because there has been an acute overall labour shortage, however, they tend to spend an average of one year in the country:

*"They work for a year, on average. People get tired, they want to go home. Actually there's no real point in them staying here longer."* (Employer in the construction industry)

Foreigners from South and East Asia mostly work in service sectors and tend to stay longer in Latvia than other employed foreigners. There are several closely linked reasons for this – higher costs for documents and travel than is the case with people from closer countries, the desire of the worker to recoup the resources that have been invested, and the fact that wages back home in China, India or Thailand tend to be comparatively low.

Several employers who had hired third-country nationals told researchers that they support the need for locals to have jobs, and so once the crisis began, they got rid of their foreign workers. Latvian government institutions placed pressure on the situation by putting up various obstacles against the employment of foreigners (extending the amount of time that it takes to get a residence permit, conducting frequent inspections at companies where third-country nationals were still working, etc.).

Still, the things said by employers suggest that there are still situations in which foreign workers are fundamentally important to the company, or else an employer wants to keep such employees for one reason or another. The foreigner may have special skills such as familiarity with foreign cuisines or non-traditional medicine. He or she may be of value in the relevant area of speciality even if there are sufficient numbers of local specialists, as well. Employers say that the few employed foreigners in Latvia are hard to keep because of high costs (the minimum age for the foreigner) and/or the aforementioned government obstacles. One employer, for instance, said

that the number of foreign workers at an Asian restaurant had to be reduced because of an increase in the minimum wage. In the building and manufacturing industries, the same has been the case because of national policies.

Despite the ongoing economic decline, many employers are sure that Latvia will need foreign workers in future, as well. Businesspeople believe that demand will be higher than in 2007, because quite a few people have emigrated from Latvia since then, and they will have to be replaced by someone.

Waiting for the day when third-country nationals will once again be invited to work in Latvia, businesspeople insist that the state must develop a labour immigration policy plan very quickly – a vision as to the goals which lead Latvia to bring in foreign workers, as well as the countries from which workers would best satisfy the work. Employer views as to the countries from which workers should be brought to Latvia are discussed in greater detail at the conclusion of this chapter.

### ***8.2. The advantages of shortcomings of third-country workers***

The nature of jobs which involve third-country nationals is such that most of these workers are young or middle-aged men. There are data about the countries from which people have received work and residence permits in Latvia, but it is worth looking at what employers think about when they select foreign workers.

Southern and Asian cuisine, non-traditional medicine, etc., need workers from the culture and environment in which the offered product is typical. When foreigners are hired because of the local labour shortage, there are rational considerations such as the distance of the country from Latvia, whether the business has good contacts at the Latvian embassy in the relevant country, whether it has partners in third countries who could help in finding workers, whether the workers speak Russian, whether there are big wage differences between Latvia and the other country, etc.

Some employers insist that third-country nationals offer better work quality and a higher motivation than locals do. Others, however, say that foreigners are more motivated only at first, and once they see the attitude of local workers, their enthusiasm diminishes.

Some employers say that a positive thing about foreigner workers is their readiness to work overtime. In those areas where overtime is typical (dining, individual services), employers don't talk about this as a factor in hiring foreigners.

Some businesspeople said that foreigners from the former republics of the Soviet Union who come to Latvia for simple jobs tend to be comparatively highly educated. Employers say that they could offer more responsible jobs to such people, but that is not possible because of norms related to the hiring of employers, as well as the habitual hiring of foreigners for just one year at a time.

In addition to positive aspects, some employers speak of cases in which they have not been satisfied with foreign workers. There are problems if a foreigner damages expensive equipment, drinks, disappears and cannot be found, or is someone who actually wants to move to another European Union member state instead of working in Latvia.

A particular set of difficulties related to foreign workers is cultural and social differences, along with the fact that foreigners don't have much to do in their free time. This is a problem not just for people from South Asia, but also for Moldovans and Ukrainians who, in cultural terms, are closer to Latvia.



### **8.3. Recruitment strategies**

Latvian companies have taken various approaches to hiring third-country nationals – intermediaries which can handle the documentation, hiring of foreign workers from another local company (or recruitment company), or the use of the private contacts of the employer and/or the company's employees.

Intermediaries are often used to recruit third-country nationals. They help workers to prepare the necessary documents. Some offer people from specific countries for specific jobs. If an employer has found foreigners on his or her own, there is a need for law firms which can prepare the documents so that the work and residence permit can be received as quickly as possible.

According to businesspeople, job recruiters also offer the “rental” of foreign workers. This occurs when third-country nationals are hired by the job recruitment company itself and then offered to companies which need to relevant type of more or less qualified workers. In such cases the documents of the employee are kept by the job recruitment company:

*“The company sends a bill, we transfer the money, and that is all. Our responsibility starts and ends right there.”* (Employer in the food industry)

The “rental” of workers is based on Cabinet of Ministers regulations dating back to 2004 which speak to work permits for foreigners. The rule is that if the place where a foreigner is to work cannot be precisely defined, then the company must provide the State Employment Agency with its legal address. Job recruiters say, however, that irrespective of whether a company's situation is or is not in line with normative regulations, the relevant control services still consider the “rental” of foreign workers to be a violation. In such cases companies can be fined for hiring illegal workers, and workers can lose their residence permit.

As is discussed in greater detail in the next chapter, employers often say that preparing documents for foreigners to bring them to Latvia is costly and time-consuming. Asked about the financial investment of the foreigner to work in Latvia, few employers wanted to comment on the matter. There are a few cases to show that at least in some cases the foreigner is forced to invest a lot of money which he or she then wishes to recover by working in Latvia. When the demand for workers at a company changes rapidly and the employer needs to shed staff, these foreigners suffer financial losses, feel cheated, etc.

Some employers use their own resources to recruit workers and prepare their documents. This is handled by personnel specialists or lawyers. Others find foreign workers on the basis of the contacts and recommendations of employers and staff. In some cases, third-country nationals have approached employers themselves. This tactic in finding workers is particularly common among Asian restaurants.

### **8.4. Norms regulating the work of foreigners**

#### **Perceptions about the process of finding a job**

Asked about how jobs for foreigners are established, most employers spoke of a long complicated and expensive process. As noted before, some companies ask job recruiters and lawyers to recruit staff and/or prepare the documents. One reason is that there are a lot of documents which have to be prepared to bring a foreign worker into Latvia.

Employers insist that it takes at least several months between the first day when documents are prepared and the day when the foreigner actually arrives in Latvia. It appears that the procedure is longer if the employee is coming from Southeast Asia or other distant areas. Latvia has no diplomatic presence in many of these countries, and so embassies in neighbouring countries have to be approached instead. That makes the whole process more time-consuming and expensive.

Employers insist that the time-consuming procedure causes losses – work is not done on time, output goals are not met, the company's market competitiveness declines accordingly, etc. The various formalities, the state fee that must be paid to recruit a foreign worker, the cost of bringing the employee to Latvia – all these are additional costs which the employer wants to recover as soon as possible. Latvia's shifting economic fortunes have created a situation in which some employers have found that once they have finally hired foreign workers, they no longer need as much staff. Accordingly, lots of money has been spent, but not always in a way which pays off.

