

Contents

International and Regional Instruments	3
1954 Convention	3
1961 Convention	3
Other conventions.....	4
Statelessness Population Data	10
Availability and sources	10
Stateless in detention data.....	14
Statelessness Determination and Status	16
Definition of a stateless person.....	16
Existence of a dedicated SDP	19
Access to procedure	20
Assessment.....	23
Procedural safeguards.....	25
Protection during SDP	27
Appeals.....	29
Stateless status.....	29
Access to nationality.....	32
Detention	34
Detention screening	34
Alternatives to immigration detention.....	36
Procedural safeguards.....	37
Protections on release.....	41
Return and readmission agreements	42
Prevention and Reduction	44

ENS Statelessness Index Survey 2019: Latvia

Stateless born on territory	44
Foundlings	48
Adoption	49
Ius sanguinis	49
Birth registration	50
Reduction	55
Withdrawal of nationality	57
Jurisprudence and Training	59
Published judgements	59
Legal training	59
Pro Bono	60
Literature	60

International and Regional Instruments

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB	1	a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes, the Republic of Latvia is party to the 1954 Convention.	Par 1954.gada 28.septembra Konvenciju par bezvalstnieka status (Law on Ratification of 1954 Convention), 1998: https://likumi.lv/ta/id/16113-par-1954-gada-28-septembra-konvenciju-par-bezvalstnieka-statusu#p24&pd=1 (LV)
IOB	1	b		If yes, when was ratification/ accession?		The Law on ratification was adopted in Saeima (parliament) on 16 Sept 1999, came into force on 5 Oct 1999. The Convention came into force on 6 Feb 2000 in accordance with Article 39.	Par 1954.gada 28.septembra Konvenciju par bezvalstnieka status (Law on Ratification of 1954 Convention), 1998: https://likumi.lv/ta/id/16113-par-1954-gada-28-septembra-konvenciju-par-bezvalstnieka-statusu#p24&pd=1 (LV)
IOB	1	c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	Arts 24(1)(b) & 27 shall be in force and implemented, if the state legal acts do not provide different regulations.	Par 1954.gada 28.septembra Konvenciju par bezvalstnieka status (Law on Accession to the 1954 Convention), 1998: https://likumi.lv/ta/id/16113-par-1954-gada-28-septembra-konvenciju-par-bezvalstnieka-statusu#p24&pd=1 (LV)
IOB	1	d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Based on its “monism” legal regime, international agreements in Latvia, including the Convention, have direct effect on enactment of the ratification/accession.	Par Latvijas Republikas starptautiskajiem līgumiem (On International Treaties of the Republic of Latvia), 2016, Art. 13: https://likumi.lv/ta/en/en/id/57840-on-international-treaties-of-the-republic-of-latvia
IOB	2	a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	Yes	Par Konvenciju par precētu sieviešu pilsonību, Konvenciju par bezvalstniecības samazināšanu un Konvenciju pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem

							(Notification of accession), 2011: https://likumi.lv/ta/id/235072-par-konvenciju-par-precetu-sieviesu-pilsonibu-konvenciju-par-bezvalstniecibas-samazinasanu-un-konvenciju-pret-spidzinasanu-un-c (LV)
IOB	2	b		If yes, when was ratification/accession?		Accession on 4 May 1990 with the Declaration on the Accession of the Republic of Latvia to the International Law Documents in Human Rights Matters (came into force on 22 May 1990). The Convention came in force on 13 July 1992.	Par Konvenciju par precētu sieviešu pilsonību, Konvenciju par bezvalstniecības samazināšanu un Konvenciju pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem (Notification of accession), 2011: https://likumi.lv/ta/id/235072-par-konvenciju-par-precetu-sieviesu-pilsonibu-konvenciju-par-bezvalstniecibas-samazinasanu-un-konvenciju-pret-spidzinasanu-un-c (LV)
IOB	2	c		Are there reservations in place? Please list them.	As above	No.	
IOB	2	d		Does the Convention have direct effect?	As above	Yes (see IOB 1 d).	Par Latvijas Republikas starptautiskajiem līgumiem (On International Treaties of the Republic of Latvia), 2016, Art. 13: https://likumi.lv/ta/en/en/id/57840-on-international-treaties-of-the-republic-of-latvia
IOB	3	a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	No. Latvia has signed (30.05.2001) but not ratified the Convention.	Par Eiropas Padomes 1997.gada 6.novembra Konvenciju par pilsonību (On the Council of Europe Convention on Nationality of 6 November 1997), 2001: https://likumi.lv/doc.php?id=22239 (LV)

							Chart of signatures and ratifications of Treaty 166 European Convention on Nationality: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/166/signatures?p_auth=FkkTpkvd
IOB	3	b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Yes. Latvia ratified the Convention on 4 June 1997 Law, and it came into force on 13 June 1997. A reservation was entered to Article 1 of Protocol 1 linked to the denationalisation process and restoration of property and land ownership.	Par 1950.gada 4.novembra Eiropas Cilvēka tiesību un pamatbrīvību aizsardzības konvenciju un tās 1., 2., 4., 7. un 11.protokolu: https://likumi.lv/ta/id/43857-par-1950-gada-4-novembra-eiropas-cilveka-tiesibu-un-pamatbrivibu-aizsardzibas-konvenciju-un-tas-1-2-4-7-un-11-protokolu (LV) Reservation concerns Article 1 of Protocol No 1: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/009/declarations?p_auth=9XshAGFs
IOB	3	c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	No.	Chart of signatures and ratifications of Treaty 200 Council of Europe Convention on the avoidance of statelessness in relation to State succession: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200/signatures?p_auth=FkkTpkvd
IOB	3	d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU	Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)	Yes. No reservations.	Eiropas Parlamenta un Padomes Direktīva 2008/115/EK (2008. gada 16. decembris) par kopīgiem standartiem un procedūrām dalībvalstīs attiecībā uz to trešo valstu valstspiederīgo

				Returns Directive). Please list any relevant reservations.			atgriešanu, kas dalībvalstī uzturas nelikumīgi: https://eur-lex.europa.eu/legal-content/LV/NIM/?uri=CELEX:32008L0115
IOB	3	e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child 1989	Yes, since 14 April 1992. No reservations.	<p>Par Apvienoto Nāciju Organizācijas Konvencijas par bērna tiesībām tulkojuma publicēšanu: https://likumi.lv/ta/id/270559-par-apvienoto-naciju-organizācijas-konvencijas-par-berna-tiesibam-tulkojuma-publicesanu (LV)</p> <p>UN Treaty Collection: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en</p> <p>UN Human Rights, STATUS OF RATIFICATION INTERACTIVE DASHBOARD: http://indicators.ohchr.org/</p>

IOB	3	f		State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights 1966	Yes, since 14 July 1992. No reservations.	<p>Starptautiskie daudzpusējie līgumi, kuriem Latvijas Republika pievienojusies pēc 1990.gada 4.maija: https://likumi.lv/ta/id/19551-starptautiskie-daudzpusejie-ligumi-kuriem-latvijas-republika-pievienojusies-pec-1990-gada-4-maija (LV)</p> <p>Par Latvijas Republikas kārtējo ziņojumu par 1966.gada Starptautiskā pakta par pilsoniskajām un politiskajām tiesībām izpildi Latvijā Republikā laikposmā no 1995.gada līdz 2002.gada 1.janvārim: https://likumi.lv/ta/id/67717-par-latvijas-republikas-kartejo-zinojumu-par-1966-gada-starptautiska-pakta-par-pilsoniskajam-un-politiskajam-tiesibam-izpildi-l (LV)</p> <p>UN Human Rights, STATUS OF RATIFICATION INTERACTIVE DASHBOARD: http://indicators.ohchr.org/</p>
IOB	3	g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights 1966	Yes, since 14 July 1992. No reservations.	<p>Starptautiskie daudzpusējie līgumi, kuriem Latvijas Republika pievienojusies pēc 1990.gada 4.maija: https://likumi.lv/ta/id/19551-starptautiskie-daudzpusejie-ligumi-kuriem-latvijas-republika-pievienojusies-pec-1990-gada-4-maija (LV)</p> <p>UN Human Rights, STATUS OF RATIFICATION INTERACTIVE</p>

							DASHBOARD: http://indicators.ohchr.org/
IOB	3	h	State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women 1979 Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness.	Yes, since 14 May 1992. No reservations.		UN Human Rights, STATUS OF RATIFICATION INTERACTIVE DASHBOARD: http://indicators.ohchr.org/
IOB	3	i	State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Yes, since 14 May 1992. No reservations.	Par Konvenciju par precētu sieviešu pilsonību, Konvenciju par bezvalstniecības samazināšanu un Konvenciju pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem: https://likumi.lv/ta/id/235072-par-konvenciju-par-precetu-sieviesu-pilsonibu-konvenciju-par-bezvalstniecibas-samazinasanu-un-konvenciju-pret-spidzinasanu-un-c (LV)	Starptautiskie daudzpusējie līgumi, kuriem Latvijas Republika pievienojusies pēc 1990.gada 4.maija: https://likumi.lv/ta/id/19551-starptautiskie-daudzpusejie-ligumi-kuriem-latvijas-republika-pievienojusies-pec-1990-gada-4-maija (LV)
							UN Human Rights, STATUS OF RATIFICATION INTERACTIVE DASHBOARD: http://indicators.ohchr.org/

International and Regional Instruments – 2019

IOB	3	j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination 1965	Yes, since 14 May 1992. No reservations.	Starptautiskie daudzpusējie līgumi, kuriem Latvijas Republika pievienojusies pēc 1990.gada 4.maija: https://likumi.lv/ta/id/19551-starptautiskie-daudzpusejie-ligumi-kuriem-latvijas-republika-pievienojusies-pec-1990-gada-4-maija (LV) UN Human Rights, STATUS OF RATIFICATION INTERACTIVE DASHBOARD: http://indicators.ohchr.org/
IOB	3	k		State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990	No.	UN Human Rights, STATUS OF RATIFICATION INTERACTIVE DASHBOARD: http://indicators.ohchr.org/

