

Standard Summary Project Fiche for the Transition Facility

1. Basic Information

1.1. CRIS Number: 2006/018-118-01-02

Twinning contract: LV/2006/IB/JH/02

1.2. Title: **Strengthening administrative capacity in the areas of visa issuance, migration and implementation of the Schengen information system (SIS II)**

1.3. Sector: Justice and Home Affairs

1.4. Location: Latvia

Office of Citizenship and Migration Affairs of the Ministry of Interior (hereinafter - OCMA)

2. Objectives

2.1. Overall Objective:

Compliance of the Republic of Latvia to the requirements of the Schengen and EU *acquis* in the areas of visa issuance, migration and implementation of SIS II in the competences of the OCMA.

2.2. Project Purpose:

To increase administrative capacity in the areas of visa issuance, migration and implementation of SIS II in the competences of the OCMA.

2.3. Justification:

- Chapter 24 of the Monitoring Report of the European Commission for the year 2003 points out that:
 - in principle, the procedure of visa issuance corresponds to *acquis* but it is necessary to adopt a certain part of legislation dealing with implementation;
 - continuous effort is required in areas of improvements to infrastructure, employee selection and training;
 - cooperation between institutions needs to be improved, and cooperation structures need to be strengthened;
 - it is necessary to continue improving the capacity of technical and human resources to be able to reveal document falsifications;
 - Paragraph 3 in the section on "Migration", specifies – "continue sustaining the work with administrative structures, as well as ensuring adequate financing";
- Schengen Action Plan;
- the European Council Catalogue "Catalogue of recommendations for the correct application of the Schengen *acquis* and best practices: Issuing of visa" as a recommendation to the new EU member states, makes a reference to training the personnel and users of the Schengen information system;
- Indicative strategy for meeting the requirements of Schengen *acquis* provides for training of personnel and users.

3. Description

3.1. Background and justification:

The Immigration act that came into force on May 1, 2003, in principle corresponds to the Schengen and European Union *acquis* in areas of visa and residence permit issuance; however,

certain amendments to the act itself and its dependent regulations (regulations of the Cabinet of Ministers) are necessary so that Latvia's legislation completely meets all the requirements.

Similar activities were carried out by the Phare project "Asylum and Migration Management System", however, since the completion of the Phare project there have been substantial changes in the legislation of the Republic of Latvia concerning migration issues. Therefore there is a need for another review of the existing national laws and regulations, as well as evaluation of their compliance to the Schengen and the most recent requirements of the European Union *acquis*.

In the area of visa issuance Latvia has to introduce the part of Schengen *acquis* that will be binding after joining the Schengen agreement in practice and after the special Council decision on abolition of the checks at the internal borders. Latvia will be obliged to implement requirements of Article 5 of Schengen Convention where checks in Schengen Information System are foreseen, besides Latvia has to prepare for issuance of a single unified visa valid in all the Schengen member states and issuance of a national visa valid only in the territory of Latvia, according to Chapter 3 of the Schengen Convention (*Visas*) and to the Common consular instructions, including implementation of Article 17 of the Schengen Convention on consulting procedure. It is very important to receive consultations of experts to prepare national legislative acts as qualitative as possible.

In the area of residence permit issuance Latvia must implement regulations of Chapter 5 of the Schengen Convention "*Residence permits and alerts for the purposes of refusing entry*" that foresee consultation procedure with other Schengen countries in the cases when a data on person concerned has been included in the Schengen Information System. In order to organize the consultation procedure in the most effective way Latvia has to be acquainted with practice of more experienced countries and receive an expert's consultations on various possibilities how to organize this procedure.

During the period 2005 – 2007, Latvia has to implement the following directives of the European Council: 2003/86/EK *on the right to family reunification*; 2003/109/EK *on the status of the 3rd country citizens who are permanent residents*; and 2004/38/EK *on the right of the Union citizens and their family members to move freely and reside in the territory of a member state, that amended Regulation (EEC) Nr. 1612/68 and removed Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (the document is related to EEA)*. During the process of adoption of the above mentioned legislative acts Latvia was not a Member state of European Union and therefore could not participate in discussions. It would be very useful to receive the explanations regarding interpretation of many regulations stipulated in these directives that would include both historical and teleological backgrounds.