Employers who recruited foreign workers in 2009 and their lawyers say that recruitment and residence permits are procedures that have become more lengthy and complex in recent times. Businesspeople understand why documents are checked more carefully to reject unjustified demand for foreign workers and to protect the local market, but they also know of cases in which the bureaucrats of the relevant institutions have purposefully delayed the process and placed pressure on the applications in ways which are not really in line with client service principles. The OCMA, for instance, keeps extending the review of documents that are needed for a residence permit up to the point where the employer waives the recruitment altogether (see further for a discussion of what employers think about the work of the relevant institutions).

In talking about the preparation of documents, several employers say that the process is too complicated, and unimportant nuances sometimes are of decisive importance in determining whether a third-country national does or does not get a residence permit. Lawyers say that in order to reduce risks related to the rejection of an application, they ask clients to fill out forms and CVs in draft form, and then the lawyers rewrite them to satisfy all of the legal requirements.

Some employers say that their first experience with work and residence permits for third-country nationals was more difficult and a bit slower than was the case when handling these procedures for a second or third time.

Many employers point to the complexity of documents and say little about how justified the relevant requirements might be, and a few employers admit that the requirements are necessary. They think that employers are thus protected against even greater expenses if the recruited foreigner proves to be inappropriate for the job. Society, for its part, is protected in terms of physical security and health.

Even those employers who feel that the procedures which are applied the first time that they deal with a residence permit were justified, however, say that in repeat occasions the procedure must be simpler. For instance, the application form should be shorter, without a need to restate the person's basic and unchanging life information. They would also like specialists from certain professions to receive work and temporary residence permits for more than a year, etc.

### **Major difficulties in job recruitment procedures**

During their interviews, employers spoke freely about specific demands which relate to work and residence permits for foreigners. Let's now take a look at what employers and lawyers have had to say about experiences, practices and proposals as to the procedures which they consider to be the most complicated or time-consuming.

Several employers said that the requirement that a vacancy registered with the State Employment Agency must remain in place for an entire month before a foreigner can be invited to take the job hinders the recruitment of third-country nationals. They don't think that the demand is justified in many cases – when there is an acute shortage of labour, as was the case in 2007 and 2008, and in relation to specific professions where there is a need for people with specific knowledge and skills (Asian cuisine, medical specialists, etc.). Employers think that in such cases, the vacancy should be advertised for a shorter period of time – perhaps two weeks. That would allow

employers and their lawyers to stop looking for various ways of avoiding the rules so as to get work permits more quickly.

The next demand which employers don't understand in some cases is the need to prove the qualifications of the foreigner. They say that when it comes to simple professions, people don't need experience, and it's easy to train people from the beginning. Respondents say that particularly during the economic decline, the relevant government institutions have been taking advantage of this requirement to hinder the hiring of foreigners. Employers say that sometimes the experience of potential foreign employees is declared to be inadequate by the relevant institutions for various unimportant reasons.

Businesspeople and lawyers also speak to other requirements that have caused them difficulties. Third countries sometimes have different procedures for issuing passports or information. Other times the validity of information that is issued is valid for just a short period of time.

The cost of work and residence permits is increased, too, by the need to notarise the documents that are necessary, to have them translated into Latvian, and then to have the translations notarised, as well.

Some employers have found OCMA clerks who set out additional requirements so as to hinder the hiring of foreigners. For instance, one respondent was asked to present service agreements with other legal entities to prove that the foreigners were needed:

*"They asked for contracts to prove that we were going to do work in Latvia, too."* (Employer in the ship-building industry)

Asked whether anything has changed in the procedure for getting work and residence permits for foreign workers in recent years, most surveyed employers and lawyers say no. As noted before, some employers say that as the economic situation has deteriorated, the process has become even more difficult. Others point to the fact that the state fee for the issuance of a work permit has been reduced.

### **Regulations on labour relations**

Employers think that Latvia, like other European countries, should be one in which most foreign workers are inexpensive and with few qualifications. For that reason, many employers groused in the interviews about the fact that in 2009, the minimum wage that had to be paid to a foreigner with a temporary residence permit was LVL 480 – even more than the LVL 398 that were in place in 2008, when the economic situation was more favourable.

Some employers, speaking about the highest minimal wage for foreigners, pointed out that third-country nationals would be prepared to work for less money, adding that this would be of greater economic advantage to employers as well. Several other employers, however, had hired foreign specialists with special skills, and they believe that the norm is unfair because the average wage for local residents working in the same sector is lower, and so substantial a "bonus" for specific skills is not justified:

*"As far as I know, the net wage right now has to be LVL 380. That's wrong. As far as I can tell, they want to make sure that we businessmen don't hire too many guest workers and that the state is not cheated."* (Employer in the food industry)

Because the rule of paying a higher minimal wage applies only to those foreigners who have a temporary residence permit, there are some sectors such as cargo transport in which employers hire foreigners on the basis of a working visa. That's because the average wage in the sector is substantially lower than the mandatory minimum wage for foreigners who have temporary residence permits. As noted before, third-country nationals in sectors such as cargo transport are necessary to employers because of their specific socio-psychological characteristics.

The surveyed employers admit that they would be pleased to arrange for temporary residence permits for their foreign workers, because unlike work visas, these do not limit the amount of time that the person can spend in Latvia over the course of one year. If a foreigner has a work visa, he may spend no more than 180 days a year in the territory of the European Union.

Lawyers who have worked with temporary residence permits for third-country businesspeople say that a norm which hinders the development of business is the requirement that the relevant person must spend a total of six months a year in Latvia. These lawyers would like that norm to be reduced.

As noted before, there are companies which find workers for other companies, and they've found themselves in conflict with the Cabinet of Ministers regulation which speaks to work permits for employers. The rules say that if the specific place where the foreigner is going to work cannot be specified, then the legal address of the employer is the stated address. People from the recruiting companies, however, say that the supervisory institutions refuse to conclude that their operations are in line with the norms.

### **Other problems with the immigration law**

Employers also talk about specific instances in which the employment of third-country nationals has caused conflicts between existing legal regulations and overall human values.

For instance, there can be two married third-country nationals who are both working in Latvia and have a child. It's not possible to prepare a passport for the child in Latvia so that the family could return to its country of origin, even if the relevant country is diplomatically represented in Latvia. This creates the risk that the baby will be identified as someone who is in Latvia illegally. The immigration law says that illegal migrants must be deported forcibly.

This kind of thing might happen more than just a few times, and it would be necessary to develop international diplomatic relations, legal regulations in Latvia, and standard procedures about documents which are given to the children of foreigners when they are born in Latvia.

### ***8.5. An evaluation of the relevant government agencies***

Interviewed employers were just as happy to discuss the work of those government agencies which are involved in the handling of documents or the monitoring of procedures as they were to talk about procedures related to work and residence permits. They were asked about the work of the Office of Citizenship and Migration Affairs (OCMA), the State Employment Agency (SEA), Latvian diplomatic offices abroad, the National Border Guard, and the State Language Centre.

As far as the OCMA is concerned, employers tend to insist that the greatest difficulties are encountered when dealing with rank-and-file employees of the institution – those people who accept documents or offer consultations by phone. OCMA staff at the medium and higher level, according to some employers, can be rated positively, because these are people who help to find solutions in specific situations.

When asked about those OCMA employees who receive documents and offer consultations, employers say that there are three fundamental problems: (1) The lack of quality in consultations; (2) an unacceptable culture of services; and (3) different strategies aimed at delaying the review of documents.

