



Latvian Presidency
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EMBASSY OF THE REPUBLIC OF LATVIA

SHAM MARRIAGE – A FORM OF HUMAN TRAFFICKING?

EXPERIENCE OF THE EMBASSY OF LATVIA IN IRELAND

**09/06/2015
BRUSSELS**



Case study of a Latvian national - Ms L.B.

- Ms L.B. (born in 1988) arrived in Ireland with her son (born in May 2009) on November 2009 to work in Ireland at a job offered by her brother's former wife
- She was met by a Pakistani citizen in Dublin Airport and brought to the future home in Newcastle West
- Days later she was offered 500 EUR for a marriage and a returning chance to Latvia after the marriage. No other options were proposed
- Date of Marriage in Clonmel Register Office - June 2010
- On 12 September 2010 L.B. came to the Embassy with her husband to renew her passport
- On 29 September 2010 L.B. contacted the Embassy and asked for help to return home
- On the evening of 29th September L.B. and her underage son escaped from her husband's home in Newcastle West and was met in Dublin Bus Station by the Embassy's staff and Garda National Immigration Bureau (GNIB) representatives
- L.B. told the Embassy's staff and GNIB that she was sexually abused and was pregnant with her husband's baby
- On 2 October 2010 L.B. and her underage son were repatriated to Latvia by the Embassy with assistance from the Latvian shelter "Safe House"
- A formal investigation of this case was opened on 2 October 2010
- She was not recognized as a victim of trafficking in human beings by the Irish authorities
- On 27 February 2011 L.B. had a baby boy born in Latvia

P.S. L.B. has a category two disability – she has been mentally challenged since childhood. She had been studying in a social care centre when she was underage. She does not speak English at all.



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How it looks like?

ÉIRE IRELAND

CERTIFICATE OF REGISTRATION

Garda National Immigration Bureau

Bliain Naishunta Inimircia An Gharda Siochána

Surname: T. K.

Forename(s): S.

Nationality: Congolese

Date of Birth: 1973

Sex: M

Stamp No: 4 EUFam

GNIB No: 4. 9

Dept No: 69/1741/06

Issue Date: 28/09/2010

Expiry Date: 20/11/2012

Registration Office: Sligo

A price for a human being?

Overview of sham marriages and links to trafficking in human beings

- Sham marriage organization is an EU-wide illegal immigration problem and prevention is the corresponding institutions' competence
- Sham marriages exploit EU directive 2004/38/EU on free movement rights
- Cases of human trafficking in the form of sham marriage including Latvian nationals are recognised proving sham marriage links to trafficking in human beings

Overview of sham marriages and links to trafficking in human beings

- A lot of registered human trafficking victims from Latvia have been involved in sham marriages in Ireland with third country nationals to provide them status of an EU national's family member (free movement rights)
- Latvia would like to encourage the Irish institutions to continue the work on combating the problems and effects of sham marriages that increase the risk of human trafficking

Overview of sham marriages and links to trafficking in human beings

- During the last several years, vulnerable Eastern European women have been trafficked into Ireland for sham marriages – many from Latvia
- The approach of the competent Irish institutions so far has been to declare that sham marriages are not a form of human trafficking
- Sham marriage in Irish Law is not recognised as a crime

Overview of sham marriages and links to trafficking in human beings

- Lack of legislation in relation to sham marriages
- Insufficient information sharing, e.g. no notification about marriages concluded in Ireland
- Influence of legalizing illegal immigration
- Security risks (EU Security Threats, terrorism)
- Concerns of human trafficking

Overview of sham marriages and links to trafficking in human beings

- Reasons for sham marriages
- Statistics
- Main tendencies
- Steps taken to prevent sham marriages
- Cooperation with Irish and international institutions
- Legal framework
- Proposed solutions and challenges in preventing human trafficking in the form of sham marriage

Reasons for sham marriages

- No restrictions to get married while residing illegally in the State
- No obligation to submit proof of marital status from the country of origin
- No rights for marriage registrars or Garda to intervene in cases of suspicious marriages, even in cases where the bride and groom communicate with each other by using a translator during the marriage registration ceremony
- No legislation regarding sham marriages

