Text consolidated by Valsts valodas centrs (State Language Centre) with amending laws of:

17 February 2022 [shall come into force on 16 March 2022];

22 June 2023 [shall come into force on 1 July 2023].

If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*1 has adopted and

the President has proclaimed the following law:

**State Border Guard Law**

**Chapter I General Provisions**

**Section 1. Purpose of the Law**

The purpose of the Law is to ensure legal and effective operation of the State Border Guard (hereinafter – the Border Guard).

**Section 2. Legal Status of the Border Guard**

(1) The Border Guard is an armed institution of direct administration under the supervision of the Ministry of the Interior.

(2) The Border Guard is a body performing operational activities and an investigating institution.

**Section 3. Insignia of the Border Guard**

The Border Guard and its units may have their symbols – the flag, the slogan, the anthem, the emblem, and the coat of arms.

**Chapter II Functions and Tasks of the Border Guard**

**Section 4. Functions of the Border Guard**

The functions of the Border Guard are to ensure the inviolability of the State border and to prevent illegal migration.

**Section 5. Tasks of the Border Guard**

(1) In order to ensure the fulfilment of the functions, the Border Guard shall:

1) carry out border controls, ensure and control the compliance with the State border, State border zone, patrol zone, border sign surveillance zone, border area, borderland, and border crossing point regime;

2) guard the State border, structures (including corroboration structures) and elements necessary for ensuring the security of the State border;

3) prevent attempts to illegally change the location of the State border in the geographical area;

4) in cooperation with the National Armed Forces, prevent the threat to the territory of the Republic of Latvia in the border area;

5) carry out surveillance of the land territories, waters, and airspace adjacent to the State border;

6) control compliance with the regulations regarding the entry, stay, employment, exit, and transit of foreigners;

7) prevent illegal crossing of the State border by persons and also movement of goods across the State border outside of the border crossing points;

8) plan the infrastructure necessary for the implementation of its functions;

9) ensure the maintenance of the State border, and also the arrangement and maintenance of the State border zone, patrol zone, and border sign surveillance zone;

10) ensure that the obligations specified in international agreements binding on the Republic of Latvia in matters of the State border regime are fulfilled;

11) regulate incidents related to the violation of the State border regime according to the competence thereof;

12) ensure that international agreements for the readmission of persons who stay in the State illegally are complied with;

13) implement preventive measures to prevent violations of laws and other legal acts related to the State border crossing.

(2) The Border Guard shall also perform other tasks specified in laws and regulations.

[*17 February 2022; 22 June 2023*]

**Chapter III Operations of the Border Guard**

**Section 6. Operational Principles of the Border Guard**

(1) The operations of the Border Guard shall be organised in conformity with lawfulness, humanism, human rights, transparency, and undivided authority, and based upon the assistance of persons.

(2) The Border Guard shall protect the rights and lawful interests of persons irrespective of their citizenship, social, financial, and other status, race, national origin, gender, age, education, language, attitude towards religion, political or other opinions.

(3) The Border Guard shall ensure that the rights of a person to move from one country to another country are respected.

(4) The Border Guard shall ensure the opportunity for detained persons to exercise the right to legal protection.

**Section 7. Cooperation and Professional Relations of the Border Guard**

The Border Guard shall cooperate with other State and local government authorities, private persons, and international organisations. The Border Guard is entitled to maintain professional relations with the authorities of other countries and to enter into an agreement with them.

**Section 8. Activities of the Border Guard within the Scope of the European Border and Coast Guard**

(1) The functions of the national contact point referred to in Article 13(1) of Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (hereinafter – Regulation No 2019/1896) shall be fulfilled by the Border Guard.

(2) The functions of the member of the management board referred to in Article 101(1) of Regulation No 2019/1896 shall be fulfilled by the Chief of the Border Guard or the official authorised thereby.

(3) The Border Guard shall:

1) upon receipt of the request of the European Border and Coast Guard Agency, provide the information necessary for preparing the vulnerability assessment;

2) second and prepare for deployment the operational staff referred to in Article 56(1), Article 57(1), and Article 58(1) of Regulation No 2019/1896;

3) assemble the national reserve of technical equipment and prepare it for deployment;

4) prepare and the Minister for the Interior shall approve the request and assessment of needs referred to in Article 37(2), Article 40(1), and Article 41(1) of Regulation No 2019/1896;

5) organise and control the appropriate use of the financing referred to in Article 61(1) of Regulation No 2019/1896.