Latvia has already initiated introduction of the abovementioned *acquis* into national laws and regulations; however, expert consultations are necessary in this phase in order to evaluate the draft laws and regulations and accomplish training of personnel.

The training of the personnel of the OMCA and other institutions on above mentioned subjects is of very high importance also particularly taking into consideration that part of the border of the Republic of Latvia is external border of the European Union.

The experience gained during this project would help to improve the readiness for the accession to Schengen Convention as well as will substantially increase the administrative capacity of the involved institutions. The necessary information should be received from seminars, expert and study visits. The main beneficiaries of the project will be OCMA. Some representatives of the State Border Guard (hereinafter - SBG) and Information Centre (hereinafter - IC) (Ministry of Interior), Consular Department (Ministry of Foreign Affairs) and Labour Department (Ministry of Welfare) will take part in seminars.

The competencies of above-mentioned institutions are as follows:

- 1) OCMA – responsible institution for migration policy, preparation of legislative acts, issuing of visas in the territory of Latvia, issuing of residence permits, responsible for 5, 17, 25, 96 Articles of Schengen Convention. The employees of OCMA also will use the

information on documents that is included in SIS according to Article 100. In this project several categories of employees will be involved: employees responsible for elaboration of legislative acts, employees responsible for training of other personnel as well as employees who practically issue visas and residence permits.

- 2) SBG – responsibility related to Articles 5 and 96 of Schengen Convention. SBG is responsible for issuing of visas in the border crossing points and control of foreigners in the territory of Latvia.
- 3) IC – technical maintenance of SIS;
- 4) Consular Department – responsible for issuing of visas in the consular representatives abroad;
- 5) Labour Department – responsible for employment policy of foreigners.

3.2. Related activities:

Phare 2001 National Programme project "Asylum and Migration Management System" – project was carried out in order to develop the unified asylum and migration management system in the Republic of Latvia as well as work out the Migration Strategy;

Phare 2002 National Programme Twinning Light project "Assessment of the national legislation in the scope of Schengen acquis" – this project was carried out in order to elaborate a report on future activities for the Schengen acquis implementation and legal basis for the effective Schengen acquis implementation in the field of cross-border surveillance; This project did not foresee any technical aspects for the development of the N.SIS as it was purely aimed to legal matter in the field of the cross-border surveillance and police cooperation.

Phare 2002 National Programme Twinning Light project "SIRENE Bureau organization" – during this project mostly questions regarding international co-operation between Schengen countries were discussed as well as the practical questions regarding organization of the national SIRENE Bureau touched. .

Schengen Facility project "N.SIS, Training of SIRENE office and future SIS users" – training of personnel of N.SIS bureau and SIRENE office in order to ensure requirements of Schengen Convention. This project aims to the training in the specialized industrial fields in order to raise the qualification level of the personnel, but doesn't include the sharing of experience in the field of N.SIS.

3.3. Results

- Compliance of the national laws and regulations to the Schengen and European Union *acquis* requirements has been evaluated;
- Required amendments have been drafted to the laws and regulations when necessary;
- 50 employees from the OCMA and 20 employees from the other respective institutions have been trained according to the activities set out in Article 3.4. and thus:
 - 1) 20 employees are trained to implement the Schengen information system (regarding Articles 5, 25, 96 and 100 of Schengen Convention);
 - 2) 7 employees of OCMA are trained as trainers (3 employees – issuing of Schengen visas, 2 employees – residence permits, 2 employees – SIS II. Training will concern employees of headquarters of OCMA;
 - 3) the procedure of visa and residence permit issuance meets the requirements of the Schengen and European Union *acquis communautaire* – employees of the OCMA, SBG, IC, Consular Department (Ministry of Foreign Affairs) and Labour Department (Ministry of Welfare), working with visas and residence permits will be trained according to Schengen and EU *acquis* requirements and will have the necessary experience to carry out necessary administrative procedures.
- at the end of visits, 7 persons of the OMCA will be trained as trainers and will be able to carry out further training processes for other employees.