Obstacles influencing sham marriages

- EU directive No 2004/38/EK entered into force in 2006
- *Metock* case in 2008
- No requirement for legalisation of documents (Birth Certificates etc.) needed as from 31 of October 2010
 - Latvia applies the Convention Abolishing the Legalization of Documents Between the Member States of the European Communities*
- Facilitated divorce procedure in Latvia as of 1 February 2011
 - In cases where both parties have agreed to dissolve the marriage it can be done by sworn notaries within one month and for low costs – EU Regulation No 2201/2003 applied*
- Communication and information sharing widely used in social networks, especially “draugiem.lv” (similar to *Facebook* in Latvia)

Statistics

- Overview
- Statistics on marriages
- Statistics on EUTR applications
- EUTR applications in comparison with marriages by Latvian nationals in Ireland - 2010 and 2013
- Statistics on human trafficking victims in Latvia
- Statistics on human trafficking victims by country

Statistics Overview

- Since 2004 more than 1600 marriages have been registered in Ireland between citizens of Latvia and third country nationals. A significant part or even the largest part of these marriages can be considered as sham marriages
- Since 2006 approximately 2000 third country nationals have applied for a residence permit as a family member of an EU national at the Irish Naturalization and Immigration Service, relying on the marriage with a Latvian citizen.

Statistics on Latvian national marriages in Ireland*

First Party Nationality	Second Party Nationality	Number of marriages 2014	Number of marriages 2013	Number of marriages 2012	Number of marriages January-September 2011	Number of marriages 2010	Number of marriages 2009
Latvia	Bangladesh	3	7	16	11	17	20
Latvia	India	22	18	15	10	37	80
Latvia	Pakistan	76	65	56	39	143	257
Total		101	90	87	60	197	357
Number of marriages concluded by Latvian Nationals in Ireland with TOP 3 third country nationals General Registrar Office 2009-2014							

* As there are many cases where marriages between citizens of Latvia and third country nationals have been registered outside Ireland (Pakistan, Nigeria, India and other EU countries- Denmark, Cyprus, Spain, Sweden), the data may not show the real situation

Statistics on EUTR applications

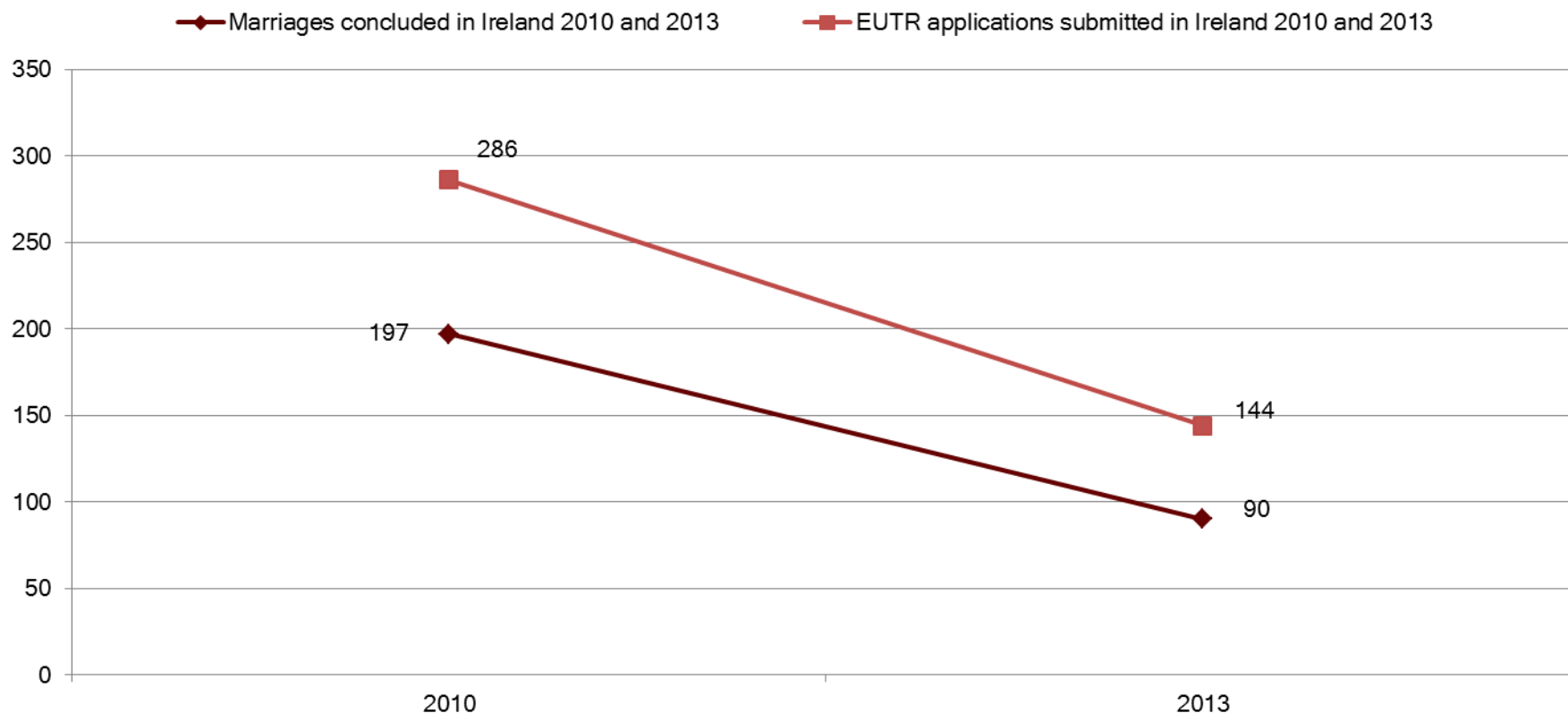
First Party Nationality	Second Party Nationality	Number of EUTR January-June 2014	Number of EUTR 2013	Number of EUTR 2012	Number of EUTR 2011	Number of EUTR 2010
Latvia	Bangladesh	2	11	N/A	N/A	20
Latvia	India	14	34	N/A	N/A	55
Latvia	Pakistan	54	99	76*	N/A	176
Total		70	144	N/A	124	251
Number of EU Treaty Rights applications by Latvian Nationals and their spouses in Ireland - TOP 3 third country nationals - 2010 – June 2014						
* data available according to the information published by "Irish Independent"						