Several employers said that consultations offered by OCMA staff vis-à-vis recruitment of foreigners and handling of the necessary documents tend to be incomplete or contradictory, which means that people have to return to the agency several times to submit all that is necessary. This delays procedures, and employers get the sense that the handling of documents is a time-consuming and complicated process:

*“There’s not even any point in ringing [the OCMA], because they hire young girls who often offer incorrect information. They rush off to talk to more experienced specialists so as to find answers even to the most elementary questions.”* (Lawyer)

Employers are also not happy at the culture of services rendered at the OCMA – the way in which consultants treat people who come in for residence permits. Employees who accept documents and offer consultations as to the documents that are needed in each specific case are accused of being unkind or even hostile toward visitors. Another problem is a lack of foreign language skills. Some employers, true, said that the introduction of a proper queue at the agency has led the level of services to improve a little bit, because knowing when one has to turn up at the agency saves time and guarantees that one will receive the services that are needed:

*“Consultants should speak English, because sometimes foreigners contact them. They speak only a few sentences, and how on earth can anything be explained that way? How can they hire people who don’t speak English to work with foreigners? (...) These people don’t even know how to communicate with others. You feel like a criminal when you’re seeking the permits. (...) These are service personnel, they are paid with our tax money. (...) So why do they treat me that way?”* (Employer offering individual services)

Businesspeople and lawyers who have frequent contacts with the OCMA talk about instances in which the agency’s employees have done things to hinder the process. Sometimes they postpone the review of documents more than once. In one case, documents were sent by courier, and the state fee for the review of the documents in five days’ time was paid. The incoming documents were not registered on the date when they were received, but only a few days later. Experts in the sector say that the reasons why a higher fee is paid for the more rapid review of documents are usually very important, and these delays cause serious problems.

Some employers think that the OCMA has overstepped its authority when it rejects a residence permit for someone who has received a work invitation from the SEA.

Some employers also criticised the work of SEA employees in terms of reviewing documents that are needed to receive a work invitation. According to these respondents, sometimes the documents are not reviewed for content, with staff instead trying to find nitpicking details which would allow them to declare that the document is not valid.

SEA employees, too, admitted in interviews that they interpret rules on working permits, as defined by the Cabinet of Ministers,<sup>158</sup> subjectively so as to protect Latvia’s internal labour market. This means applying stricter requirements than the regulations require.

Businesspeople and lawyers seldom have anything to say about the work of Latvia’s diplomatic agencies abroad, but the few comments which researchers did hear suggest that knowing diplomatic employees can lead to favourable attitudes, and this can be of decisive importance in receiving a residence permit. One lawyer spoke of an interview during which people were provoked into commenting on their planned reason for living in Latvia so as to seek out something questionable about those plans. The things which the person said in the interview were twisted for other purposes. This shows that people who are interviewed at embassies must avoid speaking too freely about their plans and intentions, because any misstatement can lead to a rejection of the application for a residence permit. Accordingly, businesspeople and lawyers feel that knowing someone at the embassy will help to avoid such situations.

Latvia’s Border Guard, and its Immigration Police in particular, attracted the criticisms of several employers. They are unhappy with excessively frequent Board Guard control visits, with guardsmen trying to fine employers even in those cases when there is a minor violation. Some say that the staff of the Border Guard have attitudes toward third-country nationals which can be quite offensive:

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<sup>158</sup> For the regulations on work permits, see *Latvijas Vēstnesis*, No. 12 (2960), 2004.

*“I’ve been inspected a thousand times. To be honest, this has worn me down. How often do they plan to do this? That’s our system. The immigration officials have good salaries, but they don’t have anything to do. They have to justify their own work, and the way in which they do it is by increasing the number of inspections.”* (Employer in the construction industry)

Some employers also groused about the State Language Centre, arguing that it is wrong to punish a foreigner for not speaking the Latvian language if the foreigner does not have any direct contacts with clients. These employers believe that the agency should simply understand that a foreigner who has skills that are not available in the local market cannot immediately learn the Latvian language, and so other norms should be applied in such instances.

### ***8.6. The work and everyday lives of foreign workers***

#### **Becoming part of the team at work**

Some employers think that the third-country nationals whom they have hired have become integrated with their colleagues without problems. Foreigners, they say, are happy to take part in various activities that are organised outside of working hours. What’s more, the fact that people come from different cultures and can introduce local workers to them has simply enhanced the sense of teamwork. Some foreigners say that work discipline has improved when foreigners have been hired for the same jobs as locals, because that causes a sense of internal competition and fear of losing work. In those areas where foreigners did work that locals did not do, locals demonstrated a positive attitude by perceiving the situation as one in which they can learn something new.

Other employers, by contrast, say that foreigners have not found it easy to become part of the team and have mostly stayed to themselves. These employers say that this is because such foreigners have been in Latvia for a short time, have worked very hard, and know that the agenda of local employees is to go home after work and enjoy their private lives.

Employers say that attitudes toward foreign colleagues changed as the economic situation in Latvia deteriorated. While companies had staff shortages and had no problem in selling its output, local workers were open and friendly toward foreign colleagues. When there was no longer a need for extra staff and employees were given fewer shifts and lower wages as a result of reductions in output, their attitudes became more negative.

Some employers say that negative attitudes among employees toward foreigners can be avoided by avoiding any situation in which one type of employee gets better privileges in terms of work and everyday conditions than the other.

Asked about how foreigners become involved in labour unions, most employers said that they don’t have any union members in the first place, and so it is unlikely that foreigners might have joined one. Most employers declined to discuss this matter in detail. At those companies where labour unions have a presence, employers said that foreigners who are in their employ have not had difficulties that would lead them to become involved in a union. That has largely been because of job contracts between employers and third-country nationals. These are sufficiently detailed to avoid these kinds of situations:

*“We have a labour union. There’s one employee who still works for us who joined the union. I don’t know about the other one, but I don’t think he did. Those who came from Moldova did not join the union. There have not been any problems in which the labour union should be involved.”* (Employer in the manufacturing industry)

#### **Communications: language skills and language use**

Statistics about the countries from which third-country nationals have most frequently received work and residence permits in Latvia show that it is only logical that employers say that they mostly communicate with foreigners in English and Russian, while employees mostly

communicate in Russian alone. Employers seek the help of translators when there are third-country nationals who speak neither English nor Russian. In such cases, the company hires a professional translator or finds a foreigner who speaks English or Russian and can translate what the employer has to say. Sometimes employers make an effort to learn the language of the foreigners whom they have hired.

Some employers say that their foreign staff tend to learn Latvian at an elementary degree. Foreigners are motivated to learn the language if they need it for their job or if their colleagues mostly communicate amongst themselves in Latvian.

Interestingly, some employers, in discussing language skills and language use, touch upon labour law and job protection. When an employee is hired, he or she must be informed about these issues. Usually that occurs in Latvian, and the employee signs a document to say that he or she has been informed about the rules. In the case of third-country nationals, it is not always possible to prepare the documents in their own language or even to talk to them about the relevant issues. The problem is less distinct if the employed foreigner speaks English or Russian, because Latvia's normative acts, at least, are available in those languages, as well:

*"I'm sure there are problems with job protection at those companies where Thai people work. They don't speak Latvian, Russian or English, and it is hard to explain things. We wanted to translate documents about job safety and protection into Russian, but there are so many documents. The law says that the documents have to be in Latvian, and the employee has to sign a paper to indicate that he or she has learned about the rules. We don't translate the documents in writing. We translate them in speech, and then the people sign the necessary documents."* (Employer in the food industry)

Not all employers agree as to whether a third-country national should need the Latvian language. Some think no, particularly because foreigners spend a comparatively short period of time in Latvia and tend to do work which does not require Latvian language skills. What's more, foreigners don't usually tend to become part of the local society, which is another reason why they don't need Latvian.