**Section 9. Organisation of Training**

The Border Guard may organise non-military training in the field of its activities for officials and employees of other State and local government authorities, private persons, and also officials and employees of foreign authorities.

**Chapter IV Border Guard**

**Section 10. Status and Professional Preparedness of a Border Guard**

(1) A border guard is an official of the Border Guard who has been granted the special service rank.

(2) A border guard is under the protection of the State – the life and health thereof are protected by the State. The lawful request of a border guard which he or she has expressed while fulfilling his or her duties shall be mandatory for the person.

(3) A border guard shall have a mandatory vocational education (qualification) in the field of border guarding which corresponds to the position held or special training of a border guard.

(4) A border guard shall have mandatory special military training agreed upon with the National Armed Forces. A border guard who has previously successfully completed a military training course or equivalent training may be released from the special military training.

**Section 11. Oath of a Border Guard**

(1) All border guards shall, upon entering the Border Guard service, take the following oath:

“I, (the given name, surname), a border guard upon entering into service, swear to be honest and fair, loyal to the Republic of Latvia, to perform the service duties in accordance with the Constitution of the Republic of Latvia, international agreements, laws and other legal acts, not sparing my strength and my life to defend the Republic of Latvia and its independence and to serve the general interests of the society.”

(2) The oath of a border guard shall be taken by the Minister for the Interior, the Chief of the Border Guard, or his or her authorised border guard.

(3) A person who has given the oath of a soldier or a national guardsman of the Republic of Latvia need not give the oath of a border guard.

**Section 12. Participation of a Border Guard in an International Activity**

(1) A border guard may be sent to participate in an international activity, including an international mission or operation.

(2) The decision on the participation of a border guard in an international activity taking place in accordance with Regulation No 2019/1896 shall be taken by the Chief of the Border Guard.

(3) The procedures by which a border guard shall be deployed to participate in an international mission or operation (except for a mission or operation taking place in accordance with Regulation No 2019/1896), the conditions for the participation of the border guard in the mission or operation, and also the procedures for financing the participation shall be determined by the Cabinet.

**Section 13. Appointing of a Border Guard to the Position of a Professional Service Soldier**

[*17 February 2022*]

**Section 14. Inclusion of a Border Guard in the Composition of the National Armed Forces During a State of Emergency or War**

If the Border Guard is included in the composition of the National Armed Forces during a state of emergency or war, such norms of the laws and regulations governing the legal relationship of the military service shall apply to a border guard which determine prohibitions, the length of the day of service, and also the distribution of service duties and rest periods and the conditions thereof.

**Chapter V Rights, Duties, and Operational Restrictions of a Border Guard**

**Section 15. Rights and Duties of a Border Guard**

(1) A border guard, when performing the service duties, has the right:

1) to verify the identity of a person;

2) to inspect a person, vehicle, and belongings at a border crossing point;

3) to inspect a vehicle outside the border crossing point when controlling compliance with the provisions regarding the entry, stay, employment, exit, and transit of foreigners, and also the movement of goods across the State border;

4) to request and receive, free of charge, information, documents, and other materials from State and local government authorities and private persons which are necessary for the fulfilment of the tasks of the Border Guard;

5) to prevent a person on whom the prohibition to exit the country has been imposed as a security measure from crossing the State border;

51) to prevent a person from entering the country at a place and time which is not intended for such purpose (where necessary by providing the person with primary provisions according to possibilities) unless there are objective circumstances that require immediate entry;

6) to withdraw an invalid travel document and another document the need for which has been specified in the laws and regulations governing the procedures for the entry, stay, and exit of persons and the field of road traffic;

7) to guard and, under supervision of guards, to transfer a person detained, arrested, or convicted with deprivation of liberty.

(2) When undertaking hot pursuit of an offender, a border guard has the right:

1) to enter the territory, premises, or vehicle in the ownership, possession, or holding of a public entity;

2) to enter a publicly inaccessible territory, premises, or vehicle with the permission of the owner, possessor, or holder;

3) to enter a publicly inaccessible territory, premises, or vehicle without the permission of the owner, possessor, or holder if there is a threat to the life or health of a person.

(3) The Border Guard shall, without delay but not later than within 24 hours, inform the Prosecutor’s Office in writing of each case where a border guard has exercised the rights provided for in Paragraph two, Clause 3 of this Section.