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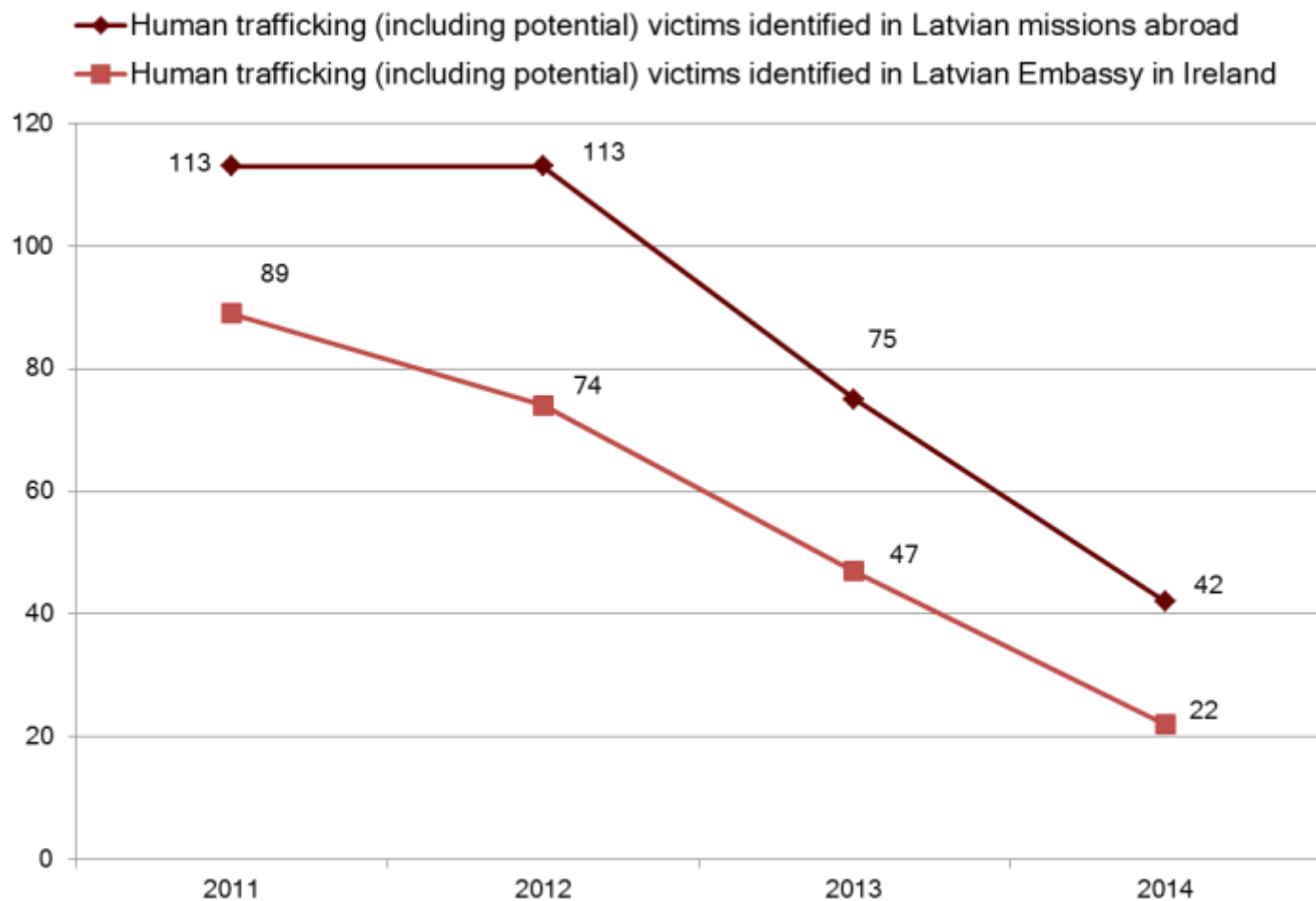
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EUTR applications in comparison with marriages by Latvian nationals in Ireland 2010 and 2013 (TOP 3 nationalities)