Those employers who think that there should be Latvian language courses for third-country nationals tend to cite three reasons. First of all, foreigners must be given a chance to learn Latvian if they want to do so. Employers point to foreigners who have looked for an opportunity to learn Latvian on their own, because correspondence with government institutions and everyday communications at workplaces tend to occur mostly in Latvian. Second, foreigners must learn Latvian if they have decided to stay in Latvia. And third, at least basic skills in Latvian may be necessary for the foreigners to be able to do their jobs:

*"They want to learn the language. They usually try to find instructors. (...) All of the letters from the State Revenue Service are in Latvian. How are they supposed to understand those letters during the first year in Latvia?"* (Employer offering individual services)

Some employers say that more important than knowing the Latvian language is learning the basics about Latvia, its political system, its legal regulations and its culture. All of that, they say, can be useful to a foreigner who works in Latvia. Such information, employers add, could be delivered by immigration service employees in the form of lectures:

*"They could just simply talk about laws, the culture, Latvia's president, the kind of country that Latvia is. Someone needs to tell foreigners about these things, someone has to tell them about this country. When the foreigners leave, they will tell others – that's a matter of advertising."* (Employer in the construction industry)

Some employers said that they'd be prepared to pay for Latvian language courses in part or in full for foreigners if they were sure that the foreigners would stay with their company and if it were financially advantageous. Those who don't want to pay for such courses say that they already pay big taxes for hiring foreigners. They believe that some of that tax revenue could be used to provide language courses:



*“I think I’d be ready to pay for the courses if I knew that it was a stable situation, that I would definitely need the guest workers.”* (Employer in the public dining field)

*“Yes, but only in part. I’d have to see in what sphere they work. If it’s a masseur, then I don’t know whether I’d be able to cover the cost, because I already pay for housing, insurance, the salary and all taxes.”* (Employer offering individual services)

*“I don’t want to pay for that. I already pay big taxes. I want some of the tax revenue to be used for that goal.”* (Employer in the construction industry)

### **Housing**

Employers emphasise the fact that they are obliged to provide housing for the foreigners whom they employ. Respondents make reference to contracts and norms in this regard, thus indicating that if they don’t provide a home, they won’t be able to employ third-country nationals:

*“We had an agreement with the company to say that we’d provide them with housing.”* (Employer in the construction industry)

There are several strategies in this regard – hotels, hostels, rented apartments or even purchased flats for the needs of foreigners. Employers think about financial advantage in choosing homes for their employees, usually choosing the cheapest option while making sure that conditions for the foreigners are appropriate.

Sometimes there are different solutions as to housing for foreign employees. Some employers find a flat near the place of employment and ask the foreigners to rent it themselves. In other cases, jobs are given to foreigners from the specific area who can live with relatives or already own their own homes.

Employers say that alongside homes, they also provide foreigners with furniture and household effects such as bedding. Hoping to make sure that foreigners adapt to Latvia’s weather, employers tend to provide appropriate clothing and footwear. Some foreigners provide foreign employees with food. Unless that is an accustomed practice at the company, of course, that makes labour costs more expensive.

Employers admit that there are sometimes problems in providing foreigners with housing. Foreigners at any company tend to stick together, and they usually like to live together, too. That’s not always possible for various technical or legal reasons.

The biggest problem, however, is the need to declare a place of residence. Those who rent out flats do not always want someone to be a declared resident thereof, which sometimes drags out the process of finding a home. It is also true that employed foreigners do not live in their declared place of residence for one reason or another, which can cause administrative headaches for themselves and their employers.

## ***8.7. Regulations to guarantee the legal and social rights of foreign workers***

### **Employment and changing jobs in Latvia**

Employers were asked about the fact that third-country nationals are not allowed to switch jobs or professions in Latvia, and the answers were by no means unanimous. Some businesspeople praised the system and said that it protects people’s businesses. The foreigner cannot refuse to do specific work, and that protects companies against losses. Once foreigners finish their job, however, there are certain formalities that have to be arranged, but the person is not prohibited from returning to Latvia and working for some other company:

*“That was the only good thing. We invested money and efforts and process in him. He arrives in Latvia, gets the permit, and then all of a sudden he’s telling me that Bērziņš will pay him a better wage. Bērziņš didn’t pay for the recruitment process, the documents, the time. It’s not cheap to recruit foreign workers.”*

*You have to find the people, the agency. You have to establish a relationship, you have to travel to the location. There are so many indirect costs!*" (Representative of a headhunting company)

At the same time, other employers don't care about the fact that foreigners might change jobs. They think that if the employer who recruited the individual agrees to the switch, then there shouldn't be any other obstacles. That would be a solution in those cases where a specific employer finds it impossible to provide work for all of the foreigners who have been recruited.

*"I think that they could change jobs or professions, why not? If the employer who recruited the person agrees, then OK."* (Employer in the public dining field)

Even though third-country nationals are not allowed to switch jobs and employers, some do anyway. One employer talked about a company which bought the necessary specialists from another, because the company which sold them off could no longer provide the specialists with work. He added that in comparison to the time and finances that were invested, the process wasn't advantageous anyway. Still another employer, however, said that the ban on changing jobs represents something like indentured servitude – it's good for the employer if the employee is not allowed to change anything to improve his or her situation.

### **Unemployment benefits**

Asked whether third-country nationals should get unemployment benefits in Latvia, employers expressed different views. Some said yes, because people from Latvia who lose their jobs while working in other countries get such benefits. Others felt that the foreigners have a specific status of employment, and the contracts which they sign for a specific period of time do not speak to any such guarantees.

Some employers added in this context that Latvia's tax policies are ridiculous. They think that third-country nationals should pay lower taxes or be allowed to receive the taxes that they pay in their country of origin. That is not done now, and only the Latvian state benefits. Businesspeople describe themselves as hostages in this situation. If the taxes aren't paid, the foreigner's residence permit is not extended, and the company's survival can be at stake. Another fact that is unfriendly to business is that even though locals are being paid lower wages, the minimum wage that is to be paid to foreigners – LVL 480 in 2009 – cannot be lowered.

*"Theoretically they should get unemployment benefits, but it would be more appropriate if they didn't have to pay taxes here, or if they had to pay minimal taxes. They're guest workers, they're not residents. The system is all wrong."* (Employer in the construction industry)

*"Maybe they could be exempted from the social tax or other taxes. The guest workers have to pay the social tax like locals do, but there's no point to that. The foreigners can't make use of the resulting benefits once they go back home."* (Employer in the construction industry)

Similar views are expressed by third-country nationals who have launched their own businesses in Latvia. They doubt whether they will receive an old-age pension in Latvia even if they pay taxes over the course of several decades. It is likely that they wouldn't get such a pension in their country of origin either, because the taxes that they pay in Latvia stay in Latvia.