Statelessness Population Data

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP	1	a	Availability and sources	Does the Government have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p>Gen. Rec. 32, CEDAW: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union (2015): Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p>UNHCR (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>Institute on Statelessness and Inclusion (2014): States should strengthen measures to count stateless persons on their territory.</p>	<p>Yes, it does. Government data from the Population Register records: 169 Latvian, 12 Estonian, 3 Uzbek, 3 Belarussian and 1 Finnish 'stateless' person in Latvia as of 1 January 2020</p> <p>The Population Register data is disaggregated by country and ethnic origin as well as nationality status. As well as 'stateless', other nationality categories include: Latvian citizen, Latvian non-citizen, Latvian alternative (subsidiary status), Latvian stateless, Latvian refugee, Latvian temporary protection, Estonian non-citizens, Estonian stateless, Belarus stateless, Finland stateless, Uzbekistan stateless and 'not indicated' (<i>nav norādīta</i>).</p>	<p>Office of Citizenship and Migration Affairs, Latvijas iedzīvotāju sadalījums pēc valstiskās piederības, 1 Jan 2020: https://www.pmlp.gov.lv/lv/assets/ISVP_Latvija_pec_VPD_2020.pdf (LV)</p> <p>Office of Citizenship and Migration Affairs, Latvijas iedzīvotāju sadalījums pēc nacionālā sastāva un valstiskās piederības, 1 January 2020 https://www.pmlp.gov.lv/lv/assets/ISVP_Latvija_pec_VPD_2020.pdf (LV)</p>
POP	1	b		Do government authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	<p>Yes. There is a separate legal category of residents called "non-citizens" (<i>nepilsonis</i>) under Latvian law, who are former USSR citizens and their descendants who have not received citizenship automatically, obtained citizenship through naturalisation or other means, or taken another country's citizenship since the restoration of Latvian independence. Their status is defined under 25 April 1995 Law on the Status of those Former USSR Citizens who do not have the Citizenship of Latvia or that of Any Other State ("Non-citizens"). According to the Government, there are 216,682 'non-citizens' in Latvia. Data on 'non-citizens' (as well as other</p>	<p>Par to bijušās PSRS pilsoņu statusu, kuriem nav Latvijas vai citas valsts pilsonības (On the Status of those Former U.S.S.R. Citizens who do not have the Citizenship of Latvia or that of any Other State) https://likumi.lv/doc.php?id=77481 (LV – ENG translation available)</p> <p>Office of Citizenship and Migration Affairs, Latvijas iedzīvotāju sadalījums pēc nacionālā sastāva un valstiskās piederības, 1 January 2020: https://www.pmlp.gov.lv/lv/assets/ISV N_Latvija_pec_TTB_VPD_2020.pdf (LV)</p>

Statelessness Population Data – 2019

						<p>citizenship categories) is disaggregated in the Population Register by ‘ethnic origin’. On 1 January 2020, of the 220,491 Latvian ‘non-citizens’: 141,939 were Russian, 29,796 Belarussian, 21,491 - Ukrainian, 7,617 - Polish, 5,228 - Lithuanian, 961 - Tatar, 716 - Armenian, 673 - Azeri, 492 - Latvia, etc. Some ‘ethnicity’ categories overlap with ‘national origin’ e.g. Afghan, Algerian, American etc. Some categories may capture stateless people who have not been recognised under the SDP. There are also people with ‘unknown’ ethnic origin (64), and ‘not chosen’ (810).</p>	
POP	1	c		<p>What is UNHCR’s estimate for the stateless/at risk of statelessness population and what is the source for this estimate?</p>	<p>As above</p>	<p>UNHCR in its latest Global Trends report (2017) provides two separate figures for the ‘population under its statelessness mandate’ in Latvia at the end of 2017: “<i>bezvalstnieks</i>” – stateless person under the Latvian Law on Stateless Persons of 17 February 2004 (174) and “<i>nepilsonis</i>” – ‘non-citizens’ under the 25 April 1995 Law on the Status of those Former USSR Citizens who are not Citizens of Latvia or Any Other State (224,670). The source of this data is the Population Register maintained by the Office of the Citizenship and Migration Affairs. It provides an explanation for the data listed in a footnote: “Non-citizens” enjoy the right to reside in Latvia ex lege and a set of rights and obligations generally beyond the rights prescribed by the 1954 Convention relating to the Status of Stateless Persons, including protection from removal, and as such the “Non-citizens” may currently be considered</p>	<p>UNHCR Global Trends 2018, Annex Table 1. Persons under UNHCR’s statelessness mandate, 2018 (see also footnotes to figures): https://www.unhcr.org/statistics/unhcrstats/5d08d7ee7/unhcr-global-trends-2018.html</p>

Statelessness Population Data – 2019

						persons to whom the Convention does not apply in accordance with Article 1.2(ii).”	
POP	1	d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	No, no survey or mapping study of statelessness in Latvia has been published. Figures cited by different international bodies are based on the Population Register in Latvia.	
POP	1	e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	No.	
POP	1	f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	The reliability of stateless data in Latvia depends on the interpretation of “non-citizen” status, and the definition of a stateless person in Latvia. People who fall under either category in Latvian law (‘stateless person’ or ‘non-citizen’) are stateless under international law (Article 1(1) of the 1954 Convention). Although ‘non-citizens’ are granted rights (and a route to naturalisation if they can meet certain conditions) that go beyond the minimum rights prescribed by the 1954 Convention, they are not entitled to ‘equivalent rights’ to Latvian nationals). There are important differences distinguishing non-citizens from citizens, including a lack of political rights and some restrictions on employment and land ownership. Moreover, ‘non-citizens’ in Latvia clearly lack a nationality and therefore meet the definition of a	<p>Martins Paporinskis, Policy Brief requested by the LIBE Committee of the European Parliament, Political and Electoral Rights of Noncitizen Residents in Latvia and Estonia: Current Situation and Perspectives, April 2018: http://www.europarl.europa.eu/RegData/etudes/BRIE/2018/604953/IPOL_BRI(2018)604953_EN.pdf</p> <p>ENS (2015), Ending Childhood Statelessness: A Study on Latvia, p.3: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf</p> <p>UN High Commissioner for Refugees (UNHCR), Information and Accession Package: The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, January 1999, p.11:</p>

						<p>stateless person under international law regardless of any question of whether they should be excluded from protection under the 1954 Convention. Protection under the Convention and the definition of a stateless person should not be confused, as the international legal definition applies at the moment in time in which it is determined, regardless of whether the stateless person is able to acquire rights and a nationality at a later date, or whether they are deemed to be excluded from protection under the Convention, which is a separate legal consideration. Nonetheless, Latvian law deals with the two groups separately. Latvian courts have stated that non-citizens cannot be considered as stateless persons: “Latvian non-citizens can be regarded neither as the citizens, nor the ‘aliens’ and stateless persons but as persons with “a specific legal status”. The Constitutional Court held that ‘non-citizen’ is ‘a category unknown in international law’ due to the scope of rights held by this group in Latvia. In 2008, the Latvian Supreme Court Senate stated that, as a ‘non-citizen’ has a broad scope of social and economic rights, assigning them the status of a stateless person would contradict the 1954 Convention, adopted to provide social and economic protection to persons without any status. It held that Article 1(2)(ii) (exclusion clause) of the Convention applies.</p>	<p>https://www.refworld.org/docid/3ae6b3350.html</p> <p>The Constitutional Court of the Republic of Latvia, Riga, March 7, 2005 JUDGMENT in the name of the Republic of Latvia in case No 2004-15-0106, Para 15.: http://www.satv.tiesa.gov.lv/wp-content/uploads/2004/07/2004-15-0106_Spriedums_ENG.pdf</p> <p>SKA – 472/2008, 3 October 2008 (Supreme Court Judgement): https://www.tiesas.lv/nolemumi/pdf/11451.pdf (LV)</p> <p>UNHCR Global Trends 2017, Table 7. Persons under UNHCR’s statelessness mandate, 2017 (footnote): http://www.unhcr.org/search?comid=56b079c44&&cid=49aea93aba&tags=globaltrends</p>
--	--	--	--	--	--	--	---

Statelessness Population Data – 2019

						UNHCR distinguishes between the two categories but has consistently considered them both to constitute ‘persons under its statelessness mandate’. However, in 2017, in a footnote in its Global Trends Report, it stated: “In the specific context of Latvia, the “Non-citizens” enjoy the right to reside in Latvia ex lege and a set of rights and obligations generally beyond the rights prescribed by the 1954 Convention relating to the Status of Stateless Persons, including protection from removal, and as such the “Non-citizens” may currently be considered persons to whom the Convention does not apply in accordance with Article 1.2(ii).” See above (POP 1 g).	
POP	1	g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the Govt also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above	Data on asylum seekers by country of origin, gender, age, status granted (refugee/subsidiary status) is available upon request from the Office of Citizenship and Migration Affairs, but this is not routinely published. Data on asylum seekers by country of origin is shared with and published by UNHCR.	Written response by the Office of Citizenship and Migration Affairs to Letter 2018-39 by the LCHR. UNHCR, Population Statistics: asylum-seekers (refugee status determination): http://popstats.unhcr.org/en/asylum_seekers
POP	2	a	Stateless in detention data	Does the Government record and publish figures on stateless people held in immigration detention? If yes, please provide.	As above and see also norms in Detention section.	Data on detention is not routinely published. Data on the number of detainees by nationality is available on request from the State Border Guard. In 2018, for example, a total of 312 people were detained in immigration detention.	Email from the State Border Guard to LCHR on 24 January 2019.

Statelessness Population Data – 2019

POP	2	b		Does the Government record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	Data on detention is not routinely published. Data on the number of individuals released from immigration detention who were unremovable is not available.	
-----	---	---	--	--	----------	--	--

Statelessness Determination and Status

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS	1	a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	UN Convention Relating to the Status of Stateless Persons, 1954 : Articles 1(1) & 1(2).	<p>Article 2.1 of the Law on Stateless Persons states that someone may be recognised as a stateless person in the Republic of Latvia ‘if some other state has not recognised the person as a citizen thereof in accordance with the laws of such state.’ The Citizenship Law defines a stateless person as ‘someone who is not considered a citizen by any state in accordance with the laws thereof, except a person who is a subject of the Law On the Status of those Former USSR Citizens who do not have the Citizenship of Latvia or that of any Other State . Aside from excluding ‘non-citizens’ from the definition of a stateless person, the formulation ‘in accordance with the laws thereof’ is narrower than the 1954 Convention, which defines a stateless person as someone ‘not considered a national of any state under the operation of its laws’. There is also a special provision in the Law on Stateless Persons requiring the absence of guarantees from another state to grant citizenship for those who have lost ‘non-citizen’ status.</p> <p>The status of ‘non-citizens’ is defined under On the Status of those Former USSR Citizens who do not have the Citizenship of Latvia or that of any Other State, which defines this group as former Soviet citizens who were registered as living on the territory of Latvia on 1 July 1992, or their last registered place of</p>	<p>Law on Stateless Persons, 2007, Article 2.1 & 2.2: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p> <p>Citizenship Law, 2013: https://likumi.lv/ta/en/id/57512-citizenship-law</p> <p>UN Convention Relating to the Status of Stateless Persons, 28 September 1954, United Nations, Treaty Series, vol. 360, p. 117, Article 1: https://www.refworld.org/docid/3ae6b3840.html</p> <p>Par to bijušās PSRS pilsoņu statusu, kuriem nav Latvijas vai citas valsts pilsonības (On the Status of those Former U.S.S.R. Citizens who do not have the Citizenship of Latvia or that of any Other State), 2007: https://likumi.lv/doc.php?id=77481 (LV – ENG translation available)</p> <p>UN High Commissioner for Refugees (UNHCR), Information and Accession Package: The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, January 1999, p.11: https://www.refworld.org/docid/3ae6b3350.html</p>