3.4. Activities:

- Assessment of the existing national legislation in the area of visa and residence permit issuance; evaluation of their compliance to the Schengen and the most recent European Union *acquis* requirements; and involve experts to consult the personnel drafting the laws and regulations;
- Organization of the seminars for personnel on the procedure of residence permit issuance (3rd Quarter of 2007):
 - 1) Application of the norms and standards of Articles 21 and 25 of the Schengen Convention;
 - 2) Issuance of residence permits in compliance with the Council directives 2003/86/EC and 2003/109/EC;
 - 3) Ensuring free movement of persons, as required by the Council directive 2004/38/EC.
- Organization of the seminars for personnel on the procedure of visa issuance (implementation of Chapter 3 of the Schengen Convention and Common Consular Instructions) (3rd Quarter of 2007):
 - 1) Processing of visa applications (procedure and basic criteria), including verification;
 - 2) Legal basis for and the procedure of decision making;
 - 3) Consultation with central authorities as required by Article 17(2) of the Schengen Convention;
 - 4) Long-term visas and visas with limited territorial validity;
 - 5) Visa sticker completion in accordance with Part VI and Annexes 9 and 13 of the Common Consular Instructions.
- Organization of two study visits to share experience with the respect to the procedure of visa and residence permit issuance (2nd-3rd Quarter of 2007, 5 days, 7 persons each visit):
 - 1) Visit regarding visa questions (the OCMA):
 - procedure and basic criteria for processing visa applications;
 - legal basis for and the procedure of decision making;
 - consulting with central authority as required by Article 17(2) of the Schengen Convention and Annex 5 to the Common Consular Instructions;
 - providing information in compliance with Annex 14 of the Common Consular Instructions;
 - visa sticker completion;
 - 2) Visit regarding residence permit and SIS questions (the OCMA):
 - issuing, extending and/or revoking residence permits for third country nationals;
 - ensuring free relocation of individuals, as required by the Council directive 2004/38/EC;
 - Articles 5, 25, 96 and 100 of Schengen Convention.

Means:

Project Leader:

- at least five-years experience in the field of migration (high-ranking official);
- experience of design and implementation of training programmes;
- experience in planning and organizational development;
- University degree;
- fluency in English.

Resident Twinning Advisor's (RTA) profile (12 months, activities: evaluation of national legislative acts and procedures):

- The RTA should be a public servant or mandated body staff.
- at least ten-years experience in the field of migration;
- knowledge on issues related to Schengen *acquis* and Schengen Information System in the area of visa issuance;
- experience in the elaboration of strategic documents;
- experience of design and implementation of training programmes;
- experience in planning and organizational development;
- fluency in English.

Short-term expertise profile (preferably 3 experts, total duration 5 months, activities include training of personnel):

Short-term experts should be public servants or mandated body staff.

- at least five-years experience in the field of migration and/ or with information systems;
- extensive experience in the areas related to Schengen *acquis* and Schengen Information System;
- experience in designing and implementation of training programmes;
- knowledge or experience in the issues of data protection;
- fluency in English.

3.5. Lessons learned:

- The previous experience gained during implementation of *Phare* projects in the area of home affairs has shown that the project "ownership" needs to be increased – there has to be strong involvement of the beneficiary and responsible institutions in the management of the project activities and overall co-ordination and monitoring of the project. Therefore, on the basis of the previous experience and the recommendations expressed in the JMC meetings, coordination and monitoring will be specifically fostered through the Steering committee that will be established shortly after the adoption of the TF programme for 2006 thus ensuring continuous monitoring of the implementation of the project throughout its lifetime.
- In addition, following recommendations expressed during Interim Evaluation, more thorough analysis of risks and implementation time schedule will take place during the project implementation phase.
- In accordance with the recommendations expressed during Interim Evaluation all the necessary actions will be taken in order to ensure optimization of the project cycle by shortening preparation phase of the project thus leaving more time for actual implementation of the project.