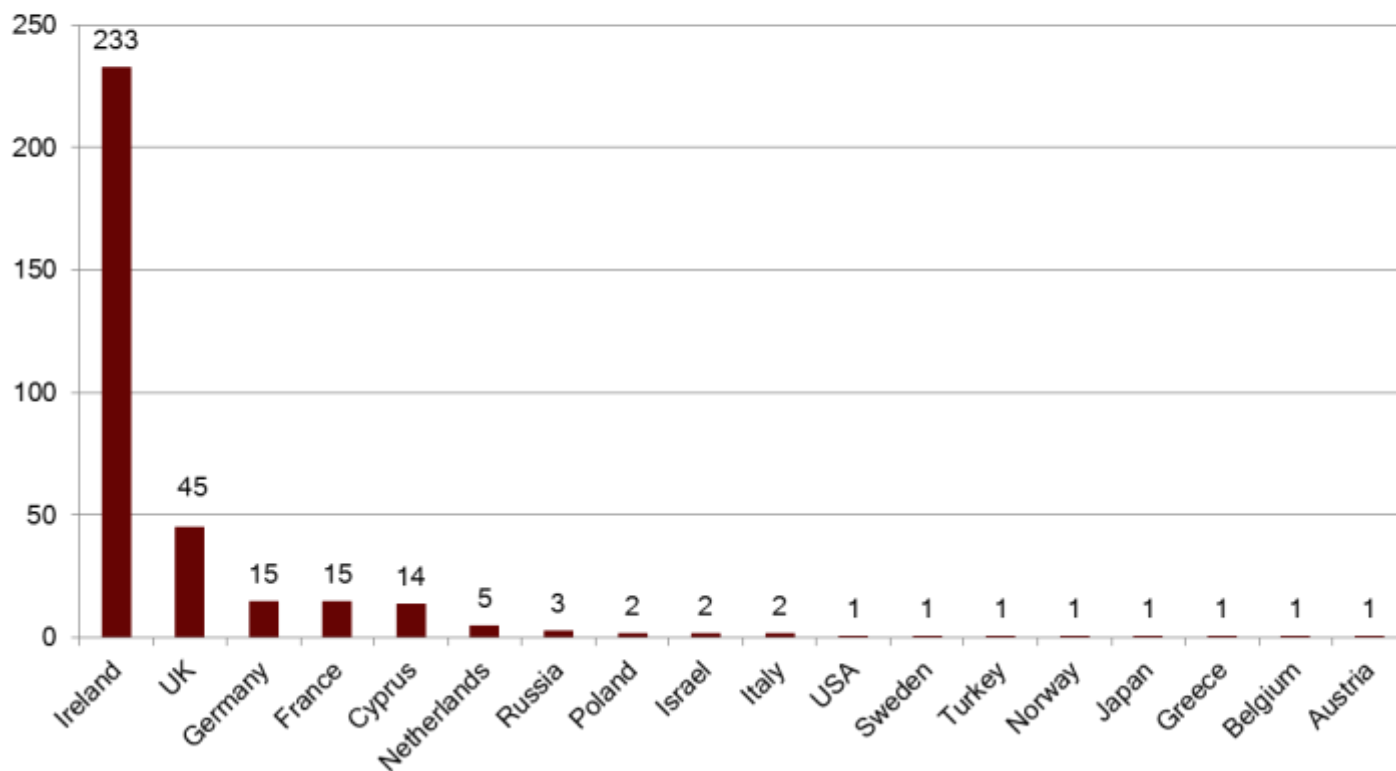
Statistics on human trafficking victims





Statistics on human trafficking victims by countries

Number of identified (including potential) human trafficking victims in Latvian missions abroad in 2011-2014



Main tendencies 2010 - 2011

Every week 4-6 ladies applied to the Latvian Embassy in order to fulfill the marriage requirements in Ireland

The average age of the bride was 18-20 years old

Since 2009, when the number of marriages concluded reached the highest level, and Latvian women accepted the opportunity of earning “easy money” by using the system flaws in Irish Law, the situation has changed drastically

Rapid increase in the number of consular assistance cases in **2011** – Embassy in Dublin provided assistance to **89 potential victims of trafficking**, who had suffered from both emotional un physical violence

Main tendencies 2010-2013

- Latvian nationals no longer get involved in marriages based on financial purposes, where the bride of a third country national would receive money from EUR 3,000 up to EUR 10,000; instead they are involved **in sham marriages, where human trafficking is possibly involved.**
- The average Latvian national involved in this type of marriage is very vulnerable:
 - with low education level (some cannot communicate freely neither in English nor Latvian);
 - being in custody under the age of 18;
 - mainly from families with many children (up to 14 children in a family);
 - single mothers (some of them as young as 17);
 - women with physical or mental disabilities, etc.

Main tendencies 2010-2013

- Just in **2011**, there were **27 women** seeking formalities at the Embassy between **the age of 18-19** (data from 07/11/2011).
- Most of these women were smallest towns **from Central/Northern Latvia**
- The average bride did not receive anything other than food, shelter, clothes and a mobile phone or computer; the only money received was EUR 1000-4000 for the sham marriage organisers.

Main tendencies 2011 – 2015 (1)

- Since 2011, when the highest number of consular assistance was provided by the Embassy (89 potential victims of trafficking), the Embassy continues to prevent human trafficking as well as to provide consular assistance:
 - In 2012 75 consular assistance cases were registered, including 18 cases of repatriation of pregnant women and 9 minor children;
 - In 2013 the Embassy provided consular assistance to 47 potential victims (13 officially recognised as victims of human trafficking in Latvia);
 - In 2014 – 22 cases (4 officially recognised in Latvia)
- Dozens of marriages were registered by Imam at the Islamic Culture Center in Dublin and Galway Islamic Center. In many cases marriages between citizens of Latvia and third country nationals have been registered outside Ireland (Pakistan, Nigeria, India, Denmark, Cyprus, Spain)

Main tendencies 2011 - 2015 (2)

- The number of cases of trafficking in human beings in the form of sham marriages has been significantly reduced
- Latvian nationals come to Ireland very few times for a few days - usually two or three times to make an appointment for the marriage ceremony, to marry and to submit the application for EUTR
- Since Latvia introduced the second type of ID document in April 2012, one of these documents (passport or eID card) is often left in Ireland, while the Latvian national goes back to Latvia with the other
- Short term stay in Ireland reduces the risk of abuse or violence

Steps taken to prevent sham marriages in Latvia (1)

- Judicial cooperation through Europol
- Amendments to criminal law to criminalize all actions that are taken in order to obtain a residence permit through sham marriages in:
 - Latvia
 - the EU/EEA territory
- Ongoing investigations during the recent years

Steps taken to prevent sham marriages in Latvia (2)

- Several measures of prevention - e.g. information campaign “Fake Marriage – A Trap” launched by the NGO “Shelter “Safe House”” which provided state financed social rehabilitation services to victims of human trafficking until 2015 (*In January 2011 "Shelter "Safe House" received the US Ambassador's Award for Innovation in Service*)
- Involvement of representatives of social services/librarians in regions
- Mobile App «Travel Safely» created by the Ministry of Foreign Affairs in 2014
- Wide cooperation with media both in Latvia and Ireland (TV, newspapers, etc.)