					<p>residence before that date was on the territory of Latvia, and their children, provided that they have no other citizenship.</p> <p>People who fall under either category in Latvian law ('stateless person' or 'non-citizen') are stateless under international law (Article 1(1) of the 1954 Convention). Although 'non-citizens' are granted rights (and a route to naturalisation if they can meet certain conditions) that go beyond the minimum rights prescribed by the 1954 Convention, they are not entitled to 'equivalent rights' to Latvian nationals. There are important differences distinguishing non-citizens from citizens, including a lack of political rights and restrictions on employment and property ownership. Moreover, 'non-citizens' in Latvia clearly lack a nationality and therefore meet the definition of a stateless person under international law regardless of whether they should be excluded from protection under the 1954 Convention. Protection under the Convention and the definition of a stateless person should not be confused, as the international legal definition applies at the moment in time in which it is determined, regardless of whether the stateless person is able to acquire rights and a nationality at a later date, or whether they are deemed to be excluded from protection under the Convention, which is a separate legal consideration.</p>	<p>UN High Commissioner for Refugees (UNHCR), UNHCR Submission on Latvia: UPR 24th Session, July 2015, p.12: https://www.refworld.org/docid/5a12da012.html</p> <p>The Constitutional Court of the Republic of Latvia, Riga, March 7, 2005 JUDGMENT in the name of the Republic of Latvia in case No 2004-15-0106, Para 15.: http://www.satv.tiesa.gov.lv/wp-content/uploads/2004/07/2004-15-0106_Spriedums_ENG.pdf</p> <p>SKA – 472/2008, 3 October 2008 (Supreme Court Judgement): https://www.tiesas.lv/nolemumi/pdf/11451.pdf (LV)</p>
--	--	--	--	--	--	--

						<p>Nonetheless, Latvian law deals with the two groups separately. Latvian courts have stated that non-citizens cannot be considered as stateless persons: “Latvian non-citizens can be regarded neither as the citizens, nor the aliens and stateless persons but as persons with “a specific legal status”. The Constitutional Court held that ‘non-citizen’ is ‘a category unknown in international law’ due to the scope of rights held by this group in Latvia. In 2008, the Latvian Supreme Court Senate stated that, as a non-citizen has a broad scope of social and economic rights, assigning them the status of a stateless person would contradict the 1954 Convention, adopted to provide social and economic protection to persons without any status. It held that Article 1(2)(ii) (exclusion clause) of the Convention applies.</p>	
--	--	--	--	--	--	---	--

SDS	1	b	Existence of a dedicated SDP	<p>Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated.</p> <p>1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure (proceed to Question 2a).</p> <p>2. There is no dedicated SDP but there are other administrative procedures through which statelessness can be identified (e.g. residence permit or naturalisation applications, refugee status determination, ad hoc procedures) (proceed to Question 10a).</p>	<p>UNHCR (2014) : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p> <p>UNHCR (2016): Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.</p>	<p>#1 - There is a dedicated statelessness determination procedure (SDP) established in law.</p>	<p>Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p>
-----	---	---	------------------------------	---	--	--	---

				<p>3. There is a dedicated Stateless Status but no formal procedure for determining this (proceed to Question 16a).</p> <p>4. None of the above. Are there other possibilities for stateless people to regularise their stay without their statelessness being determined (proceed to Question 17a)?</p>			
SDS	2	a	Access to procedure	<p>Is the examination of statelessness claims conducted by a dedicated, centralised body with relevant expertise? Please note the competent authority and evaluate appropriateness to national context.</p>	<p>UNHCR (2014) : States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise. UNHCR (2016): It is important that examiners develop expertise while ensuring that the procedures are accessible.</p>	<p>Office of Citizenship and Migration Affairs (OCMA) is the competent authority. OCMA is also the competent authority for determining ‘non-citizen’ status. The information in the remainder of this section does not apply to those who hold ‘non-citizen’ status, but a person who has lost ‘non-citizen’ status shall be recognised as stateless if they do not hold another citizenship or guarantee of acquiring one.</p>	<p>Law on Stateless Persons, 2007, Article 2.2: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p> <p>Latvijas nepilsoņa statusa noteikšanas kārtība (Cab.Reg. No 1011 Procedures for Determination of the Status of Non-citizen of Latvia) https://likumi.lv/doc.php?id=98072 (LV – ENG available)</p> <p>Office of Citizenship and Migration Affairs website: https://www.pmlp.gov.lv/lv/sakums/pakalpojumi/nepilsona-bezvalstnieka-statuss/bezvalstnieka-statuss-iegusana.html (LV)</p>

SDS	2	b		Are there clear, accessible instructions on how to make a claim of statelessness?	<p>UNHCR (2014): For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.).</p> <p>UNHCR (2016): Information on the procedure and counselling services must be available to potential applicants in a language they understand.</p>	Instructions on how to make a claim are accessible in Latvian only on the OCMA website. Instructions on how to fill out the relevant form can be provided by phone, email (pskn@pmlp.gov.lv) and in person. There is no public information about the SDP available in other languages.	Office of Citizenship and Migration Affairs website, Bezvalstnieka statusa iegūšana (Obtaining stateless person status): https://www.pmlp.gov.lv/lv/sakums/pa_kalpojumi/nepilsona-bezvalstnieka-statuss/bezvalstnieka-statuss-ieigusana.html (LV)
SDS	2	c		Can submissions be made orally and/or in writing in any language?	<p>ENS (2013): Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.</p>	Although it is not expressis verbis mentioned in the Law on Stateless Persons, the option to make an oral submission stems from Article 3.3 of the Law on Submissions. The written application form is in Latvian and no exemptions are provided for in either the Law on Stateless Persons or the Official Language Law. Translations of documents approved by notary can be submitted.	Office of Citizenship and Migration Affairs website, Bezvalstnieka statusa iegūšana (Obtaining stateless person status): https://www.pmlp.gov.lv/lv/sakums/pa_kalpojumi/nepilsona-bezvalstnieka-statuss/bezvalstnieka-statuss-ieigusana.html (LV) Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons Official Language Law, 1999: https://likumi.lv/ta/en/en/id/14740-official-language-law Law on Submissions, 2007, Art. 3(3): https://likumi.lv/ta/en/en/id/164501-law-on-submissions
SDS	2	d		Must a specific application form be used? Please note any difficulties with forms or other inflexible	<p>ENS (2013): Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.</p>	Yes. The form is accessible in Latvian (on the Latvian version of the OCMA website). By law, the stateless person must submit: 1) an application; 2) a personal identification document; 3) a document issued by a foreign competent authority determined by	Office of Citizenship and Migration Affairs website, Bezvalstnieka statusa iegūšana (Obtaining stateless person status): https://www.pmlp.gov.lv/lv/sakums/pa_kalpojumi/nepilsona-bezvalstnieka-statuss/bezvalstnieka-statuss-ieigusana.html (LV)

Statelessness Determination and Status – 2019

				documentation requirements.		OCMA certifying that the person is not a citizen of the relevant state and he or she is not guaranteed the citizenship thereof, or documentary evidence that it is not possible to obtain such a document. If someone is unable to submit the required documentary evidence, the law allows for an official authorised by the Head of OCMA to take a decision based on the documentation available.	statuss/bezvalstnieka-statuss-iegusana.html (LV) Law on Stateless Persons, 2007, Art. 4: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons
SDS	2	e		Are competent authorities authorised to initiate SDPs <i>ex officio</i> ?	UNHCR (2016) : It is recommended that governmental authorities be authorised to initiate procedures <i>ex officio</i> . UNHCR (2014) : Given that individuals are sometimes unaware of SDPs or hesitant to apply, procedures can usefully contain safeguards permitting State authorities to initiate a procedure.	No. Only OCMA is entitled to consider the case on the basis of the application submitted by person.	Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons
SDS	2	f		Are there obligations in law on authorities to consider the application?	UNHCR (2016) : Access to the SDP must be guaranteed.	Yes.	Law on Stateless Persons, 2007, Art. 5: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons
SDS	2	g		Is there an application fee?	UNHCR (2016) : Access to the SDP must be guaranteed.	No.	OCMA website, Pricelist: http://www.pmlp.gov.lv/en/home/services/pricelist/
SDS	2	h		Is there a lawful stay requirement to access the SDP?	UNHCR (2016) : Access to the procedure needs to be open to anyone regardless of lawful stay or residence. ENS (2013) : There is no basis in the 1954 Convention for requiring lawful stay.	No.	Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons Imigrācijas likums (Immigration Law), 2017: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)

Statelessness Determination and Status – 2019

SDS	2	i		Is there a time limit on access to the SDP?	<p>UNHCR (2016): Access to the SDP must be guaranteed and not subject to time limits.</p> <p>ENS (2013): There is no basis in the 1954 Convention to set time limits for individuals to claim stateless status.</p>	No.	Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons
SDS	2	j		Is there training to inform different government bodies about statelessness and SDPs? If yes, please provide details (e.g. who provides training to whom/how often?)	<p>UNHCR Executive Committee (2006): Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.</p>	UNHCR has facilitated ad hoc training workshops on statelessness in cooperation with OCMA, but no public information is available about whether statelessness is embedded in regular training for different government bodies.	OCMA website, UNHCR reģionālā pārstāvniecība sadarbībā ar PMLP dalās pieredzē bezvalstniecības jautājumos (The UNHCR Regional Representation, in cooperation with the OCMA, shares experiences on statelessness): https://www.pmlp.gov.lv/lv/sakums/jaunumi/aktualitates/2018/02/27/unhcr-re%C4%A3ion%C4%81%C4%81-p%C4%81rst%C4%81vniec%C4%ABbasadarb%C4%ABb%C4%81-ar-pmlp-dal%C4%81s-pieredz%C4%93-bezvalstniec%C4%ABbas-jaut%C4%81jumos/
SDS	2	k		Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	<p>UNHCR (2016): Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.</p>	Cooperation does exist between agencies. There is a general obligation in law that requires all other authorities to forward written information to the responsible authority, in this case, OCMA.	Law on Submissions, 2007, Art. 4: https://likumi.lv/ta/en/en/id/164501-law-on-submissions
SDS	3	a	Assessment	Who has the burden of proof in the SDP in law and practice?	<p>UNHCR (2014): The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts).</p> <p>UNHCR (2016): SDPs must take into consideration the difficulties inherent in proving statelessness.</p>	By law the person authorised by the Head of OCMA is entitled to take a decision on stateless status (based on written information approved by OCMA at its disposal) even if the applicant due to reasons beyond his/her control is unable to submit any of the listed documents. Thus, it could be concluded that the burden of proof is shared. This also stems	Law on Stateless Persons, 2007, Art. 4(2): https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons Administratīvā procesa likums (Administrative Procedure Law), 2017: https://likumi.lv/doc.php?id=55567 (LV)