Also in the context of unemployment benefits, employers point to contradictions between normative acts and what representatives of the relevant government institutions say. For instance, the State Revenue Service wrote to one foreigner to say that after four years of work, he would have the right to receive unemployment benefits for six months. At the same time, the law on immigration says that the foreigner, upon losing his job, must leave the country immediately.

One employer said that unemployment benefits for third-country nationals should not be based on how long they have worked or how much they contributed in social tax. He thinks that foreigners who have lost their jobs could be granted a specific sum each month as unemployment benefits.

## **Health care**

Third-country nationals have to buy a health insurance policy before coming to work in Latvia. Employers usually agree that buying the insurance is their duty, just as finding a home for their workers is, but they also say that they buy the cheapest policy available – one which only covers emergency aid. If employers have used intermediaries to recruit third-country nationals, they entrust the intermediaries with providing the health insurance, too. Some employers say that the foreigners themselves find and buy a policy. Employers think that there are no differences in purchasing health insurance for local workers and foreigners:

*“That’s our duty. The Migration Board doesn’t issue a work permit without health insurance. There were specific requirements – health care, as well as transportation of remains, because we had one incident in which a worker died.”* (Employer in the food industry)

All in all, employers support the need for third-country nationals to have health insurance policies, though a few have negative views about the matter. Some think that someone earns a profit from the fact that third-country nationals have to have health insurance. Others say that the policies tend to be without any real coverage, which means that when a foreigner really needs medical assistance, he or she usually has to pay for the services anyway:

*“The policy is bought anywhere – a clinic or insurance company. The thing is that it’s useless. We pay 40 lats for insurance each year. Everything costs something, as always. If something happens, then nothing is free. We just pay the 40 lats, that’s all.”* (Employer in the public dining field)

Employers also talk about the sanitary documents of third-country nationals. Even if the employee has a personal code, medical personnel do not always know that the person in question is a foreigner:

*“There were things that we had to do before hiring the people. We prepared the sanitary documents, we arranged for the mandatory health checks. We financed all of that. We sent them to Health Centre 4. They had personal codes, and the personnel didn’t even know that they were foreigners. There were no differences, no difficulties.”* (Employer in the food industry)

Asked about whether foreign workers get sick, most employers said that they had never experienced that, adding that foreign workers know how important it is to do a good job, which leads them to deal with any illnesses on their own. Those employers whose foreign employees have been sick differentiate between light illnesses which lead the relevant employee to spend a few days at home and serious ones which require medical care. In the latter case, say employers, there have been no problems in arranging for the relevant documents:

*“I bought the medicine, the employee stayed at home. Yes, people got sick, but just for two or three days. They caught cold, yes. I bought tea, medicine, everything else. I took care of them.”* (Representative of a headhunting company)

*“If they get sick, then there are the documents. Then they get sickness subsidies, they really do.”* (Employer in the construction industry)

Asked about the quality of medical care for foreign workers, employers tend to praise it – they say that treatment has not led to any problems. Most third-country nationals are taken to hospital by ambulance or by the employer. Some employers add that if the workers come from a country that is far away, there can be communications problems between the patient and the doctor, so a local worker or even the employer have to be present. Medical care is paid for via insurance policies. In some cases, Latvia has bilateral agreements with other countries to provide free medical care for the relevant third-country nationals.

Employers admit that health care for third-country nationals would be more accessible if they were assigned their own general practitioners. This is a problem, they say, because most third-country nationals don’t have such a doctor. That means that if a foreigner needs medical care, the employer has to become involved in the search for a solution:

*“They don’t have the general practitioner who can send them on to a specialist, so the company needs to get involved. All in all, though, things are OK.”* (Employer in the manufacturing industry)

The conclusion here is that if third-country nationals need specific medical care, then it is often difficult to get. Employers talked about care for pregnancy care, childbirth, and paediatric care for the children of foreign employees during the first year of their lives.

### **Leaving Latvia**

There are different strategies as to the way in which third-country nationals go home after their work is over. Some employers think that it’s their duty to organise the return trip, including the purchase of airline tickets and bringing the foreigners to the airport. Others pay for the trip only if the foreigner cannot afford it. When intermediaries have been involved in the recruitment process, they’re the ones who cover the travel costs.

Some employers say that the relatives of third-country nationals buy tickets or arrange for the flight via which their relative will come back home.

### ***8.8. Public integration from the perspective of the immigration of third-country nationals***

Employers have had different experiences with public attitudes toward hiring third-country nationals. Some, particularly those who work in or near Rīga, said that they haven’t encountered any positive or negative reaction. In other parts of Latvia, however, employers have found negative public reactions.

Many of the interviewed employers think that Latvia will always need the work of third-country nationals. Demand will increase as Latvia’s economic situation improves and as the local population shrinks. For this reason, employers think that the state should have a more purposeful immigration policy, defining the reasons why foreigners should be recruited and, as a result of this, establishing easier procedures related to work and residence permits for foreigners who are recruited to work in the country.

Employers also have different views as to which countries should be of priority when it comes to the recruitment of third-country nationals insofar as immigration policies are concerned. There are basically two groups here – some think that foreigners should be recruited only when there are labour shortages, while others say that it is necessary because of the shrinking population of Latvia.

Those employers who think that foreigners should be recruited only when there are shortages of local workers recommend bringing in people who are not interested in remaining in Latvia or who would find it hard to make a life here because of different environmental conditions and culture. Those who think that third-country nationals will be needed not only as workers, but also as permanent residents, recommend that these people should come from countries that are close to Latvia and have similar cultures.

When thinking about the future demand for foreign workers, employers insist that this is the perfect time to learn from past mistakes and to establish more considered immigration policies for the future insofar as the foreign workforce is concerned.

## 9. Immigration policies and their implementation: the discourse of policy authors

Analysis of the interviews given by state and local government officials was aimed at discovering the discourses that are found among local residents and politicians insofar as immigration policies in Latvia are established and implemented.

A discourse is a *view* as to things and events; it attaches meaning to things and events from a specific perspective. Discourse is more than an attitude which is malleable and less durable. Discourse shapes attitudes and determines those that are more desirable than others. Discourse means knowledge about what is right and what is desirable. Discourse analysis reveals the context under which the aforementioned knowledge has emerged. Discourse gains greater power and influence if those who carry it forward are representatives of a government or a society. Discourse can be very powerful if a majority of residents follow it, especially insofar as discourse about minorities is concerned. It is no accident, therefore, that critical discourse analysis has emerged as a specific area of discourse analysis, and the focus is on discourse as a manifestation of power relations. Discourse analysis is becoming of greater and greater importance in the social sciences and the relevant research, because governing discourses in any society influence the taking of decisions, as well as the drafting and implementation of laws – doing so in a seemingly invisible way.

When it comes to policies vis-à-vis the integration of third-country citizens, discourse analysis is very appropriate for analysis. First of all, the target group for the policies is *minorities* – immigrants from third countries. Second, *immigrants* are a group with respect to which attitudes in Latvia are largely based on socio-political context – the migration policies of the USSR and the consequences of those policies, which remain in place to this very day.