(4) In order to implement the functions of the Border Guard and to fulfil the tasks specified thereto, a border guard has the right to undertake hot pursuit, stop, inspect, and detain vessels in the waters of the Republic of Latvia and – in accordance with Article 111 of the UN Convention on the Law of the Sea – also outside the waters of the Republic of Latvia. The Cabinet shall determine the procedures and conditions for the hot pursuit, stopping, inspection, and detention of a vessel.

(5) When controlling compliance with the regulations regarding the entry, stay, employment, exit, and transit of foreigners, and by verifying the veracity of information and data provided by the foreigner or his or her inviter, a border guard has the right:

1) to invite to the premises of the Border Guard natural persons and their representatives to receive explanations of the purpose of the entry and stay of a foreigner, the place, time, and provision of stay;

2) to request from a private person and his or her representative the documents or copies thereof which attest to the veracity of information and data provided by the foreigner and his or her inviter;

3) to visit and inspect the premises and workplace of the State and local government authority, a private person of the Republic of Latvia or a foreign private person and his or her representative, and also any other property in the ownership, possession, or holding of the abovementioned persons which is available to the employee, during the specified working time of the relevant person, without prior notification or receipt of permission (also in the absence of the owner, holder, possessor, or authorised representative thereof);

4) to visit the premises and buildings in the ownership, holding, or possession of persons not referred to in Clause 3 of this Paragraph and, with the permission of the owner, holder, possessor, or person authorised thereby, to inspect them.

(6) The rights and duties of a border guard may also be specified in other laws and regulations.

[*22 June 2023*]

**Section 16. Use of Physical Force, Special Fighting Techniques, and Special Means and Use of Service Dogs**

(1) When performing the service duties, a border guard has the right to use physical force, special fighting techniques, and special means, and also to use service dogs, in order to:

1) repel an attack on a border guard or another person;

11) prevent a person from illegally entering the country at a place and time which is not intended for such purpose;

2) prevent illegal entry into immovable property or another facility which is in the possession or holding of the Border Guard;

3) free an occupied immovable property or another facility which is in the possession or holding of the Border Guard;

4) detain, guard, transfer under supervision of security guards, or place in a temporary keeping premise a person who does not submit to the lawful requests of a border guard;

5) restrain a detained, arrested, or convicted person if he or she does not submit to or resists the lawful requests of a border guard or there are grounds to believe that he or she may escape or cause harm to a border guard, another person, or himself or herself;

6) interrupt a violation of public order if it interferes with the fulfilment of the task of the Border Guard;

7) capture, land, or destroy a remote or autonomous control device, causing damage to it, if it threatens or interferes with the fulfilment of the tasks of the Border Guard or there are grounds to believe that it is being used for illegally crossing the State border or for illegally moving a person or goods across the State border.

(2) A border guard has the right to use a service dog for the fulfilment of the tasks of the Border Guard.

(3) Prior to the use of physical force, a special fighting technique, special means or the use of a service dog, the border guard has the obligation to warn of his or her intention to do so. Physical force, a special fighting technique, special means may be used or a service dog may be used without warning:

1) in the case where hesitation to use physical force, a special fighting technique, special means or to use a service dog poses a direct threat to the health or life of a border guard or another person or may cause other serious consequences;

2) if such a warning is not possible in a specific situation;

3) in the situation referred to in Paragraph one, Clause 7 of this Section.

(4) The type of use of physical force, a special fighting technique, special means or use of a service dog and the intensity shall be determined by the nature of the specific violation and the individual characteristics of a person. When using physical force, a special fighting technique, special means or using a service dog, the harm caused thereby shall be limited to the maximum extent, and also, if necessary, the provision of first aid and the call of emergency medical assistance shall be immediately ensured.

(5) It is prohibited to use special fighting techniques and special means (except for handcuffs and means of restraint), and also to use a service dog against a woman, a person with visible signs of disability, and a child, except when the abovementioned persons threaten the life or health of a border guard or another person with their actions or when they are showing armed resistance or committing an armed attack.

(6) A border guard:

1) when providing support to another State or local government authority in the fulfilment of its tasks or by interrupting or preventing a criminal offence the investigation of which is not within the competence of the Border Guard, shall use physical force, special fighting techniques and special means, and also use service dogs in accordance with the law On Police;

2) when performing the service duties outside the Republic of Latvia, shall use physical force, special fighting techniques, and special means in accordance with the norms of international law.

(7) A border guard who has been included in the composition of the National Armed Forces shall use physical force, special fighting techniques, and special means in accordance with the Military Service Law and the norms of international law.

(8) The types of special means and the procedures for the use thereof shall be determined by the Cabinet.