					<p>UNHCR Expert Meeting (2010): Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence.</p> <p>Hoti v. Croatia ECtHR (2018): State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	from the general principle of law within administrative procedures.	
SDS	3	b	What is the standard of proof? Is it the same as in refugee status determination procedures?	<p>UNHCR (2014): States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree').</p> <p>Inter-Parliamentary Union (2018) The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence.</p> <p>Hoti v. Croatia ECtHR (2018): If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.</p>	The standard of proof is the same or lower than in the asylum procedure.	Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons	
SDS	3	c	What measures are in place to guarantee substantive equality for women, children and other groups (e.g. disabled	<p>UNHCR (2014): Due to discrimination, women might face additional barriers in acquiring documentation (e.g. birth certificates or other identification documents). Children may face acute challenges in communicating basic facts with respect to their nationality.</p>	The general principles of law - the primary sources of law in the Latvian legal system - such as the principle of equity, equality, non-discrimination and the obligation to consider the best interests of the child apply. Latvia is also signatory to the UN Convention on the Rights of the Child.	Bērnu tiesību aizsardzības likums (Law on the Protection of Children's Rights), Art. 6(1): https://likumi.lv/doc.php?id=49096 (LV)	

Statelessness Determination and Status – 2019

				people, older people, LGBTQI people, etc.) at risk of discrimination in the SDP?	States must follow the principle of the best interests of the child. Gen. Rec. 32, CEDAW : Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women.		Ceļmale L. Bērņa labāko interešu princips un tā piemērošana praksē. Jurista Vārds, 06.06.2017., Nr. 24 (978), 20.-23.lpp.
SDS	3	d		Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	ENS (2013) : Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.	There is no public information available about whether decision-makers are presented with clear guidance on how to determine statelessness.	
SDS	4	a	Procedural safeguards	Is free legal aid available during the procedure?	UNHCR (2014) : Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013) : If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.	There is no right to legal aid in the Latvian legal system for administrative procedures. Stateless persons have the right to state provided free legal aid for court proceedings, if they have received the status of a low-income or needy person or find themselves in a special situation (Arts. 3(1)(3) & 3(2) of the State Ensured Legal Aid Law). Article 3(1)(6) envisages the provision of state legal aid for those who have the right to such aid in accordance with the international agreements entered into by Latvia. Means test requirements are set by the Cabinet of Ministers Regulation No.1484.	Valsts nodrošinātās juridiskās palīdzības likums (State Ensured Legal Aid Law), Arts. 3(1)(3), 3(2), 3(1)(6): https://likumi.lv/doc.php?id=104831 (LV) https://likumi.lv/ta/en/en/id/104831-state-ensured-legal-aid-law (ENG - not up to date) Regulations Regarding the Eligibility of Persons for State Ensured Legal Aid Taking into Account Their State of Property and Income Level, 2011: https://likumi.lv/ta/id/202841-noteikumi-par-personas-ipasuma-stavokla-un-ienakumu-limena-

Statelessness Determination and Status – 2019

							atbilstibu-valsts-nodrosinatas-juriskas-palidzibas-pieskirsanai
SDS	4	b		Is an interview always offered (unless granting without interview)?	UNHCR (2014) : The right to an individual interview [is] essential.	An interview is only conducted if needed (e.g. to acquire additional information).	Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons
SDS	4	c		Is free interpreting offered for statelessness determination interviews?	UNHCR (2014) : The right to assistance with interpretation/translation [is] essential. ENS (2013) : Assistance should be available for translation and interpretation.	Yes. Interpreters are provided if needed. There is a gap in the law, but in practice interpreting is provided, free of charge. Most stateless persons as evidenced by their ethnic origin recorded in the Population Register (2020) are Russians (96), Ukrainians (16), Roma (10), and Poles (3). As most are former citizens of the USSR who have not regularised their status, interpretation is often provided in Russian, or they speak Latvian. In the last 4-5 years, with the increasing number of asylum seekers arriving in Latvia, relevant state authorities (OCMA, State Border Guard), have been providing interpreting services via interpreters in person, on skype or by phone.	Experience of the Latvian Centre for Human Rights.
SDS	4	d		Are there quality assurance audits of the SDP?	UNHCR (2016) : Quality assurance audits of SDPs are considered good practice.	There is no requirement in the law for quality assurance audits to be carried out and no public information available on this.	
SDS	4	e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training)?	UNHCR (2014) : States are encouraged to guarantee access to UNHCR as a safeguard in the procedure.	UNHCR conducted training on the statelessness determination procedure in 2018. The Latvian Government provides UNHCR with statistical data regarding the stateless population, which is part of the Global Refugee Trends Report. Although there is no specific provision in the Law on Stateless about the role of UNHCR, OCMA does consult UNHCR from time to time on individual cases and UNHCR do get	https://www.pmlp.gov.lv/lv/sakums/ja-unumi/aktualitates/2018/02/27/unhcr-re%C4%A3ion%C4%81%C4%81-p%C4%81rst%C4%81vniec%C4%ABbasadarb%C4%ABb%C4%81-ar-pmlp-dal%C4%81s-pieredz%C4%93-bezvalstniec%C4%ABbas-jaut%C4%81jumos/

Statelessness Determination and Status – 2019

						queries regarding nationality laws and/or practices in different countries.	Information received by LCHR from UNHCR Northern Europe Office representative on 12 February 2020.
SDS	4	f		Are decisions (refusals and grants) given in writing with reasons?	UNHCR (2014) : States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.	Yes.	Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons Administratīvā procesa likums (Administrative Procedure Law), 2017: https://likumi.lv/doc.php?id=55567 (LV)
SDS	4	g		Is there a timeframe for the SDP set in law or policy and is it complied with in practice?	UNHCR (2014) : It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months.	The decision on recognition/refusal is taken within 3 months provided that the relevant documents have been submitted. It can be extended by one month in cases when justified. In practice the term is usually extended.	Law on Stateless Persons, 2007, Art. 5(1) & (2): https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons LCHR practice.
SDS	4	h		Is there a referral mechanism from refugee status determination procedures to the statelessness procedure (e.g. if refused asylum)?	UNHCR (2016) : Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants. ENS (2013) : Cross-referral systems should exist in cases where the two determination procedures (refugee and stateless) are not conducted in a joint framework.	There is no automatic referral in law or practice. A new application is needed, even though the same institution is responsible for both procedures.	Experience of the Latvian Centre for Human Rights.
SDS	5	a	Protection during SDP	Does the applicant have automatic legal admission while their claim for stateless status is assessed or is there a risk of expulsion?	UNHCR (2014) : An individual awaiting a decision is entitled, at a minimum, to all rights based on presence in the territory as well as 'lawfully in' rights (including identity papers, the right to self-employment, freedom of movement, protection against expulsion). It is recommended that	There is no provision in the law regarding automatic legal admission, so the Convention should be applied in these cases. In practice, the applicant has automatic legal admission while their claim for stateless status is assessed. Expulsion is not possible during the process - although it is not provided for in the law, there is no ground for the	Experience of the Latvian Centre for Human Rights.

					<p>individuals receive the same treatment as asylum-seekers.</p> <p>ENS (2013): States should refrain from expelling or removing an individual pending the outcome of the determination process.</p>	<p>application to be assessed if the person is no longer in Latvia.</p>	
SDS	5	b		<p>Do applicants for stateless status have permission to work and access to assistance to meet their basic needs?</p>	<p>UNHCR (2014): Allowing individuals to engage in wage-earning employment can reduce pressure on State resources and contributes to dignity and self-sufficiency. The status of those awaiting statelessness determination must reflect applicable human rights such as, assistance to meet basic needs.</p>	<p>No. Until the decision granting or refusing stateless status the person’s residence in Latvia is regulated by the Immigration Law, under which a person can only be employed in Latvia if the decision on granting the status of the stateless is positive. There is no provision in law for applicants under the SDP to access support and assistance. The Law on Social Services and Social Assistance states that only foreigners who have received a permanent residence permit or have been granted the status of a permanent resident of the EU in Latvia have the right to receive social services and assistance. Under the Healthcare Financing Law, everyone is entitled to emergency medical care and the right to minimum state-funded medical care is ensured to stateless persons. In LCHR’s experience, applicants for stateless status have been placed in municipal crises centre, which provide short-term (about 6 months) shelter and basic services for people in crisis.</p>	<p>Imigrācijas likums (Immigration Law), 2017, Art. 9: https://likumi.lv/ta/id/68522-imigrācijas-likums (LV)</p> <p>Law on Social Services & Social Assistance, 2017, Art. 3(1)(2): https://likumi.lv/ta/en/en/id/68488-law-on-social-services-and-social-assistance</p> <p>Veselības aprūpes finansēšanas likums (Healthcare Financing Law), 2018, Art. 7 & Art. 9(1)(3): https://likumi.lv/doc.php?id=296188 (LV)</p> <p>LCHR practice.</p>
SDS	5	c		<p>Do applicants for stateless status face a risk of detention?</p>	<p>UNHCR (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Detention is a measure of last resort and can only be justified where other less invasive or coercive measures</p>	<p>The Immigration Law establishes that people can only be detained in the case of a removal procedure.</p>	<p>Imigrācijas likums (Immigration Law), 2017, Art. 51: https://likumi.lv/ta/id/68522-imigrācijas-likums (LV)</p>