Steps taken to prevent sham marriages in Latvia (3)

Two Criminal Proceedings have been initiated by the State police in Latvia:

- **one** was initiated in 2013 according to Section 154 of the Criminal Law of Latvia (human trafficking organized by a group) and Second Part of Section 285 of the Criminal Law (with the purpose of giving a person an opportunity to legally reside in Latvia, Ireland, another European Union country, EEA or Swiss confederation)
- **Second** was initiated in 2014 according to the Third Part of Section 154 of the Criminal Law of Latvia (human trafficking) and Second Part of Section 193 of the Criminal Law of Latvia (use or abduction of foreign financial instrument or a means of payment).

Steps taken to prevent sham marriages in Latvia (4)

- Since the amendments to the Criminal Law of Latvia (01.04.2013) regarding the Second Part of Section 285 (sham marriages), the following number of criminal proceedings have been initiated in Latvia (*Data: January 2015*):
 - In 2013 – 7
 - In 2014 – 13
 - In 2015 – 1

- According to the information provided by the Latvian NGO “Shelter “Safe House””, 27 persons have been identified as victims of human trafficking in 2014, 15 of whom (women) are victims of human trafficking for the purposes of sham marriage, including 4 from Ireland.

Steps taken by the Latvian Embassy in Ireland (1)

- Cooperation and information sharing with General Register Office, Irish Naturalisation and Immigration Service (INIS) and Garda National Immigration Bureau (GNIB) on a regular basis
- Meetings with competent Irish institutions involved at Ambassador's level – with General Registrar, Detective Chief Superintendent, Head of GNIB and Director General of INIS, Secretary General of Department of Justice
- Ambassador's meetings with Irish MEPs, relevant Ministers, President of human rights commission of Ireland

Steps taken by the Latvian Embassy in Ireland (2)

- Use of specially prepared leaflets and information on prevention measures
- Initial interviews with (potential) victims
- Consular assistance provided in cases of human trafficking as well as taking regular prevention measures at the Embassy

Steps committed to prevent sham marriages by the Latvian Embassy in Ireland (3)

- **Social profile of Latvian citizens - potential and current participants of sham marriages** - Research made by Latvian Embassy in Dublin from October 2010 until August 2013
- Social profile research is based on the available data of 500 Latvian citizens who have visited the Embassy regarding planned marriage since 2 September 2010, when General Register Office in Ireland introduced guidelines in registry offices. Brides were sent to the Embassy in order to certify the authenticity of their birth certificate, or asked for consular or other support in relation to the marriage with citizens of third countries with purpose of obtaining a residence permit within the EU

Steps committed to prevent sham marriages by the Latvian Embassy in Ireland (4)

Research Summary:

- Approximately **90 %** of these Latvian nationals arrived in Ireland shortly before the registration of marriage
- **104 or 20,8 %** of these Latvian nationals registered or planned to register the marriage before reaching the age of 20
- In **29** cases they were sisters and in two cases involved twins, in five cases – three sisters married third country nationals. In three cases – mothers, daughters or other relatives
- In **185** cases from large families with four and more children, 9 cases from families with more than 10 children

Steps committed to prevent sham marriages by the Latvian Embassy in Ireland (5)

Research Summary:

- In **167** or **33,4 %** cases Latvian nationals had children before their marriage, in 71 cases two or more children
- In **40** or **8 %** cases before entering into marriage, children had been left in Latvia without proper legal formalities. In 28 out of 40 cases children were born to underage mothers
- In **4** cases inspection was done regarding double marriage, Embassy assumes that there will be more cases like these in the future
- Apart from Riga, which is the place of residence for 53 of the brides, it was strongly dominated by 5 regions - Liepaja (40), Valmiera (30), Jelgava (27), Bauska (26) and Saldus (22); altogether 17 municipalities were represented

Steps committed to prevent sham marriages by the Latvian Embassy in Ireland (6)

Research Summary:

- In 2012 the Embassy had 4 cases, where Latvian nationals with signs of disability planned to register marriage with nationals of third countries.
- In 4 other cases mothers and daughters were married with nationals of third countries, in one case a mother, daughter and aunt.
- In 3 of the cases the Latvian nationals involved in sham marriages were men, with the purpose of giving third country nationals an opportunity to reside in Latvia, Ireland or another European Union country.
- In 3 cases women were pregnant with another man's child when getting married (shortly before giving birth) to the third-country national.
- In 5 cases while being married to the third-country national, data entered into the Birth Certificate contains details of a father – another man, not the husband.