The study of the discourse of state and local government policy authors was based on the aforementioned immigrant integration theories of the policy analyst Joseph H. Carens. He proposes that state attitudes and reactions toward the integration of immigrants into a local society should be analysed from three perspectives – **requirements, expectations and aspirations**. Requirements in this case refer to the country's rules as to what an immigrant must do upon arriving in the relevant country. Expectations reflect the social norms of civil servants and local residents vis-à-vis the behaviour of immigrants in the local arena of culture and values. Aspirations, for their part, reflect the ideas of government officials and local residents as to how the integration of immigrants into the overall society should occur. Carens argues that this shows the spectrum of formal (demands) and informal (expectations and aspirations) ways in which the recipient country reacts to the fact of immigration.<sup>159</sup>

Scholars of migration processes in the world insist that national policies vis-à-vis the integration of immigrants must be based on local context.<sup>160</sup> That is why this study is based on the immigration policies of those local governments in Latvia where there are the greatest concentrations of third-country nationals (Liepāja, Rīga, Jelgava, Brocēni, etc.). Researchers have also looked at the views of those who shape those policies as to the integration of third-country nationals into the local community.

<sup>159</sup> Carens, J.H. "The Integration of Immigrants", *Journal of Moral Philosophy*, Vol. 2 (2005), No. 1, pp. 29-46.

<sup>160</sup> Borkert, M. and T. Caponio. *The Local Dimension of Migration Policy-Making*. Publication pending (June 2008). Amsterdam: Amsterdam University Press.

### **9.1. The macro framework for policies related to the immigration of third-country nationals: the desire-based (political) discourse of society and policy authors**

In interviews with policy authors, researchers clearly found the *discourse of aspirations*. Policy authors spoke about how the integration of immigrants should occur and what the desirable result of the relevant policies should be. State and local government officials said that national policy must be very clear about immigration. The goal of such policy must be to control immigration processes, as well as to make sure that the proportion of Latvians in Latvia remains at a level at which Latvians are the majority and the foundation of the nation.

Representatives from government ministries said things to show that they understand the circumstances under which immigrant workers are needed (demographic processes, emigration of workers). At the same time, however, many Latvians fear becoming a minority in their own country and losing the right to set terms therein. That means that politicians are less eager to establish clear immigration policies for the country:

*“We protect the situation, and I understand why. We’ve been independent for less than 20 years, and we’re trying not to mess up the situation. That is logical from the perspective of the people. From the perspective of policy, there should have been broader thinking. There should have been thought given to what will happen 20 years from now, we should have listened to specialists. Our insurance department has tried to calculate what will happen in Latvia through the year 2050, and the tables are quite awful. Those who become pensioners in those years simply won’t have anyone to pay their pensions anymore.”* (Representative of the Welfare Ministry)

Government officials think that negative views about immigrant workers can also be explained by the ongoing economic crisis and the resulting high level of unemployment. As the economic situation improves, they say, more favourable circumstances for the adoption of immigration policies might emerge:

*“Right now the main thing is to protect the labour market. Positions vis-à-vis migration are based on the labour market. That’s for now, however. No one has said that we will be liberalising the labour market in some way.”* (Representative of the Justice Ministry)

### **9.2. Pragmatic discourse: foreign workers as an important resource for local government development**

Officials from local governments in various parts of Latvia are more decisive about this matter. They think that foreigners are a useful resource to develop Latvia and its regions:

*“Personally and from the perspective of Liepāja, I think that those who immigrate would certainly be useful for us in terms of developing the country... the number of residents, to put it precisely.”* (Local government official in Liepāja)

Local government officials also say that when the economic recovery begins in Latvia, it will once again be necessary to bring in workers from other countries:

*“I think that will be necessary, given that lots of people in our local government territory who had no work travelled abroad in search of a better life and work.”* (Local government official in Līvāni)

One local government official said that migrant workers must be seen as a resource which Latvia really needs, and so intolerance toward foreigners is terribly near-sighted and can only create negative reciprocal links which harm Latvia’s image. This expert says that it would be important to understand the meaning of foreign workers and to change the broadly existing negative positions which many Latvians take toward immigrants. The expert thinks that of particular importance is the view which is held vis-à-vis migrants by those who have a great effect on public opinion – politicians, people from the mass media, as well as PR specialists:

*“We will get a lot of fine added value if we work with these people sensibly. These policies should be turned toward a completely different direction. If you have come to Latvia, then please go to this place*

and this place. We'll tell you where you can learn Latvian, we'll inform you about your rights and opportunities. I think that politicians, PR specialists and media outlets which popularise the idea that these people are an evil thing actually create a great deal of harm to the Latvian state." (Local government official in Rīga)

### ***9.3. The country's economic orientation and the effects of immigrant workers therein***

Government officials said things to show that from the broader perspective, migration policies must be in line with the country's prospects for economic development. Experts insist that a focus on immigrant workers does not stimulate the development of technologies, which is, to a certain extent, in contradiction to the development of the state as a knowledge-based economy. This also, however, poses the question of how immigrants affect the labour market. First of all, it is important to make sure that immigrants do not increase unemployment in Latvia. Second, it is important to ascertain that wages for immigrants do not push the wages of local workers down:

*"If immigration is made easier, employers won't have any stimulus to develop manufacturing. From the economic perspective, it would be better for companies to have access to guest workers, but we have to think about the whole economy."* (Representative of the Economics Ministry)

*"That's one aspect, yes. We're always thinking about the goal of developing a knowledge-based economy. Making it easier for immigrants to enter Latvia will certainly move us in the opposite direction. For exactly the same reason, manufacturers would not be interested in technological innovations and the like. The same money could be used to hire four unskilled workers to do the work."* (Representative of the Economics Ministry)

### ***9.4. The discourse of expectations: the desire for a highly qualified and hard-working immigrant***

Government officials say that draft legislation to make it easier for foreigners to launch businesses in Latvia and thus promote the development of entrepreneurship in the country is a good thing, because it will help to create new jobs. Experts also praise the idea that highly qualified workers should be given an easier chance to immigrate into Latvia:

*"There is to be second-reading consideration of a draft law about businesspeople whom we want to involve here. We want to form capital that is based on smart and wealthy people – that is the aim of these amendments. Latvia is not putting up obstacles against all of those who want to employ guest workers here."* (Representative of the Interior Ministry)

### ***9.5. The export of education as a means for attracting highly qualified workers***

The export of education is one way of attracting highly qualified immigrants to Latvia. At the same time, however, there are many complications for students who might want to move to Latvia for educational purposes. Latvia doesn't have consular representation in many countries, the procedure for recognising the educational documents of foreigners is very complicated, and there are threats against the safety of visually different foreigners in Latvia.

A representative of the Education and Science Ministry said that the ministry is interested in attracting more foreign students in Latvia's higher education system, but there are several circumstances which make this difficult. Latvian law which says that classes at the higher education level can be taught only in the official languages of the European Union makes it difficult to recruit students from the CIS. The same is true because state universities do not have any classes that are taught in Russian. Experts also say, however, that many instructors at Latvia's higher education institutions are not prepared to teach classes in English or any other EU language. If Russian is rejected as a language of instruction, Latvia's higher education institutions lose a certain market segment from which potential students could come. This represents a certain conflict between local nationalist interests which lead to cautious attitudes

toward immigrants from Russia, and interests related to global security and anti-terrorism efforts which lead to caution toward immigrants from regions in which Islam is common:

*“One of the questions is how to attract more foreign students to Latvia’s higher education system. Our aim is primarily to establish a normative base in co-operation with other ministries so as to remove any obstacles against this process. We need a law on higher education institutions that is as favourable as possible. A new draft law on higher education is pending on second reading in Parliament, and there are to be several improvements that will have an effect on this aspect.”* (Representative of the Education and Science Ministry)

The view taken by the Interior Ministry is quite different when it comes to bringing foreign students into Latvia’s system of higher education. The ministry is cautious, arguing that the business of universities can lead to the emergence of uncontrolled communities of foreigners – something that would create security threats and an inability to guarantee social services such as education, health care, etc.