Statelessness Determination and Status – 2019

					have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention.		
SDS	6	a	Appeals	Is there an automatic right of appeal?	UNHCR (2014) : An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.	The law provides for a right of appeal in case of refusal to the Head of OCMA, and then, if refused, before a court.	Law on Stateless Persons, 2007, Art. 5(3) & (4): https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons
SDS	6	b		Is legal aid available for appeals?	UNHCR (2014) : The applicant should have access to legal counsel and, where free legal assistance is available, it should be offered to applicants without financial means. ENS (2013) : Applicants should have access to legal counsel both at first instance and on appeal.	There is no right to legal aid for the initial administrative appeal to OCMA, but there is for court proceedings.	Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons Valsts nodrošinātās juridiskās palīdzības likums (State Ensured Legal Aid Law): https://likumi.lv/doc.php?id=104831 (LV) https://likumi.lv/ta/en/en/id/104831-state-ensured-legal-aid-law (ENG - not up to date)
SDS	6	c		Is there a fee for the appeal application?	UNHCR (2014) : An effective right to appeal against a negative first instance decision is an essential safeguard.	Yes. There is a fee of 60 EUR for the submission of an appeal application, but the court or judge, taking into account the financial situation of a natural person, may decrease the amount of the state fee.	Administratīvā procesa likums (Administrative Procedure Law), 2017, Art. 124(2) & 128(3): https://likumi.lv/doc.php?id=55567 (LV)
SDS	6	d		Is there any evidence of significant errors in decision-making?		There is no public information about the quality of decision making.	
SDS	7	a	Stateless status	Does recognition of statelessness result immediately in automatic permission to stay/legal status? If not, please describe any additional requirements.	UNHCR (2014) : The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.	Yes. Recognition of statelessness under the SDP results in the granting of stateless status. There are no additional requirements.	Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons

SDS	7	b		How long is initial status granted for and is it renewable?	UNHCR (2014) : It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.	A stateless person has the right to request a temporary residence permit for a period of time not exceeding five years. A foreigner has the right to request a permanent residence permit if they have continuously resided in Latvia with a temporary residence permit for at least five years prior to the end of the term of the last temporary residence permit. This right is also dependant on whether they have acquired the official state language (Latvian).	Imigrācijas likums (Immigration Law), 2017, Arts. 23 & 24: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)
SDS	7	c		Is a travel document issued to people recognised as stateless?	UN Convention Relating to the Status of Stateless Persons, 1954 , Article 28.	Yes.	Law on Stateless Persons, 2007, Art. 6(2): https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons Information on OCMA website about acquiring a stateless travel document: http://www.pmlp.gov.lv/lv/sakums/pakalpojumi/personu-apliecinosi-dokumenti/pases/pases/bezvalstnieka-celosanas-dokuments.html (LV)
SDS	7	d		Do people recognised as stateless have a right to family reunification?	UNHCR (2014) : Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunion of those with recognised stateless status in their territory with their spouses and dependents.	Family members must apply for a residence permit or status under the Immigration Law. There are no family reunion provisions specific to stateless people. General rules for family reunification for third-country nationals apply (in line with the EU Family Reunification Directive).	Imigrācijas likums (Immigration Law), 2017, Art. 23: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)
SDS	7	e		On what grounds (if any) may residence status granted to stateless people be revoked?	UNHCR (2014) : If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State, they will cease to be stateless under the 1954 Convention.	If the person obtains a nationality, or if they provided false information and obtained the status of a stateless person unjustifiably.	Law on Stateless Persons, 2007, Art. 8: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons

					This may justify the cancellation of a residence permit on the basis of statelessness, although proportionality considerations under international human rights law, such as the right to a private and family life should be taken into account.		
SDS	7	f		Do people granted stateless status have permission to work?	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 17 UNHCR (2014) : The right to work must accompany a residence permit.	Yes.	Imigrācijas likums (Immigration Law), 2017, Art. 9: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)
SDS	7	g		Do people granted stateless status have access to primary, secondary, and higher education?	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 22	Yes, a stateless person has the same access to education as a national and primary education is mandatory for all in Latvia. A stateless person who resides in the Republic of Latvia legally has the rights specified in the Convention Relating to the Status of Stateless Persons of 28 September 1954. Every person regardless of age who has acquired a school report of basic education is entitled to begin acquisition of the general secondary educational programme. Secondary education is free and higher education is accessed for a fee agreed upon between a stateless person and the higher educational establishment.	Izglītības likums (Education Law), Art. 3(1)(5) & 32(1): https://likumi.lv/doc.php?id=50759 (LV) Vispārējās izglītības likums (General Education Law), 1999, Art. 41(1), 12(4): https://likumi.lv/ta/id/20243-visparejas-izglitibas-likums (LV) Law on Stateless Persons, 2007, Section 7(2): https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons Par 1954.gada 28.septembra Konvenciju par bezvalstnieka statusu: https://likumi.lv/doc.php?id=16113 (LV)

SDS	7	h		Do people granted stateless status have access to social security and healthcare?	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Articles 23 & 24</p> <p>UNHCR (2014): The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.</p>	<p>Persons granted stateless status are not explicitly mentioned in the law on social security, but the right to social insurance and the right to minimum defined preventive and curative health care prescribed by law apply to all persons whose place of residence is the territory of Latvia. Persons granted stateless status have the right to receive minimum state-funded medical care.</p>	<p>Par sociālo drošību (On Social Security), 1995, Arts. 3, 5 & 6: https://likumi.lv/ta/en/en/id/36850-on-social-security (LV)</p> <p>Veselības aprūpes finansēšanas likums (Healthcare Financing Law), 2018, Art. 8(1) & Art. 9(1)(3): https://likumi.lv/doc.php?id=296188 (LV)</p>
SDS	8	a	Access to nationality	In what timeframe do stateless people acquire the right to apply for naturalisation and how does this compare to others with a foreign nationality?	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Article 32</p> <p>UNHCR (2016): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons.</p> <p>Council of Europe Committee of Ministers (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.</p> <p>ENS (2013): The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.</p>	<p>The residence requirement is five years' permanent residence. An interruption of one year in total is permitted, but not during the last year. The total time required for stateless persons to acquire the right to apply for naturalisation is therefore ten years: five years as a stateless person plus five years of permanent residence. Other persons with a foreign nationality may apply for naturalisation in the following terms:</p> <p>a. If spouse of a Latvian citizen or non-citizen, the person can apply for a residence permit for one year, then for four years, then for permanent residence (same applies for children);</p> <p>b. any other foreigner must apply for temporary residence each year for five years running, then the person may apply for a permanent residence permit or EU resident status in Latvia and after five years' permanent residence the person can apply for naturalisation. Thus, the total time for other foreigners is also ten years.</p>	<p>Citizenship Law, 2013, Art 12(1)(1) & (5): https://likumi.lv/ta/en/en/id/57512</p>

Statelessness Determination and Status – 2019

SDS	8	b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from accessing nationality? If yes, please describe.	Council of Europe Committee of Ministers (1999) : States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.	Yes, criminal convictions are a bar to naturalisation, but there is an exemption if the conviction has been rendered without complying with the principle of fair trial or of proportionality of the punishment as specified by Cabinet of Ministers. There is no good character clause.	Citizenship Law, 2013, Section 11: https://likumi.lv/ta/en/en/id/57512
SDS	8	c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements? Please describe the requirements and cost of the procedure for stateless people.	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 32 UNHCR (2016) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. Council of Europe Committee of Ministers (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory.	Requirements for naturalisation include Latvian language proficiency, knowledge of the basic principles of the Constitution, national anthem, basics of Latvian history and culture, legal source of income, and confirmation the person does not have the nationality of another country. There are no exemptions for stateless persons. The only exemption is applied generally to persons over 65 years who do not need to complete the written part of the test (essay). The naturalisation fee is 28.64 EUR. There are certain categories of persons who are exempt from naturalisation fees, including persons with severe disability, orphans, children who have remained without parental care, etc. There is also a reduced naturalisation fee of 4.27 EUR for certain categories of persons, namely persons in need, registered unemployed, family members with three or more minor children, pensioners, persons medium and minor disability, and certain categories of students.	Citizenship Law, 2013, Section 12: https://likumi.lv/ta/en/en/id/57512 Cabinet of Ministers Regulations Nr. 849 Regulation on State Fee for the Submission of Naturalisation Application, 2013, Section 2-4 https://likumi.lv/ta/id/259981

Detention

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET	1	a	Detention screening	Are immigration detention powers provided for in law? Please provide the legal source(s).	ICCPR Article 9(1) ECHR Article 5 (1)	Yes, under Section 51 of the Immigration Law and Section 16 of the Asylum Law.	Imigrācijas likums (Immigration Law), 2017, Section 51: https://likumi.lv/ta/id/68522-imigracijas-likums (LV) Asylum Law, 2017, Section 16: https://likumi.lv/ta/en/en/id/278986-asylum-law
DET	1	b		Does domestic law allow immigration detention for purposes other than those listed under ECHR 5(1)(f)?	ECHR Article 5(1)(f)	No.	
DET	1	c		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	ICCPR Article 7: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment. Auad v Bulgaria ECtHR (2011) : The only issue is whether the authorities were sufficiently diligent in their efforts to deport the applicant. EU Returns Directive : Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.	No, the law does not provide for the identification of a proposed country as an obligatory precondition for detention even for the purpose of removal. Practice differs depending on the assessment of absconding risk and/or threat to national security. In non-refoulement cases the person shall not be detained.	Imigrācijas likums (Immigration Law), 2017: https://likumi.lv/ta/id/68522-imigracijas-likums (LV) Asylum Law, 2017: https://likumi.lv/ta/en/en/id/278986-asylum-law
DET	1	d		Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	Auad v Bulgaria ECtHR (2011) Mikolenko v. Estonia ECtHR (2009) : Detention may only be justified as long as deportation proceedings are being conducted with due diligence. UNHCR (2014) : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Equal Rights Trust (2012) : States must identify stateless persons within their territory or subject to their	If the statelessness fact is established by the state, the person shall not be detained solely on the statelessness ground. In any case, until statelessness is considered, the person could be detained if there is a risk of absconding or threat to national security and there is no legal ground for the person to stay in the country. The statelessness of a person is considered first.	Imigrācijas likums (Immigration Law), 2017: https://likumi.lv/ta/id/68522-imigracijas-likums (LV) Asylum Law, 2017: https://likumi.lv/ta/en/en/id/278986-asylum-law

Detention – 2019

					jurisdiction as a first step towards ensuring the protection of their human rights. International Commission of Jurists (2014) : The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.		
DET	1	e		Are stateless people detained in practice?		There is no recent public information about stateless people being detained in practice, but in LCHR's experience there were such cases in 2014.	Latvian Centre for Human Rights (2015) The return of Third Country Nationals: Standards and their Implementation in Latvia: http://cilvektiesibas.org.lv/media/attachments/01/12/2015/Latvian_report_korekturai_COR_NEWNEW.pdf
DET	1	f		Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives have been exhausted in each individual case?	UNHCR (2014) : Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. EU Returns Directive : Article 15(1)	The Asylum Law provides that restrictive measures shall be applied taking into account the individual circumstances of the case and the principle of proportionality. There is currently only one alternative to detention: regular registration with the State Border Guard. Article 51 of the Immigration Law allows for detention on grounds other than the violation of the obligation to register with the State Border Guard, implying indirectly that the obligation to register shall be imposed first. However, there is no clear provision stating that detention should be a measure of last resort.	Asylum Law, 2017, Section 13 & 14: https://likumi.lv/ta/en/en/id/278986-asylum-law Imigrācijas likums (Immigration Law), 2017, Art. 51: https://likumi.lv/ta/id/68522-imigracijas-likums (LV) Noteikumi par ārzemnieka piespiedu izraidīšanu, izceļošanas dokumentu un tā izsniegšanu (Regulations Regarding Forced Return of Foreigners, Standard Travel Document and the Issue Thereof), 2011: https://likumi.lv/ta/id/232351-noteikumi-par-arzemnieka-piespiedu-izraidisanu-izcelosanas-dokumentu-un-ta-izsniegšanu (LV)
DET	1	g		Are individual vulnerability	ENS (2015) : Arbitrary and disproportionately lengthy detention	Yes, the law obliges the state to carry out individual health assessments.	Imigrācijas likums (Immigration Law), 2017, Art. 57 & 59:

				<p>assessments carried out before a decision to detain (or soon after)? Please note whether statelessness is considered to be a factor increasing vulnerability.</p>	<p>can ensue when the particular vulnerabilities of stateless people are not addressed. EU Returns Directive: Article 16(3) EU Returns Handbook (2017): Attention should be paid to the specific situation of stateless persons. Council of the European Union (2013): European entities should assess the situation of LGBTI persons in detention.</p>	<p>Statelessness is not a vulnerability factor, but special needs related are identified before, after and also when appealing the detention decision.</p>	<p>https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p>
DET	2	a	<p>Alternatives to immigration detention</p>	<p>Are alternatives to detention established in law and considered prior to any decision to detain?</p>	<p>ICCPR Article 9 FKAG v Australia HRC (2013): Any decision relating to detention must consider less invasive means of achieving the same ends. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. UNHCR (2014): Detention can only be justified where other less invasive or coercive measures have been considered and found insufficient. Human Rights Council (2012): The obligation to always consider alternatives before resorting to detention should be established by law. EU Returns Directive: Article 15(1) Equal Rights Trust (2012): States have an obligation to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive. International Detention Coalition (2015): Immigration detention should be used only as a last resort in</p>	<p>The Asylum Law provides that restrictive measures shall be applied taking into account the individual circumstances of the case and the principle of proportionality. There is currently only one alternative to detention: regular registration with the State Border Guard. Article 51 of the Immigration Law allows for detention on grounds other than the violation of the obligation to register with the State Border Guard, implying indirectly that the obligation to register shall be imposed first. In these cases, the principle of proportionality shall be applied not only with regards to the restrictive measure per se, but also regarding the its length.</p>	<p>Asylum Law, 2017, Section 13 & 14: https://likumi.lv/ta/en/en/id/278986-asylum-law</p> <p>Imigrācijas likums (Immigration Law), 2017, Art. 51: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p>

					exceptional cases after all other options have been shown to be inadequate in the individual case.		
DET	2	b		Is there evidence that immigration detention is used in practice prior to all alternatives being considered?	As above.	Information provided to LCHR by the State Border Guard indicates that in 2015, 1,495 return decisions were issued (427 forced return decisions, 480 voluntary return orders, 88 deportation decisions); alternatives to detention were ordered in 61 cases (55 registration with SBG, 6 handing over of personal identification documents). In 2016, 1,602 return decisions were issued (414 decisions on forced return, 1,108 voluntary return orders, 80 deportation decisions); alternatives to detention were ordered in 54 cases (53 registration with SBG, 1 handing over of personal identification documents). In 2017, 954 return decisions were issued (171 decisions on forced return; 194 decisions were issued without the presence of the individual concerned); alternatives to detention were applied in 28 cases.	Latvian Centre for Human Rights (2015) The return of Third Country Nationals: Standards and their Implementation in Latvia: http://cilvektiesibas.org.lv/media/attachments/01/12/2015/Latvian_report_korekturai_COR_NEWNEW.pdf State Border Guard (Valsts robežsardze), Letter to Latvian Centre for Human Rights (Latvijas Cilvēktiesību centrs) No.23.1-1/1156, 16 March 2017
DET	3	a	Procedural safeguards	Is there a maximum time period for immigration detention set in law? What is it?	UN Human Rights Council (2010) : A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. UNHCR (2012) : To guard against arbitrariness, maximum periods of detention should be set in national law. EU Returns Directive : Article 15(5)	A person cannot be detained under the Immigration Law for more than six months, extendable by a judge for a period not exceeding an additional 12 months if the individual refuses to cooperate or delays the receipt of necessary documents from third countries.	Imigrācijas likums (Immigration Law), 2017, Art. 54: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)

					Equal Rights Trust (2012) : Detention should always be for the shortest time possible.		
DET	3	b	Does law/policy provide that individuals must be informed in writing of the reasons for their immigration detention?	<p>UN General Assembly (1988) : Anyone who is arrested shall be informed at the time of the reason for his arrest.</p> <p>EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law.</p> <p>Equal Rights Trust (2012) : Stateless detainees shall receive their order of detention in writing and in a language they understand.</p> <p>International Commission of Jurists (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p>	Yes. The Immigration Law states that when detaining a foreigner, the State Border Guard or State Police official shall draw up a detention report including the date and place of drawing up the report, the position, name and surname of the person who has drawn up the report, information regarding the detainee, time and motives of detention. The report shall be signed by the official who has drawn it up and the detainee. If the detainee refuses to sign the report, it shall be noted in the report.	Imigrācijas likums (Immigration Law), 2017, Art. 52(2), 54, 56 & 59: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)	
DET	3	c	Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	Equal Rights Trust (2012) : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.	The law provides detainees with a right to a non-suspensive appeal of the decision on detention to a court; an appeal to a district (city) court; contact with consular authorities; legal assistance; to be informed of these rights and reasons for detention at the moment of detention; to communicate in a language they understand, or should justifiably understand, if necessary, using an interpreter; to inform family members, kin or other persons of their whereabouts; to meet with family members or kin, representatives of international and NGOs; to submit complaints and submissions; to receive food and material support for household	Imigrācijas likums (Immigration Law), 2017, Art. 52(2), 54, 56 & 59: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)	

					<p>needs in accordance with specified maintenance standards; to receive emergency medical assistance, as well as guaranteed healthcare services; to keep amounts of money, which do not exceed one half of the minimum monthly wage stipulated by the State; to utilise common premises; to use the equipment provided for detained foreigners; to receive consignments and parcels; to store food products in the place specially provided for them; and to store property that is not prohibited.</p> <p>Detainees have a duty to subject themselves to the lawful requirements of an SBG official, including necessary health examinations; to observe the internal procedures regulations of the accommodation centre; to treat with care the property of the accommodation centre; and to maintain in order the accommodation premises and common premises, as well as to observe personal hygiene.</p>	
DET	3	d	Are there regular periodic reviews of detention before a court or independent body, which can order release?	<p>Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p> <p>Equal Rights Trust (ERT) (2012) : To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body</p>	<p>The Asylum Law provides a right to regular periodic review but there is no analogous regulation in the Immigration Law, which states that a detainee shall be released if the time period of detention has expired or the court has taken a decision to refuse to extend the time period of detention; if the SBG decides the circumstances for detention no longer exist, or it is not possible to obtain the necessary documents to carry out</p>	<p>Asylum Law, 2017, Section 20: https://likumi.lv/ta/en/en/id/278986-asylum-law</p> <p>Imigrācijas likums (Immigration Law), 2017, Art. 59(4): https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p>

					independent of the detaining authorities.	removal. The frequency of reviews is not set in law.	
DET	3	e		What remedies are available to challenge detention? Please any obstacles to accessing effective remedies in practice.	<p>ICCPR Article 9(4) ECHR: Article 5(4) Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure. Alimuradov v. Russia ECtHR (2019): The individual must have at their disposal a procedure for judicial review of the lawfulness of detention capable of leading to release.</p>	A detained person has the right to appeal the SBG detention decision before the court, and the right to appeal the decision of a judge within 48 hours.	Imigrācijas likums (Immigration Law), 2017, Art. 54(1) & 56(6): https://likumi.lv/ta/id/68522-imigracijas-likums (LV)
DET	3	f		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	<p>Equal Rights Trust (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. ENS (2015) : The detaining state should have rules in place that govern the process of re-documentation and/or ascertaining entitlement to nationality.</p>	There is no publicly available information on whether rules or guidance are in place governing the process of re-documentation and/or ascertaining nationality.	
DET	3	g		Is free legal aid available to challenge detention? Please describe any barriers to accessing legal aid in practice.	<p>UNHCR (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. EU Returns Directive: Article 13(3)</p>	Every asylum seeker has the right to receive legal aid provided by the state but there is no free legal aid for other people (e.g. stateless people who are not seeking asylum) to challenge detention. State legal aid covers only challenging the removal decision and order. There is no	Valsts nodrošinātās juridiskās palīdzības likums (State Ensured Legal Aid Law), Section 3: https://likumi.lv/doc.php?id=104831 (LV) https://likumi.lv/ta/en/en/id/104831-state-ensured-legal-aid-law (ENG - not up to date)

						free legal aid available to challenge detention	<p>Imigrācijas likums (Immigration Law), 2017: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> <p>Patvēruma likums (Asylum Law), Art. 11(2)(5): https://likumi.lv/ta/id/278986-patveruma-likums (LV)</p>
DET	4	a	Protections on release	<p>Are people released from detention issued with identification documents (including confirmation of their stateless status) and protected from re-detention?</p>	<p>UN Convention Relating to the Status of Stateless Persons, 1954: Article 27 UNHCR (2014) : Being undocumented cannot be used as a general justification for detention. ENS (2015) : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. Equal Rights Trust (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.</p>	<p>According to the law irregular migrants with no valid passport or identity document cannot be assigned a personal identification number on release from detention, and so are released without any rights to social assistance. If determined to be stateless, OCMA will grant stateless status on release and provide the stateless person with official identification, a residence permit and a travel document.</p>	<p>Iedzīvotāju reģistra likums (Population Register Law), 2017, Section 3: https://likumi.lv/ta/id/49641-iedzivotaju-registra-likums Latvian Centre for Human Rights (2015) The return of Third Country Nationals: Standards and their Implementation in Latvia, pp.28-29: http://cilvektiesibas.org.lv/media/attachments/01/12/2015/Latvian_report_korekturai_COR_NEWNEW.pdf</p> <p>Imigrācijas likums (Immigration Law), 2017, Art. 23 (27): https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> <p>Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p>
DET	4	b		<p>If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are</p>	<p>Saīd Šamilovich Kadzoev v Direktoria Migratsia' pri Ministerstvo na vatreshnite raboti ECJ (2009): After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support</p>	<p>If there is a legal ground, the person shall be provided stateless person status with corresponding travel document and residence permit.</p>	