[*17 February 2022; 22 June 2023*]

**Section 17. Use and Application of a Weapon**

(1) The use of a weapon is shooting on purpose.

(2) A border guard has the right to use a weapon in order to:

1) repel an armed or military invasion in the territory of the Republic of Latvia;

2) detain a person who has illegally crossed the State border if there are no other means of detaining the person;

3) repel an attack or terminate resistance if real threats are posed to the life or health of a border guard or another person and it is not possible to avert these threats in any other manner;

4) avert an illegal attempt to obtain a firearm by force;

5) detain a person who refuses to submit to the lawful request of a border guard to hand over an object with which the life or health of the border guard or another person may be endangered if there is no possibility to detain that person;

6) detain a vehicle or any other device intended by design for shipping or to move by land, causing damage to such vehicle or device, if the driver or crew thereof poses a real threat to the life or health of the border guard or another person, does not submit to the lawful request of the border guard to stop the vehicle or device and there is no possibility to detain that vehicle or device;

7) render harmless an animal that endangers the life or health of a border guard or another person;

8) capture, land, or destroy a remote or autonomous control device, causing damage to it, if it threatens or interferes with the fulfilment of the tasks of the Border Guard or the life or health of a border guard or another person is endangered or there are grounds to believe that it is being used for illegally crossing the State border or for illegally moving a person or goods across the State border.

(3) Prior to the use of a weapon, a border guard has a duty to warn of his or her intention to do so. A border guard has the right to apply a weapon in order to fire a warning shot, a warning signal, summon for help, or scare away an animal.

(4) A weapon may be used without warning:

1) if an object with which the life or health of a border guard or another person may be endangered is used in an attack or while resisting, or if the attack or resistance is sudden;

2) if a vehicle or any other device intended for shipping by design or for travelling by land is used in an attack or in resistance;

3) in the situation referred to in Paragraph two, Clause 8 of this Section.

(5) It is prohibited to use a weapon against a woman, a person with visible signs of disability, and a child, except when the abovementioned persons threaten the life or health of a border guard or another person with their actions or when they are showing armed resistance or committing an armed attack.

(6) When using or applying a firearm, the harm caused thereby shall be limited as far to the maximum extent, and also, if necessary, the provision of first aid and the call of emergency medical assistance shall be immediately ensured.

(7) A border guard:

1) when providing support to another State or local government authority in the fulfilment of its tasks or by interrupting or preventing a criminal offence the investigation of which is not within the competence of the Border Guard, shall use and apply a weapon in accordance with the law On Police;

2) when performing the service duties outside the Republic of Latvia, a weapon shall be used and applied in accordance with the norms of international law.

(8) A border guard who has been included in the composition of the National Armed Forces shall use and apply a weapon in accordance with the Military Service Law and the norms of international law.

[*17 February 2022*]

**Section 18. Restrictions of a Border Guard**

(1) It is prohibited for a border guard to take part in the activities of political organisations (parties) and the alliances thereof.

(2) A border guard is prohibited from organising strikes and from participating in them.

(3) A border guard is prohibited from withdrawing his or her participation in an international activity provided for in Regulation No 2019/1896, if he or she has agreed to participate, except for when an independent and objective circumstance independent of the will of the border guard has intervened or will inevitably arise, preventing the border guard from participating in the relevant international activity.

**Chapter VI Additional Provisions**

**Section 19. Temporary Keeping Premise and Specially Equipped Vehicle**

(1) A border guard has the right to place a person detained in accordance with the procedures laid down in laws and regulations in a temporary keeping premise if:

1) the identity of the person has not been established;

2) there is a reason to believe that the person may flee;

3) the person does not submit to the lawful requirements of the border guard;

4) there are grounds to believe that the person may harm himself or herself, other persons, or property;

5) the person has been declared as wanted.

(2) A person may be placed in a temporary keeping premise for a period of up to 48 hours in accordance with the procedures laid down in laws and regulations.

(3) If a person who has been detained in accordance with the procedures laid down in laws and regulations needs to be transferred under supervision of a security guard, the border guard may also place him or her in a specially equipped vehicle.

(4) When commencing the guarding of a person, before being transferred under supervision of a security guard or placed in a temporary keeping premise or in a specially equipped vehicle, a person shall:

1) be questioned about the state of health and requested to inform of diseases as a result of which the life of the person himself or herself may be at risk or which could be dangerous to other persons, or as a result of which special measures should be ensured for the person;

2) be searched by a border guard of the same gender. The person to be searched shall be inspected visually, the objects and substances by the person shall be inspected and such objects and substances shall be removed which may be used to attack or which may cause harm to other persons or to himself or herself, and the objects and substances which are prohibited to be stored by the person in a temporary keeping premise and in a specially equipped vehicle.