*“If you say that there should be as many students as possible, then there is the subordinate issue of the fact that some of the students will stay here. The administrative territory in which the educational institution is located finds that there are increasing numbers of graduates. The question is whether we really should allow a university which focuses on a specific country such as China for reasons of revenue to establish a colony or community of foreigners here.”* (Representative of the Interior Ministry)

A representative of the Education Ministry admits that the flow of immigrants is difficult to control, and there is the risk that immigrants often use Latvia as a springboard to get to Western Europe. Experts think that one solution would be to focus the attention of universities upon the countries of the EU so that students from that part of the world come to Latvia.

### ***9.6. Public discourse and its effects on the quality of services for immigrants and discrimination against immigrants***

Prevailing negative views in society keep officials from offering *neutral* services to immigrants, because it is often the case that minor issues are brought to bear in order to refuse entry or to expel immigrants from the country. Government officials make the excuse of protecting the local labour market, and they are evasive when asked about future prospects in this area.

Negative public views also permit discriminatory attitudes toward immigrants – attitudes which might even be enshrined in Latvia’s labour laws:

*“In 2007 there was a study which showed that all of the respondents were negative – we don’t need any immigrants and so on. There was one question which asked whether immigrants should face the same labour law norms as Latvians do, and the answer was no, the norms should be worse for foreigners. That’s what our society thinks.”* (Representative of the Welfare Ministry)

It may also be that government officials have *personal* negative views about foreigners – something that encourages them to violate behavioural norms and treat immigrants in a humiliating or rough way:

*“Yes, because there really are very frequent inspections and controls on the part of all of the government institutions that there can be – the State Labour Inspectorate, the Border Guard, the immigration service. We’ve received complaints to show that sometimes people are ordered at gunpoint to stand in a row so that their documents can be checked. I don’t think much of the attitudes which government institutions display for them.”* (Local government official from Liepāja)

A representative of the Welfare Ministry said that government institutions want to maintain strict controls over the mobility of immigrant workers, and this makes it far more complicated for an immigrant to change jobs. If an immigrant wants to do so, then there is a need for a new work permit, and if the approval of the new permit is delayed, the individual has to leave the country.



### **9.7. Local government discourse: civil servants must offer professional services to foreigners**

One local government representative said that when working with foreigners, it is very important to make sure that the relevant government official obeys the rules and forgets any personal views or biases. The expert thinks that the quality of services offered by the OCMA, the Naturalisation Board and the Border Guard is of particular importance, because those are the first institution which a foreigner encounters. The propriety of contacts with the relevant civil servants will shape the foreigner's views of the country:

*"The law is the law. Everyone has to observe the law, whether a civil servant or a guest worker. That goes without saying. My view has always been that the civil servant is the first to inform the foreigner about the country. The civil servant, particularly at institutions such as the OCMA and the Naturalisation Board, for instance, is the business card for the state when contacting foreigners. Civil servants need to remember this."* (Local government official from Rīga)

*"The political position taken by some people at the OCMA, though, is that it's OK not to give foreigners all of the necessary information, to be intolerant and to suggest that the foreigner is not welcome here."* (Local government official from Rīga)

### **9.8. The integration discourse: the need and opportunity to change negative views toward immigrants**

Asked to forecast changes in public thinking, government officials point to several circumstances that might hinder or promote such changes. Historical memory is deeply rooted in society, and this leads to cautious or even refusal-based attitudes toward migrants. There are other experiences, however, which allow people to perceive immigrants in a more understanding way – those who have themselves been immigrant workers in other countries can use their own experience to change their minds:

*"The surface reaction, of course, is to protect yourself against that which is different and alien."* (Representative of the Justice Ministry)

*"There are things that change, albeit not as quickly as we would like. At the end of the day, that has to do with people's historical experience, with their overall experience, thinking, values and stereotypes. These cannot be changed that quickly. Lots of those who travelled abroad to work may well have changed their views since leaving this country."* (Representative of the Justice Ministry)

Ministry representative also say that negative public views toward immigrants simply have to be changed. They say that this requires education via special training programmes at higher education institutions, for instance, or events for the public at large such as "tolerance days" and popularisation of positive practices in the media. On the other hand, experts also call for the necessary legal norms so as to define clearly the boundaries past which activities become illegal. Experts admit that EU financing has been important for these kinds of projects:

*"I don't think that there should be any discussion whether it is good or bad. Of course it is not acceptable from the human perspective or from the perspective of the type of country in which we are living."* (Representative of the Justice Ministry)

### **9.9. Health care services for foreigners: the discourse of expectations**

Ministry representatives admit that despite the fact that foreigners with temporary residence permits work and pay taxes, they always have to pay for health care services. Employers are required to provide for health insurance and compensation for health care services in the relevant job contracts, but employees need to be very careful as to what the contract really says. Experts say things which reveal the *discourse of expectations* – specific behaviour insofar as the state is concerned is expected both in relation to the employer and the foreigner. Both are expected to

follow the rules and make sure that the foreigner is legally employed and receives the relevant social services.

One expert thinks that there might be problems in the provision of health care services if the employer has not satisfied obligations vis-à-vis foreign workers that are enshrined in the law. Alternatively, guest workers may have insufficient information about where to turn for medical treatment.

One experienced local government official said that it is often better for foreigners to agree with the employer to work without a job contract. In that case, it is the thinking and choices of the employer which determine how strictly legal norms about the employment of foreigners are upheld and the extent to which the foreigners receive social services:

*“Lots of them aren’t interested in doing this. If a job contract is signed with the foreigner, then he might receive something less than an under-the-table wage. The employer can tell a foreigner that he can get lost if he insists on a job contract or anything else. Take these terms – I’ll pay you more under the table than I would if you had a contract with me, and if you had the contract, you’d have to pay taxes and everything else.”* (Local government official from Riga)

### **9.10. The discourse of improving policy: health care for third-country citizens in Latvia**

Health care policy specialists have promised to improve the law so as to clearly define the minimum of health care services that are to be received by anyone and irrespective of social tax and other tax contributions. In part this has to do with health care for the minor children of foreigners.

Experts say that international agreements are a good way of dealing with health care. When such agreement are signed, medical care is ensured for the nationals of the relevant country on the basis of the social or other taxes which the individual has paid. Latvia already has such contracts with a number of countries, including Ukraine, Canada and New Zealand.

The health care problem has been particularly serious for foreign students, who have insurance policies which guarantee nothing at all and find that medical services are very expensive. Here, again, experts recommend bilateral agreements with the countries from which students come. They add that universities should take responsibility for insuring their students, because individual health insurance in Latvia is not available.