Detention – 2019

				provided to them in law?	themselves should not be a deterrent to release. Equal Rights Trust (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.		
DET	4	c		If re-detention occurs, is the cumulative time spent in detention counted towards any maximum time limits?	Equal Rights Trust (2012) : When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration.	No, each detention decision is taken based on the circumstances of a particular case with a particular purpose. Re-detention highly likely will not be justified.	Imigrācijas likums (Immigration Law), 2017: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)
DET	5	a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	UNHCR (2014) : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	Yes, readmission and/or return agreements could be imposed only after the status of a person is determined and risks of torture or other forms of inhuman treatment established. However, statelessness is not explicitly mentioned in several agreements, for example, the agreements with Georgia, Italy and Russia do not mention statelessness.	Ministry of Foreign Affairs of the Republic of Latvia website: https://www.mfa.gov.lv/arpolitika/divpusejie-likumi?title=&signer=&country=0&organization=0&branch=24&status=0&date=&search=true (agreements on readmission where publicly available, but not all are listed) Par Latvijas Republikas valdības un Gruzijas valdības līgumu par personu atpakaļuzņemšanu, kuras neatbilst iecelšanas vai uzturēšanās nosacījumiem otras valsts teritorijā (Georgia), 2008: https://likumi.lv/doc.php?id=184345 (LV) Agreement Between The Government Of The Republic Of Latvia And The Government Of The Italian Republic

							<p>On The Readmission Of Persons: https://www.vestnesis.lv/ta/id/52231</p> <p>Latvijas Republikas valdības un Krievijas Federācijas valdības protokols par 2006. gada 25. maija Nolīguma starp Eiropas Kopienu un Krievijas Federāciju par atpakaļuzņemšanu īstenošanu (Russia): https://m.likumi.lv/doc.php?id=200457 (LV)</p>
DET	5	b		Are you aware of cases of cases of stateless people being returned under such agreements?		No. No information is available on this.	

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS	1	a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality? [If yes, continue to PRS1b. If no, proceed to PRS1h]	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1</p> <p>European Convention on Nationality, 1997: Article 2</p> <p>Convention on the Rights of the Child 1989: Article 7</p> <p>Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless.</p> <p>European Parliament (2018): The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.</p>	<p>Yes. Under the Citizenship Law, a child born in Latvia after 21 August 1991 shall be recognised as a Latvian citizen at birth registration if one parent expresses such a wish and provided that both parents are stateless/non-citizens. The parent must have permanent residence in Latvia. A child shall also be recognised as Latvian citizen at birth if the child's mother is a non-citizen or stateless and there is no information about the father in the civil register, or if one of the child's parents is a non-citizen or stateless, but the other parent is deceased.</p> <p>Until the child reaches 15, one parent can apply for the child to be recognised as a Latvian citizen, provided that:</p> <ol style="list-style-type: none"> 1) The child has been non-citizen or stateless since birth; 2) The child's permanent residence is in Latvia; 3) Both the child's parents are non-citizens or stateless; 4) And the parent with whom the child has lived has held permanent residence for five years. <p>(As above if no information about father, or the other parent deceased)</p> <p>After 15, a child can apply themselves until aged 18 years, provided that:</p> <ol style="list-style-type: none"> 1) Both the child's parents are non-citizen or stateless; 2) The child has resided permanently for five years in Latvia; 	<p>Citizenship Law, 2013, Section 3(1): https://likumi.lv/ta/en/en/id/57512</p> <p>Law on Terminating the Granting of Non-Citizen Status to Children 2019 [Par nepilsoņa statusa piešķiršanas izbeigšanu bērniem]: https://likumi.lv/ta/id/310468-par-nepilsona-statusa-pieskirsanas-izbeigsanu-berniem (LV)</p>

						<p>3) The child has no committed no serious or grave criminal offence; 4) The child meets the Latvian language proficiency requirement (As above if no information about father, or the other parent deceased)</p> <p>A new law provides for the automatic acquisition of Latvian nationality for children born in Latvia after 1 January 2020, whose parents are 'non-citizens', unless the child's parents agree that the child should have the nationality of another state. These are new-born children who, in accordance with Article 8 (2) of the Law on the Status of those Former USSR Citizens who do not have the citizenship of Latvia or that of any other State, would have the right to 'non-citizen' status (if both parents are 'non-citizens' or one is a 'non-citizen' and the other is stateless, or unknown). The law does not include "stateless" children as interpreted by the national authorities, for whom the procedure remains the same as before.</p>	
PRS	1	b		<p>Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?</p>	<p>UNHCR (2012): The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application. ENS (2015): The 1961 Convention and the ECN oblige the conferral of nationality to otherwise stateless children born on the territory. The</p>	<p>The general provision is non-automatic. A parent fills in an application form about the child and submits information about themselves if relevant. The acquisition of Latvian citizenship for children born in Latvia after 1 January 2020, whose parents are 'non-citizens', is automatic (see PRS1a).</p>	<p>Citizenship Law, 2013, Section 3(1): https://likumi.lv/ta/en/en/id/57512</p> <p>Application for recognition of a child born in Latvia on 21 August 1991 as a stateless person or a non-citizen of Latvia as a citizen of Latvia in accordance with Section 3.1(2) of the Citizenship Law: https://likumi.lv/doc.php?id=260436#piel0</p>

					optimal method is to grant nationality automatically at birth.		Law on Terminating the Granting of Non-Citizen Status to Children 2019 [Par nepilsoņa statusa piešķiršanas izbeigšanu bērniem], Section 2: https://likumi.lv/ta/id/310468-par-nepilsona-statusa-pieskirsanas-izbeigsanu-berniem (LV)
PRS	1	c		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	UNHCR (2012) : The test is not an inquiry into whether a child's parents are stateless. ENS (2015) : Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.	Yes.	Citizenship Law, 2013, Section 3(1): https://likumi.lv/ta/en/en/id/57512
PRS	1	d		Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	UNHCR (2012) : A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.	No.	Citizenship Law, 2013: https://likumi.lv/ta/en/en/id/57512

PRS	1	e	Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1(2)</p> <p>UNHCR (2012): States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all.</p> <p>Convention on the Rights of the Child, 1989: Articles 3 & 7</p> <p>Committee on the Rights of the Child (2015): Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions.</p> <p>European Convention on Nationality, 1997: Article 6(2)(b)</p>	No.	Citizenship Law, 2013: https://likumi.lv/ta/en/en/id/57512
PRS	1	f	Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	<p>Committee on the Rights of the Child (2011): The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State.</p> <p>ENS (2015): Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.</p>	Yes, one of the parents should have a permanent residence permit.	Citizenship Law, 2013, Section 3(1): https://likumi.lv/ta/en/en/id/57512
PRS	1	g	What are the age limits (if any) for making an application for nationality for a stateless person	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1(2)</p> <p>UNHCR (2012): Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21.</p>	A parent may apply for registration until the child is 15 years-old provided the conditions above are met. After reaching 15, children can apply for registration themselves until they are 18, provided the conditions above are met.	Citizenship Law, 2013: https://likumi.lv/ta/en/en/id/57512

				born on the territory?	ENS (2015) : Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.		
PRS	1	h		Are there specific provisions to protect the right to a nationality of children born to refugees?	UNHCR (2012) : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	No.	
PRS	2	a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	UN Convention on the Reduction of Statelessness, 1961 : Article 2 European Convention on Nationality, 1997 : Article 6(1)(b)	Yes. It is automatic.	Citizenship Law, 2013, Section 2: https://likumi.lv/ta/en/en/id/57512
PRS	2	b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	UNHCR (2012) : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	Nationality is acquired upon birth registration. The age limit for registration of a foundling as a Latvian citizen by their legal representative is 15 years-old, or the child may register themselves between the ages of 15 and 18.	Citizenship Law, 2013, Section 2: https://likumi.lv/ta/en/en/id/57512
PRS	2	c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR (2012) : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	No, there is no ground to withdraw nationality on this basis.	Citizenship Law, 2013, Section 2: https://likumi.lv/ta/en/en/id/57512

PRS	3	a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	UN Convention on the Reduction of Statelessness, 1961 : Article 5 ENS (2015) : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	No.	Citizenship Law, 2013: https://likumi.lv/ta/en/en/id/57512
PRS	3	b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	European Convention on Nationality, 1997 : Article 6(4)(d) Committee on the Rights of the Child (2015) : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	A foreign child adopted by national parents will acquire nationality: '...the adopted child and his or her descendants shall acquire the legal status of a child born of a marriage in regard to personal as well as property relations.'	The Civil Law, 2014, Section 173: https://likumi.lv/doc.php?id=90223 Citizenship Law, 2013, Section 2: https://likumi.lv/ta/en/en/id/57512
PRS	4	a	ius sanguinis	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	UN Convention on the Reduction of Statelessness, 1961 : Article 4 UNHCR (2012) : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	Yes, but there are conditions: the birth of the child must be registered with the Latvian authorities before the child is 18. The child may register themselves if aged 15 to 18. A document certifying the child's birth, a parent's or both the parents' passports as well as a child's identity document, if available, should also be submitted to OCMA or the consular authorities in Latvian (unless in English, German, French or Russian). Legalisation of documents is not required if issued in the EU/EEA, Switzerland or states with which Latvia has bilateral agreements. 'Non-citizens' and 'stateless persons' children born abroad do not have an automatic right to Latvian nationality, as the criteria set by the Citizenship Law (that the child should be born in Latvia,	https://likumi.lv/ta/id/57512-pilsonibas-likums Citizenship Law, 2013, Section 2 & 9(2) & (5): https://likumi.lv/ta/en/en/id/57512 Law on Terminating the Granting of Non-Citizen Status to Children, 2019 [Par nepilsoņa statusa piešķiršanas izbeigšanu bērniem], Section 3-4: https://likumi.lv/ta/id/310468-par-nepilsona-statusa-pieskirsanas-izbeigsanu-berniem (LV)