Steps taken to prevent sham marriages in Ireland

- Operation “Charity” conducted by GNIB in 2010
- Guidelines to Ireland’s registrars since 2 September 2010 (requirement of a confirmation from the Embassy, etc.)
- Council of Europe Convention on Action against Trafficking in Human Beings entered into force on 1 November 2010
- Judicial cooperation through Europol
- Cooperation with foreign Embassies (Information sharing & inquiries by INIS)
- Amendments to Civil Registration Act 2014 allow to intervene in case of a sham marriage

Cooperation with Irish institutions

- Latvian State Police cooperates with Irish Police (Garda) through Europol and the Embassy in Dublin
- Latvian Embassy in Dublin cooperates with:
 - Irish Embassy in Latvia on information sharing
 - Relevant Irish governmental authorities to address the issue of human trafficking for the purpose of sham marriages and lack of legislation
 - GNIB in cases of providing assistance to victims of sham marriages who face domestic violence and/or sexual exploitation
 - Irish NGOs – Immigrant Council of Ireland, RUHAMA (Dublin) and Doras Luimni (Limerick)

Cooperation with international institutions

- On 22 November 2011 Latvia informed the European Union's anti-trafficking coordinator about the problems, trends and issues related to human trafficking for the purpose of sham marriages during the roundtable discussion
- Latvia made recommendations to Ireland during the annual Universal Periodic Review on Human Rights 12th UN session in Geneva on 6 October 2011
- Latvia made comments on recommendations to Ireland in relation to the Report concerning the implementation of the Council of Europe Convention on Action against Trafficking in Human Beings by Ireland in October 2013

Legal Framework in Latvia

- National Policy Planning documents related to trafficking in human beings (THB)
- Criminal Law
- Cabinet of Ministers Regulation No. 889
- Guidelines for diplomatic and consular personell

National Policy Planning documents related to THB

- National Strategy for the Development of Social Services 2014-2020 (4 December 2013)
- National Strategy for the Children Crime Prevention and the Children Protection from Criminal Offences 2013-2019 (21 August 2013)
- National Strategy for the Prevention of Trafficking in Human Beings 2014-2020 (21 January 2014)

Criminal Law of Latvia

Section 285.² Ensuring in Bad Faith with a Possibility to Acquire the Right to Stay in the Republic of Latvia Legally, other Member State of the European Union, Member State of the European Economic Area or Swiss Confederation

Amendment to the Criminal Law of Latvia entered into force
on 1 April 2013

Criminal Law of Latvia

- **Section 154.² Meaning of Human Trafficking**
- (1) Human trafficking is the recruitment, transportation, transfer, concealment, accommodation or reception of persons for the purpose of exploitation, committed by using violence or threats or by means of deceit, or by taking advantage of the dependence of the person on the offender or of his or her state of vulnerability or helplessness, or by the giving or obtaining of material benefits or benefits of another nature in order to procure the consent of such person, upon which the victim is dependent.

Criminal Law of Latvia

- **Section 154.² Meaning of Human Trafficking**
- (2) The recruitment, transportation, transfer, concealment, accommodation or reception of a minor for the purpose of exploitation shall be recognised as human trafficking also in such cases, if it is not connected with the utilisation of any of the means referred to in the Paragraph one of this Section.
- 3) Within the meaning of this Section, exploitation is the involvement of a person in prostitution or in other kinds of sexual exploitation, the compulsion of a person to perform labour, to provide services or to commit criminal offences, the holding of a person in slavery or other similar forms thereof (debt slavery, serfdom or compulsory transfer of a person into dependence upon another person), and the holding a person in servitude or also the illegal removal of a person's tissues or organs.
- (4) Within the meaning of this Section state of vulnerability means using the circumstances when a person does not have another actual or acceptable choice, only to submit to exploitation.