Experts also talk about legislative initiatives that can be used by foreign students to deal with issues such as health care at the national level:

*“Students have a great opportunity to make use of their own rights. They maintain our scientific foundations, and the state pays for the training. But if they don’t ask for anything, then they won’t get anything, either.”* (Representative of the Health Ministry)

### **9.11. The discourse of improving policy: education for the children of foreigners**

Experts admit that a free education has not been available to the children of foreigners in Latvia, irrespective of their residence permits, job contacts and payment of taxes. Several draft laws have been tabled to offer free education to the children of people with temporary residence permits, as well as to the kids of those who are still dealing with residence issues.

Experts say things to suggest that schools in Latvia are gradually being prepared to work with the children of immigrants and that they are establishing the necessary programmes. The thing is that such schools are not available all across Latvia:

*“There are schools which already work with asylum seekers and refugees. It’s possible there, because such schools already have the necessary experience. An agreement is being concluded with the Education Ministry on support for teachers and the purchase of teaching resources and materials.”* (Representative of the Education Ministry)

One local government official says that education for the children of immigrants is the biggest problem in integrating foreigners into Latvian society:

*“I would say that education may be one problem, because it’s hard for people to move to Latvia with their families. If they do come here, then they have to find a place where the kids can go to school – Rīga, Jūrmala. There are several schools where classes are taught in English. There are no such schools, sadly, in Liepāja.”* (Local government official from Liepāja)

The limited foreign language skills of teachers make it easier to deal with the education of children whose native language is Russian. The Education Ministry has plans to help teachers in learning EU languages, thus substantially improving their ability to communicate with children of various nationalities.

### ***9.12. The discourse of change and improvements: simplifying the process of documents for foreigners and informing immigrants***

An official from the Interior Ministry insists that the establishment of a one-stop agency will make it much easier to deal with the documents that are necessary for a temporary residence permit. He also says that a reduction in the fee for a work permit has increased the competitiveness of employers.

Government officials think that the integration of foreigners in Latvia and their ability to receive the services that they deserve are often threatened by the fact that immigrants just don’t have enough information about their rights and obligations. Experts hope that the EU-financed National Integration Centre that has been established will ensure the provision of information and that this will help foreigners in Latvia to receive better services:

*“I think that the problem is a lack of information. The process of receiving foreigners is not detailed enough to ensure that information is more thorough and is provided in advance in terms of the person’s rights and obligations here in Latvia.”* (Representative of the Justice Ministry)

Officials admit that language barriers are a particular problem in informing foreigners, because many of them speak Russian or some other language that is not one of the EU languages, while most information materials are written precisely in EU languages. These officials call for the translation of information materials into languages that are spoken elsewhere in the world:

*“There could be a project to produce materials in Russian or perhaps Chinese. The documents that are in English could be translated. The thing is that our situation is one in which there is more information in Latvian and English than in Russian.”* (Representative of the Welfare Ministry)

Local government officials think that local governments are responsible for and have every opportunity to ensure the integration of society, including immigrants. Major information and communications centres might be particularly effective:

*“There are lots of questions about integration. First of all, I think that a forum of nationalities should be held this spring. My idea is that Rīga needs the same kinds of things that were established in Daugavpils in the past.”* (Local government official from Rīga)

Local government officials say that foreigners from different regions require different approaches and integration programmes. They feel that foreigners from the CIS who stay in Latvia for a limited period of time are more “convenient.” Special attention, in turn, must be devoted to immigrants with different cultures and religions:

*“It’s better to have people from [the territory of the former USSR], because such people are closer to us in mental terms and understanding – Belarusians, Ukrainians, Russians. They come, they work, they go home.”* (Local government official from Jelgava)

The statements by state and local government officials reveal different and even conflicting discourses vis-à-vis immigration policies in Latvia. The emergence of immigration policies is hindered by the widely disseminated *political discourse* which exists among local residents and

politicians (including government officials) and which leads to negative attitudes toward foreigners. This discourse is rooted in historical memory and the fear of losing the Latvian identity; it is very common in the society of Latvia. Politicians find it more comfortable to bow before this discourse and to avoid *risky* decisions about immigration policy – something that might reduce support in the electorate. At the same time, officials who need to use expert data about the country's demographic, economic and social development and must also think about the relevant EU directives must use a constructive *framework of discourse about changes and improvements*. Because there are negative attitudes toward immigrants even among civil servants, we see that there are these conflicting discourses in Latvia, and these have a dual effect on the way in which officials handle their functions. The positions of local government officials, in turn, are based on the pragmatic discourse – the desire for growth in the city or region, growth that is based on an evaluation of economic and demographic processes.

## 10. The methodology of the research

The target audience for the research was made up of third-country nationals who have lived legally in Latvia for no more than five years. Their experience has been used to determine opportunities and conditions for the inclusion of immigrants into Latvian society. The researchers have sought to identify the specific needs of immigrants, the risk of institutional and social discrimination against these people, the shortcomings in the framework of immigrant integration policies, and ways of dealing with these problems.

In pursuit of this goal, the researchers did the following things:

- 1) prepared the theoretical framework for the research;
- 2) studied statistics about third-country nationals in Latvia;
- 3) reviewed previous research in this area;
- 4) received Latvian laws related to immigration and the integration of immigrants;
- 5) studied migration policies and best practices in other EU member states;
- 6) identified the needs of third-country nationals;
- 7) studied the experience and attitudes of employers vis-à-vis the integration of employed immigrants;
- 8) studied the experience with third-country citizens of different service providers and intermediaries;
- 9) studied the views of policymakers vis-à-vis the integration of immigrants.

The bottom line is that researchers used many different methods to extract information – document analysis, a quantitative survey of third-country nationals, as well as in-depth interviews with representatives of various groups.

Five local governments were chosen for the study – Rīga, Liepāja, Jelgava, Brocēni and Līvāni. We interviewed local government representatives, employers, service providers and, insofar as we were able to find them, third-country nationals, as well. There were several criteria at the basis of the selection of these particular local government territories. First, there had to be third-country nationals there (both working people and spouses). Second, we wanted to represent the different regions of Latvia. Third, we sought local governments that differed in terms of size and level of urbanisation.

There were 95 **in-depth interviews** in this study to get a thorough sense of the target group's experience, needs, everyday practices and attitudes. The interviews were conducted with third-country nationals (30 interviews), employers (15), service providers who are foreigners (27), intermediaries who deal with third-country nationals on an everyday basis (10), and policymakers at the state and local government level (13).

**Methods for text analysis:** When analysing texts from the in-depth interviews, we used conceptualisation, as well as open and axial coding and techniques. The in-depth interviews with policymakers were also analysed with techniques of discourse analysis.

**The quantitative survey:** The quantitative survey involved 401 third-country nationals throughout Latvia, with foreigners from different regions of the world taking part.

**Survey schedule:** The survey was conducted between October 6 and November 23, 2009.

**The target group:** Third-country nationals in Latvia. In order to complete the study on time, we expanded the target group to include third-country nationals who had lived in Latvia for more than five years, because their experience, too, was of use in studying integration processes.

***The survey method:*** A questionnaire

***The languages of the survey:*** Latvian, Russian, English, Spanish

***A description of the cohort:*** The available cohort, not representative of the general community

***Data analysis methods:*** Statistical analysis using SPSS for Windows 13 as the data processing programme. The frequency of answers was identified, and we conducted econometric analysis which allowed us to separate out the influence of each factor, doing so on the basis of regression models.