(5) A person placed in a temporary keeping premise or a specially equipped vehicle has the right:

1) to receive first aid and, if necessary, emergency medical assistance;

2) to receive drinking water;

3) to go to the toilet.

(6) A person placed in a temporary keeping premise has the right to receive daily nutrition, hygiene and basic necessities, if he or she is kept in the temporary keeping premise for more than four hours, and also the right to a walk of at least two hours in fresh air if he or she is kept in the temporary keeping premise for more than 24 hours.

(7) A person placed in a temporary keeping premise or specially equipped vehicle is prohibited from:

1) bringing in, storing, and using objects or substances included in the list of prohibited objects and substances;

2) making a noise;

3) carrying out actions which make it difficult to observe or enter a temporary keeping premise or specially equipped vehicle;

4) carrying out actions which may cause harm to himself or herself or to other persons;

5) damaging the temporary keeping premise, specially equipped vehicle or the facilities thereof;

6) playing board games or other games (gambling) in order to acquire material or other benefits;

7) smoking.

(8) The procedures by which a person is placed and held in a temporary keeping premise, taken out and released from it, the requirements for the arrangement and equipping of the temporary keeping premise or the specially equipped vehicle, the amount of daily nutrition, hygiene and basic necessities, and also a list of the objects and substances which the person is prohibited from bringing in, storing, and using in a temporary keeping premise or specially equipped vehicle, shall be determined by the Cabinet.

**Section 20. Action Plan on External Borders and Border Controls to Remedy the Deficiencies Identified in the Schengen Acquis Evaluation**

(1) The Border Guard shall develop the action plan (hereinafter – the plan) referred to in Article 16(1) of Council Regulation (EU) No 1053/2013 of 7 October 2013 establishing an evaluation and monitoring mechanism to verify the application of the Schengen acquis and repealing the Decision of the Executive Committee of 16 September 1998 setting up a Standing Committee on the evaluation and implementation of Schengen (hereinafter – Regulation No 1053/2013).

(2) Specific actions for the implementation of the recommendations referred to in Article 15 of Regulation No 1053/2013 and the terms for the implementation of these recommendations shall be determined in the plan. The plan shall be prepared for the period from the moment of the receipt of the recommendations referred to in Article 15 of Regulation No 1053/2013 until the next evaluation of the parts of the Schengen acquis.

**Transitional Provisions**

1. With the coming into force of this Law, the Border Guard Law (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1998, No. 1; 1999, No. 20; 2001, No. 1, 21; 2002, No. 2, 16, 22; 2003, No. 2, 14; 2004, No. 2, 10; 2005, No. 2, 14, 21, 24; 2006, No. 14; 2007, No. 14; 2007, No. 14; 2008, No. 8; 2009, No. 1) is repealed.

2. The Cabinet shall, within six months from the coming into force of this Law, issue the regulations referred to in Section 15, Paragraph four, and Section 19, Paragraph eight of this Law.

[*17 February 2022*]

3. Until the date of coming into force of the regulations referred to in Section 19, Paragraph eight of this Law, but not longer than six months from the date of coming into force of this Law, Cabinet Regulation No. 542 of 17 June 2009, Procedures for the Placement and Holding of a Person Detained by the Border Guards in Temporary Keeping Premises, and the Requirements for the Arrangement and Equipping of Such Premises, shall be in force insofar as it is not in contradiction with this Law.

4. Cabinet orders which are issued on the basis of the Border Guard Law and in conformity with Cabinet Regulation No. 340 of 22 May 2007, Procedures by Which Officials with Special Service Ranks of the State Border Guard, State Police and State Fire-fighting and Rescue Service Shall Be Seconded for Participation in International Missions and Operations, and the Procedures for Financing the Participation, shall be in force until the expiry of the terms for participation specified in those orders.

5. The requirements laid down in Section 10, Paragraphs three and four of this Law shall not be applicable to a border guard who has been recruited into service with the Border Guard until the day of coming into force of this Law.

6. A border guard who has been taken into service until the date of coming into force of this Law shall, within one year from the date of coming into force of this Law, give the oath of a border guard.

The Law has been adopted by the *Saeima* on 5 November 2020.

President E. Levits

Rīga, 17 November 2020