Cabinet of Ministers Regulation No. 889

Cabinet of Ministers of the Republic of Latvia Regulation No. 889,
adopted 31 October 2006 »**Regulations Regarding the Procedures, by
Which Victims of the Trafficking in Human Beings Receive Social
Rehabilitation Services, and the Criteria for the Recognition of a Person
as a Victim of the Trafficking in Human Beings**»

In order to specify the compliance of a persons with the criteria of a victim of the trafficking in human beings, the commissions of specialists shall ascertain the action of the persons and assess the activity of the persons in the following areas: migration, employment, safety, social ties, objective characteristics, person's self appraisal (*Annex 2, Criteria for the Recognition of a Persons as a Victim of the Trafficking in Human Beings*)

Guidelines for diplomatic and consular personnel

- «Handbook for diplomatic and consular personnel on how to assist and protect victims of human trafficking»
- «Guidelines for the identification of victims of trafficking in human beings” Especially for Consular Services and Border Guards» by European Commission
- «The EU rights of victims of trafficking in human beings» by European Commission
- Circular on consular assistance to human trafficking victims and state provided social rehabilitation services in Latvia by the Consular Department of MFA of Latvia

Definitions

Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (United Nations Convention Against Transnational Organized Crime And The Protocols Thereto)

Article 3, Definition: For the purposes of this Protocol:

- (a) **“Trafficking in persons”** shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs

Definitions

Definition:

Trafficking in human beings shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs.

**Council of Europe Convention
on Action against Trafficking in Human Beings
*Came into force in Ireland on 1st November 2010***

Solutions and challenges in prevention of human trafficking in the form of sham marriage

Solutions:

- Pass legislation to combat trafficking in human beings in the form of sham marriages
- Amend the Civil Registration Act empowering the registers and the Garda (police) to intervene against sham marriages (done in 2014), as well as prohibiting illegals to marry in Ireland
- Amend Criminal law to criminalize the organisers and facilitators of sham marriages

**Similar recommendations to Ireland were made by Latvia during annual UPR
on Human Rights 12th UN session in Geneva on 6th October 2011**

Solutions and challenges in prevention of human trafficking in a form of sham marriage

Challenges:

- Use of current definitions to prevent human trafficking for the purpose of sham marriage
- Train personnel of both governmental and non governmental institutions to recognise (potential) victims of human trafficking
- Proof of human trafficking in case of sham marriage
- Prevent sham marriages

Case study of a Latvian national - Ms L.P.P

- In October 2011, L.P.P., one of the youngest brides from Latvia, born in July 1993, was contacted in the social network platform Draugiem.lv by a longtime acquaintance from a children's care institution (orphanage), offering to marry an Egyptian national, promising that everything will be taken care of and the person will be able to settle for life in Ireland
- At that time L.P.P. was learning at Rankas vocational school and was without financial support. The ticket to Ireland was purchased by another person who, on Draugiem.lv, had a nickname
- On 31 October 2011, L.P.P. travelled to Ireland and was greeted by her future husband at the airport
- On 2 November 2011, L.P.P. was sent to the Embassy to arrange documents for the marriage. During the interview the person was advised by the Embassy staff about possible consequences, but the Egyptian national convinced the person that the marriage was legitimate and without any consequences
- After 2 months of residing in Ireland, L.P.P. discovered she was pregnant with child from a person back in Latvia
- No sexual relation had occurred, and the Egyptian national was ready to adopt the child and take care of them both
- L.P.P. was promised money for this marriage. While in Ireland, L.P.P. didn't work, even though work had been promised
- On 18 June 2012 L.P.P. got married to the Egyptian national
- On 19 July 2012 L.P.P. gave birth to a son. The husband had pushed her to write him down as the father of the child, which she, in fear, had done
- On 18 August 2012, a day before the newborn's 1st month anniversary, the husband had arrived home after a fishing trip. He was intoxicated and attacked L.P.P., dragging her into the bathroom by her hair and trying to kick her. He attacked her child as well. Physical, emotional and sexual abuse was common when the husband was under the influence
- She turned to her Orphanage and the Embassy requesting help, and was repatriated to Latvia in September 2012
- She was one of four vulnerable pupils from the same Orphanage that was involved in sham marriages in Ireland

State of play

- Whether definition of human trafficking should be amended?
- Whether human trafficking for the purposes of sham marriages should be criminalised in national legislation?
- Whether the European Union can stop the phenomenon of sham marriages and human trafficking in form of sham marriage?

THANK YOU FOR YOUR ATTENTION!

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QUESTIONS?



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EMBASSY OF THE REPUBLIC OF LATVIA

Embassy of the Republic of Latvia

92 St. Stephen's Green, Dublin, Ireland

Phone: +353 (0) 1 478 0156

Fax: + 353 (0) 1 478 0162

E-mail: consulate.ireland@mfa.gov.lv

<http://www.latvia.ie>

@LVEmbassyDublin

<https://www.facebook.com/LVEmbassyDublin>