4. Institutional Framework

The Project will be implemented within the following institutional framework:

The overall responsibility for the project lies with the OCMA of the Ministry of the Interior (MoI). OCMA is the main beneficiary. The representatives from the State Border Guard, Information Centre, and the Consular Department of the Ministry of Foreign Affairs as well as the Labour Department of the Ministry of Welfare will participate in activities that are related to issuance of visas and residence permits as these institutions are involved in the above mentioned processes.

In order to ensure smooth implementation of the project, the Steering Committee will be established including representatives from aforementioned institutions as well as from SPO, NAC, NAO, PAO (Central Finance and Contracting Agency) and the Administrative Office for

the Twinning projects. The Steering Committee will meet once a quarter during the preparation and implementation phase of the project.

Changes in the aforementioned institutional framework resulting from the project are not foreseen.

5. Detailed Budget

MEUR	Transition Facility (TF) Support			Co-financing support			Total (TF plus co-financing)
	Investment support	Institution Building	Total TF (=I+IB)	National Public Funds*	Other Sources**	Total co-financing of the project	
Twining Contract 1		0.35	0.35				0,35
Total		0.35	0.35				0.35

*contributions from National, Regional, Local, Municipal authorities, FIs loans to public entities, funds from public enterprises.

**private funds, FIs loans to private entities.

Contributions from the Latvian administration for effective implementation of the twinning/twinning light/TA may be further detailed in the twinning contract/Terms of references.

VAT does not constitute eligible expenditure except where it is genuinely and definitely borne by the final beneficiary. VAT which is considered recoverable, by whatever means, cannot be considered eligible, even if it is not actually recovered by the final beneficiary or individual recipient.

6. Implementation Arrangements

6.1. Implementing Agency

Implementing agency of the project will be the Central Finance and Contracting Agency of the Ministry of Finance (CFCA). CFCA will be responsible for the financial and administrative management of the project in accordance with the Extended Decentralized Implementation System (EDIS).

Mrs. Marita Salgrāve

Acting Director

Central Finance and Contracting Agency

1 Smilšu Street, Riga,

Latvia, LV-1050

Phone: +371 7357840

Fax: +371 7357841

Mrs. Inta Vasaraudze

Deputy State Secretary of the Ministry of Finance

Programme Authorizing Officer

1 Smilšu Street, Riga,

Latvia, LV-1050
 Phone: +371 7095545
 Fax: +371 7095421

The overall responsibility of the technical implementation falls to the Ministry of Interior:

Mr. Viktors Elksnis

Deputy State Secretary of the Ministry of Interior
 Senior Programme Officer
 Raina Boulevard 6, Riga,
 Latvia, LV - 1050
 Phone: +371 7219313
 Fax: +371 7219204

6.2. Twinning

Mrs. Ruta Konstante

Administrative Officer for the Twinning projects
 The Ministry of Finance
 Smilšu Street 1, Riga
 Latvia, LV - 1050
 Phone: +371 7095622
 Fax: +371 7095625

Contact person for Twinning will be:

Ms. Maira Roze
 Deputy Head of the OCMA
 Raina Blv.5, Riga,
 Latvia, LV - 1050
 Phone: +371 7219546
 Fax: +371 7820306

6.3. Non-standard aspects

There will be no non-standard aspects regarding implementation of the project. The project will be implemented through EDIS.

Ratio: if during project implementation the project cost for some reason decreases, the TF financing will also decrease proportionally.

6.4. Contracts

Contract I – Twinning Covenant: EUR 350`000 EUR
 (Parallel in kind co-financing will be ensured as stated in the twinning contract.)

7. Implementation Schedule

	Call for proposals	Start of project activity	Project completion
Contract I	2nd Quarter of 2006	1st Quarter of 2007	1st Quarter of 2008

8. Sustainability

For the further strengthening of administrative capacity in the area of visa issuance, migration and implementation of the Schengen information system (SIS) it is foreseen to continue the activities in this field according to the OCMA Schengen Training Programme. OCMA/ MoI will provide the support to strengthen the administrative capacity.

