Republic of Latvia

Cabinet

Regulation No. 122

Adopted 5 March 2013

**Regulations Regarding the Register of Returned Foreigners and Entry Bans**

*Issued pursuant to*

*Section 3, Paragraph three of the Immigration Law*

1. This Regulation prescribes the amount of information to be included in the Register of Returned Foreigners and Entry Bans (hereinafter – the Register), and also procedures for use of the Register.

2. The Register is a State information system in which the information regarding those foreigners for whom the entry ban into the Republic of Latvia and the territory of the Schengen Agreement Member States is determined and to whom the return procedure laid down in the Immigration Law apply (hereinafter – a person).

3. The Office of Citizenship and Migration Affairs (hereinafter – the Office) is the manager of the Register.

4. Information shall be included and updated in the Register by the State Border Guard and the Office.

5. The following information shall be included in the Register:

5.1. regarding a person:

5.1.1. the original form of the given name (names) transliterated in Latin alphabet;

5.1.2. the original form of the surname transliterated in Latin alphabet;

5.1.3. the patronymic;

5.1.4. other identities;

5.1.5. the sex;

5.1.6. the nationality and type thereof;

5.1.7. the ethnicity;

5.1.8. the country and place of birth;

5.1.9. the date of birth;

5.1.10. the personal identity number;

5.2. regarding address:

5.2.1. the address in Latvia;

5.2.2. the address in a foreign country;

5.3. regarding personal identification document (documents):

5.3.1. the type;

5.3.2. the series and number;

5.3.3. the date of issue;

5.3.4. the term of validity;

5.3.5. the issuing state and issuing authority or place of issue;

5.4. regarding detention of a person in accordance with the procedures laid down in the Immigration Law:

5.4.1. the date of detention;

5.4.2. the reason for detention;

5.4.3. a unit of the State Border Guard which detained the person;

5.5. regarding the accommodation of a person in an accommodation centre (in specially equipped premises):

5.5.1. the date of accommodation;

5.5.2. the accommodation centre (specially equipped premises);

5.5.3. the date of release;

5.5.4. the reason for release;

5.6. regarding the alternative means of detention applied:

5.6.1. the type;

5.6.2. the date of application;

5.6.3. the date, from which the application of the relevant measure terminates;

5.7. regarding return of a person:

5.7.1. the authority that took the voluntary return decision;

5.7.2. the date of taking and number of the voluntary return decision;

5.7.3. the execution date of the voluntary return decision;

5.7.4. the authority that issued the removal order;

5.7.5. the date of issuing the removal order and number thereof;

5.7.6. the date and number of a court judgement by which the additional punishment – removal from the Republic of Latvia, is determined;

5.7.7. the date of the removal;

5.7.8. the border crossing point, through which the person has departed or the removal was carried out;

5.7.9. the country to which the person has been removed;

5.8. the picture of the face of the person;

5.9. regarding the established violation of the entry or residence:

5.9.1. the date of establishing the violation;

5.9.2. the place of establishing the violation;

5.10. regarding the entry ban into the Republic of Latvia:

5.10.1. the date from which the ban is in force;

5.10.2. the date until which the ban is in force;

5.11. regarding the decision to determine the entry ban into the Republic of Latvia:

5.11.1. the institution taking the decision;

5.11.2. the number and date of taking thereof;

5.12. regarding the entry ban into the territory of the Schengen Agreement Member States:

5.12.1. the date from which the ban is in force;

5.12.2. the date until which the ban is in force;

5.13. regarding the decision determining the entry ban into the territory of the Schengen Agreement Member States:

5.13.1. the institution taking the decision;

5.13.2. the number of the decision and date of taking thereof;

5.14. regarding the decision to suspend, amend or revoke the decision referred to in Sub-paragraph 5.7.2, 5.7.5, 5.11, or 5.13 of this Regulation and the decision to reduce the time period of the entry ban:

5.14.1. the institution taking the decision;

5.14.2. the type;

5.14.3. the number and date of taking thereof;

5.15. the derivatives of the documents in personal file in electronic form and electronic documents;

5.16. the service notes.

6. If an official of the Office has taken a decision referred to in Sub-paragraph 5.7.2, 5.7.5, 5.11, 5.13, or 5.14 of this Regulation, the information referred to in Paragraph 5 of this Regulation shall be included in the Register by the Office.

7. If an official of the State Border Guard has taken a decision referred to in Sub-paragraph 5.7.2, 5.7.5, 5.11, 5.13, or 5.14 of this Regulation or additional punishment – removal from the Republic of Latvia – has been determined for the person by a court judgement, the information referred to in Paragraph 5 of this Regulation shall be included in the Register by the State Border Guard.

8. If an official of the State Border Guard establishes an violation of the entry or residence, but taking of the decisions referred to in Sub-paragraph 5.7.2 or 5.7.5 of this Regulation are within the competence of the Office, the information referred to in Sub-paragraphs 5.1, 5.2, 5.3, 5.4, 5.5, 5.6, 5.8, and 5.9 of this Regulation shall be included in the Register by the State Border Guard.

9. If the Minister for the Interior, Minister for Foreign Affairs, the Director of the Consular Department of the Ministry of Foreign Affairs or an official of the diplomatic and consular mission of the Republic of Latvia takes a decision to determine the entry ban into the Republic of Latvia and any territory of the Schengen Agreement Member States, the Office shall be informed thereof in writing within one working day and at least the information referred to in Sub-paragraphs 5.1.1, 5.1.2, 5.1.9, 5.9, 5.10, 5.11, 5.12, and 5.13 of this Regulation shall be provided.

10. The Office shall, within one working day after receipt of the information referred to in Paragraph 9 of this Regulation, include it in the Register.

11. If the information referred to in Paragraph 5 of this Regulation, which is not included in the Register, becomes known, the head of the competent State institution referred to in Section 61.1, Paragraph one of the Immigration Law or the official referred to in Paragraph 9 of this Regulation shall, within one working day, inform the Office thereof. The Office shall, within one working day, update the information included in the Register.

12. If a decision to revoke the entry ban or reduce its time period is taken in accordance with the procedures set out in the Immigration Law, the Office shall, after receipt of the relevant information from the officials referred to in Paragraph 9 of this Regulation, update the information included in the Register within one working day.

13. The information included in the Register, including amendments to the initially included information, shall be kept in the Register for 10 years after the purpose for which the information was included in the Register has been achieved.

14. State administrative institutions, courts and the Prosecutor's Office are entitled to receive the information referred to in Paragraph 5 of this Regulation from the Register in accordance with the competence of the abovementioned institutions.

15. The following Regulations are repealed:

15.1. Cabinet Regulation No. 605 of 16 August 2005, Procedures by Which the List of Third-Country Nationals who are Prohibited to Enter the Republic of Latvia Shall be Maintained and Updated (*Latvijas Vēstnesis*, 2005, No. 132; 2006, No. 29);

15.2. Cabinet Regulation No. 502 of 7 July 2008, Regulations Regarding Maintenance and Use of the Register of Illegal Immigration (*Latvijas Vēstnesis*, 2008, No. 106; 2009, No. 75).

16. This Regulation shall come into force on 1 July 2015.

Prime Minister V. Dombrovskis

Minister for the Interior R. Kozlovskis