9. Conditionality and sequencing

Development of SIS II is being implemented or has been completed
Insignificant personnel turnover

ANNEXES TO PROJECT FICHE

1. Logical framework matrix in standard format;
2. Detailed implementation chart;
3. Contracting and disbursement schedule by quarter for the full duration of the programme (including disbursement period);
4. Detailed budget breakdown.

ANNEX 1 Logical framework matrix in standard format

LOGFRAME PLANNING MATRIX FOR Project: STRENGTHENING ADMINISTRATIVE CAPACITY IN THE AREAS OF VISA ISSUANCE ,MIGRATION AND IMPLEMENTATION OF THE SCHENGEN INFORMATION SYSTEM		Programme name and number	
		Contracting period expires:	Disbursement period expires:
		Total budget: 0,35MEUR	TF budget: 0,35MEUR
Overall objective Increase compliance of the Republic of Latvia to the requirements of the Schengen Convention and EU <i>acquis communautaire</i> in the areas of visa issuance, migration and implementation of SIS	Indicators of Achievement ▪ Personnel involved in issuance of visas and residence permits and in implementation of SIS have been trained	Sources of Information ▪ MoI reports on project implementation ▪ OCMA Annual Report ▪ The European Commission Annual Report on Asylum and Migration	
Project purpose To increase administrative capacity in the areas of visa issuance, migration and implementation of SIS	Indicators of Achievement ▪ Personnel involved in issuance of visas and residence permits and in implementation of the SIS have been trained in the area of issuance of visas and residence permits and in the implementation of SIS – number of personnel that will be trained – 70 persons.	Sources of Information ▪ MoI reports on project implementation ▪ OCMA Annual Report ▪ The European Commission Annual Report on Asylum and Migration	Assumptions The training conducted meets the requirements of attaining a specified skill level and strengthening the administrative capacity
Results - Compliance of the national laws and regulations to the Schengen and European Union <i>acquis communautaire</i> requirements has been evaluated; - Required amendments have been drafted to the laws and regulations when necessary; - 50 employees from the OCMA and 20 employees from the other	Indicators of Achievement ▪ amendments to legislative acts drafted; ▪ timely training seminars; ▪ number of persons participating in trainings; ▪ number of trainees trained.	Sources of Information ▪ MoI reports on project implementation ▪ OCMA Annual Report ▪ Reports from traineeships.	Assumptions ▪ Sufficient human resources are available for implementation of the project; ▪ Staff members participating in the implementation of the project have been sufficiently trained; ▪ Trainers are qualified.

<p>respective institutions have been trained according to the activities set out in Article 3.4. and thus:</p> <ol style="list-style-type: none"> 4) 20 employees are trained to implement the Schengen information system (regarding Articles 5, 25, 96 and 100 of Schengen Convention); 5) 7 employees of OCMA are trained as trainers (3 employees – issuing of Schengen visas, 2 employees – residence permits, 2 employees – SIS. Training will concern employees of headquarters of OCMA; 6) the procedure of visa and residence permit issuance meets the requirements of the Schengen and European Union <i>acquis communautaire</i> – employees of the OCMA, SBG, IC, Consular Department (Ministry of Foreign Affairs) and Labour Department (Ministry of Welfare), working with visas and residence permits will be trained according to Schengen and EU <i>acquis communautaire</i> requirements and will have the necessary experience to carry out necessary administrative procedures. <p>- at the end of visits 7 persons of the OMCA will be trained as trainers and will be able to carry out further training process for other employees.</p>			
--	--	--	--

Activities	Means		Assumptions
<ul style="list-style-type: none"> - Assessment of the existing national legislation in the area of visa and residence permit issuance; evaluation of their compliance to the Schengen and the most recent European Union <i>acquis communautaire</i> requirements; and involve experts to consult the personnel drafting the laws and regulations; - Organization of the seminars for personnel on the procedure of residence permit issuance (3rd Quarter of 2007): <ol style="list-style-type: none"> 1) Application of the norms and standards of Articles 21 and 25 of the Schengen Convention; 2) Issuance of residence permits in compliance with the Council directives 2003/86/EC and 2003/109/EC; 3) Ensuring free movement of persons, as required by the Council directive 2004/38/EC. - Organization of the seminars for personnel on the procedure of visa issuance (implementation of Chapter 3 of the Schengen Convention and Common Consular Instructions) (3rd Quarter of 2007): <ol style="list-style-type: none"> 1) Processing of visa applications (procedure and basic criteria), including verification; 2) Legal basis for and the procedure of decision making; 	<ul style="list-style-type: none"> ▪ Twinning: Resident Twinning adviser, 12 months; short-term experts, 3 persons, 5 months ▪ training courses (6 in total); ▪ training sessions for personnel (7 sessions for 70 persons). 		<ul style="list-style-type: none"> ▪ National co-financing is allocated ▪ Loyalty of the personnel

<p>3) Consultation with central authorities as required by Article 17(2) of the Schengen Convention;</p> <p>4) Long-term visas and visas with limited territorial validity;</p> <p>5) Visa sticker completion in accordance with Part VI and Annexes 9 and 13 of the Common Consular Instructions.</p> <p>- Organization of two study visits to share experience with the respect to the procedure of visa and residence permit issuance (2nd-3rd Quarter of 2007, 5 days, 7 persons each visit):</p> <p>1) Visit regarding visa questions (the OCMA):</p> <ul style="list-style-type: none"> - procedure and basic criteria for processing visa applications; - legal basis for and the procedure of decision making; - consulting with central authority as required by Article 17(2) of the Schengen Convention and Annex 5 to the Common Consular Instructions; - providing information in compliance with Annex 14 of the Common Consular Instructions; - visa sticker completion; <p>2) Visit regarding residence</p>			
--	--	--	--

<p>permit and SIS questions (the OCMA):</p> <ul style="list-style-type: none"> - issuing, extending and/or revoking residence permits for third country nationals; - ensuring free relocation of individuals, as required by the Council directive 2004/38/EC; - Articles 5, 25, 96 and 100 of Schengen Convention. 			
<p>Preconditions Development of SIS II is being implemented or has been completed</p>			

ANNEX 2 Detailed implementation chart

	2007												2008											
Institutional Building	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D
Twining			x	x	x	x	x	x	x	x	x	x	x	x										
Resident Twining advisor (RTA) (12 m/m)			x	x	x	x	x	x	x	x	x	x	x	x										
Assessment of the existing national legislation in the area of visa and residence permit issuance			x	x	x																			
Organization of the seminars for personnel on the procedure of residence permit issuance and on the procedure on visa issuance										x	x	x												
Study visits					x		x																	
Expert consultations and education (training) of personnel						x	x	x	x	x	x	x	x	x										
Elaboration of the necessary legislative amendments											x	x	x											
Short term expertise (STE) (3 experts, total duration 5 m/m)			x		x	x					x		x											

ANNEX 3 Cumulative contracting and disbursement schedule (EUR)

	2007		2008			
	III	IV	I	II	III	IV
Contract I – Twinning Covenant*						
Contracted total:	350 000					
TF:	350 000					
Disbursed total:	280 000				350 000	
TF:	280 000				350 000	
National:	7 000	14 000	21 000	28 000	35 000	

* Parallel co-financing

ANNEX 4 Indicative Detailed Budget Breakdown

	Detailed budget	TF Support			National financing	Co	IFI	TOTAL
		Investment Support	Institution Building	Total TF (=I+IB)				
Contract I <i>Twining</i> <i>Covenant</i>	RTA (12 m/m): 150 000 STE (5 m/m): 100 000 Training sessions (7): 65 000 Traineeships: 25 000 Translation/ interpretation: 6 000 Audit costs: 4 000		350 000	350 000				385 000
Total	350 000		350 000	350 000				350 000