						etc.) are not fulfilled; in such cases, the child may have the right to ‘non-citizen’ status. Under the new law, if a child is born outside Latvia to a ‘non-citizen’ after 1 January 2020, the parents must submit an application to the Office of Citizenship and Migration Affairs requesting the granting of Latvian nationality and confirming that the child is not and has not been a national of any other country. The parents must also submit a document issued by a competent authority confirming the child is not and has not been a national of that country.	
PRS	4	b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	<p>Genovese v. Malta ECtHR (2011): The state must ensure that the right to nationality is secured without discrimination.</p> <p>CEDAW Gen. rec. No. 32, 2014: Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed.</p> <p>UNHCR (2014): Action 4</p>	Conditions above apply. ‘Non-citizens’ and ‘stateless persons’ children born abroad do not have an automatic right to Latvian nationality, as the criteria set by the Citizenship Law (that the child should be born in Latvia, etc.) are not fulfilled; in such cases, the child may have the right to ‘non-citizen’ status. Under the new law, children born abroad to a Latvian ‘non-citizen’ after 1 January 2020 may acquire Latvian nationality upon request if the child does not acquire another nationality.	<p>Citizenship Law, 2013, Section 2 & 9(2) & (5): https://likumi.lv/ta/en/en/id/57512</p> <p>Law on Terminating the Granting of Non-Citizen Status to Children, 2019 [Par nepilsoņa statusa piešķiršanas izbeigšanu bērniem], Section 3-4: https://likumi.lv/ta/id/310468-par-nepilsona-statusa-pieskirsanas-izbeigsanu-berniem (LV)</p>
PRS	5	a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the legal status and/or	<p>Convention on the Rights of the Child, 1989: Article 7</p> <p>International Covenant on Civil and Political Rights, 1966: Article 24(2)</p> <p>Council of Europe (2009): Member states should register the birth of all children born on their territory even if they are born to a foreign parent with</p>	The General Registry institution shall be notified regarding the birth of a child within a month after the child is born. Children can only be registered if parents can submit identification documents. According to the law, the following persons can notify about the birth of the child: the father or mother of the child or	<p>Civilstāvokļa aktu reģistrācijas likums (Law on Registration of Civil Documents), 2013, Section 24 & 25 & 26(2): https://likumi.lv/ta/id/253442-civilstavokla-aktu-registracijas-likums (LV)</p>

				documentation of parents?	<p>an irregular immigration status or the parents are unknown. UNHCR (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. UNHCR (2014): Action 7 UN Sustainable Development Goal 16.9</p>	<p>an authorized person; a medical practitioner or other person who was present at childbirth if the parents are dead or cannot notify; the head of the institution, if the child was born in a shelter or in a place of imprisonment; and a local government, if none of the persons mentioned above notified the birth of a child and the birth of the child has become known to a local government. A medical practitioner or another person who was present at childbirth is under an obligation to notify about the birth of the child if the parents of the child are deceased or the birth of a child may not be notified due to other reasons. If the parent (s), medical practitioner have not reported the birth of the child, and the local authority has learned about the birth of the child, it is under an obligation to report in writing about the fact to the registry office.</p>	<p>Cabinet Regulation No. 974, Procedures for Registering a Person as a Latvian Citizen, 2013, Article 3: https://likumi.lv/ta/en/en/id/260431-procedures-for-registering-a-person-as-a-latvian-citizen</p> <p>ENS (2015), Ending Childhood Statelessness: A Study on Latvia, p.17-18: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf</p> <p>Law on Registration of Civil Documents</p>
PRS	5	b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p>UN Human Rights Council, Resolution A/HRC/RES/20/4: Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members. Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates,</p>	<p>All children are issued with a birth certificate upon registration.</p>	<p>Civilstāvokļa aktu reģistrācijas likums (Law on Registration of Civil Documents), 2013, 26(3): https://likumi.lv/ta/id/253442-civilstavokla-aktu-registracijas-likums (LV)</p>

					irrespective of their migration status or that of their parents.		
PRS	5	c		Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	Convention on the Rights of the Child, 1989: Articles 3 & 7	The child's nationality is recorded upon registration status by the Registry Office or maternity hospital. The procedure for determining the child's nationality is unclear. The accuracy of data recorded about new-born children in the Population Register can be checked through an e-service. For example, LCHR is aware of the case of a child born in Latvia in December 2019 to parents with Subsidiary Protection Status. The maternity hospital issued a birth certificate two days after the birth. Based on the nationality of the mother and father, the nationality of the child was recorded as 'Syrian' on the child's birth certificate. No further information is available about other cases.	Population Register e-service : https://www.latvija.lv/epakalpojumi/e-p01/Apraksts LCHR casework practice.
PRS	5	d		If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines and competent authority.	Convention on the Rights of the Child, 1989: Articles 3 & 7	No information available.	

PRS	5	e		<p>Are there credible reports to suggest that children are prevented from registering in practice because of parents' legal status or other reasons (please specify)?</p>	<p>Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed.</p>	<p>The Ending Childhood Statelessness report records a case of a mother without legal residence facing difficulties to register the birth of her child but there is no further public information on this issue. There have been recent discussions on information exchange between medical institutions and registry offices on how to address cases when parents or medical persons have failed to report. From 2015-2017, there have been 10 such cases when parents have failed to register for longer than 6 months. Reasons include that parents do not want to register child, paternity issues, parents with special needs lack relevant info. Three different versions how to address electronic exchange of information between health authorities and registry office. Plan to start in 2022.</p>	<p>ENS (2015), Ending Childhood Statelessness: A Study on Latvia, p.17-18: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf</p> <p>Informatīvais ziņojums par konceptuālu risinājumu informācijas par bērna dzimšanu apmaiņai starp ārstniecības iestādi un dzimtsarakstu nodaļu (Informative report on a conceptual solution for exchanging information on the birth of a child between a medical institution and a registry office), 2018: http://tap.mk.gov.lv/lv/mk/tap/?pid=40464318&mode=mk&date=2018-10-30 (LV)</p> <p>Ministry of Health, Piedāvā risinājumu visu jaundzimušo reģistrēšanai (), 30 Oct 2018: http://www.vm.gov.lv/lv/aktualitates/preses_relizes/5845_piedava_risinaju_mu_visu_jaundzimuso_registresanai</p>
-----	---	---	--	---	--	--	---

PRS	5	f		Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)?	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status.	No (aside from mandatory reporting of any birth to the registry by public institutions, as outlined above).	
PRS	5	g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. UN Human Rights Council, Resolution A/HRC/RES/20/4 : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.	Yes. Births should be registered within one month. If notification is overdue by more than a month, the fact of the birth shall be registered after ascertaining the circumstances of delay, on the basis of a submission by one or both parents, or other interested persons. Late registration is possible in law and practice.	Civilstāvokļa aktu reģistrācijas likums (Law on Registration of Civil Documents), 2013, Section 24 & 30: https://likumi.lv/ta/id/253442-civilstavokla-aktu-registracijas-likums (LV)
PRS	5	h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent	As above	Late registration will be carried out after establishing the reasons for delay and on the submission of the parents or other interested persons, a medical document certifying the fact of birth and identification documentation of parents.	Civilstāvokļa aktu reģistrācijas likums (Law on Registration of Civil Documents), 2013, Section 24 & 30: https://likumi.lv/ta/id/253442-civilstavokla-aktu-registracijas-likums (LV)

				authority and procedural deadlines.			
PRS	6	a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR (2014): Action 7	Concerning ‘non-citizen’ children, OCMA conducted a proactive information campaign in 2018 in which it sent individual letters to ‘non-citizen’ parents encouraging them to register their children (up to age 15) as Latvian citizens.	Latvijas svešie vai tomēr mūsējie. Valsts prezidents aicina pārtraukt nepilsoņa statusa piešķiršanu (Foreigners of Latvia or ours. The President calls for the cessation of non-citizen status), LV Portal, Paulina Līga, 13 September 2017: https://lvportals.lv/skaidrojumi/28969-5-latvijas-svesie-vai-tomer-musejje-valsts-prezidents-aicina-partraukt-nepilsona-statusa-pieskirsanu-2017 (LV)
PRS	6	b		Are there particular sections of the population - such as minority groups - believed to be stateless/at risk of statelessness? Please provide details and source of information.	UN Convention on the Reduction of Statelessness, 1961: Article 9 UNHCR (2014): Action 4 UN Human Rights Council (2019): States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	Yes. Government data for ‘stateless’ and ‘non-citizen’ populations is disaggregated by ethnicity, showing that among the ‘non-citizen’ population 141,939 are of ‘Russian’ ethnicity, 29,796 ‘Belorussian’, 21,491 ‘Ukrainian’ and 7,617 ‘Polish’. The majority of ‘non-citizens’ are of Russian origin and over the age of 50. The majority of people recorded as ‘stateless’ by the Government are recorded as being of ‘Latvian’ ethnicity. As of 1 January 2020, there were 2,736 ‘non-citizen’ children under 15. The number of children registered as ‘non-citizens’ since the easing of registration requirements of ‘non-citizen’ children as Latvian citizens in 2013, is 297. The number of “stateless” was 4. UNHCR in its latest Global Trends report (2018) considered that both “bezvalstnieks” – stateless person under	Latvijas iedzīvotāju sadalījums pēc nacionālā sastāva un valstiskās piederības, 1 January 2020: https://www.pmlp.gov.lv/lv/assets/ISV_N_Latvija_pec_TTB_VPD_2020.pdf (LV) Latvijas iedzīvotāju sadalījums pēc valstiskās piederības un dzimšanas gada https://www.pmlp.gov.lv/lv/assets/ISV_G_Latvija_pec_DZGada_VPD_2020.pdf UNHCR Global Trends 2017, Table 7. Persons under UNHCR’s statelessness mandate, 2017 (see also footnotes to figures): http://www.unhcr.org/search?comid=56b079c44&&cid=49aea93aba&tags=globaltrends

						the Latvian Law on Stateless Persons - and “ <i>nepilsonis</i> ” – non-citizens under the 1995 Law – are ‘populations of concern’ under its statelessness mandate.	Croft, Jennifer. In: IFSH (ed.), OSCE Yearbook 2015, Baden-Baden 2016, pp. 181-195: https://ifsh.de/file-CORE/documents/yearbook/english/15/Croft-en.pdf ENS (2015), Ending Childhood Statelessness: A Study on Latvia: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf
PRS	6	c		Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	UN Convention on the Reduction of Statelessness, 1961 UNHCR (2014): Actions 1 & 8 UNHCR (2015): States parties to the 1954 Convention are required to help stateless persons become naturalised citizens.	The main reduction measure is the naturalisation process. People with ‘non-citizen’ status (and their children) may apply for naturalisation under general rules. There are no general exemptions for ‘non-citizens’ (people with refugee status are exempt from the language proficiency, legal source of income, and citizenship test requirements; people aged over 65 or in ill-health, or who have a disability are also exempt from some requirements): <ul style="list-style-type: none"> · are aged 15 or over; · have been habitually resident in Latvia for at least the last five years prior to the application · know the Latvian language, the Constitution, the national anthem, and basics of Latvian history and culture; · have a legal source of livelihood; · have proof of renunciation/loss of previous nationality or that they are not a national of any other country People who are deemed to pose a threat to the state, have engaged in certain political activities, or have been convicted	Office of Citizenship and Migration Affairs website, Naturalizācija (Naturalisation): http://www.pmlp.gov.lv/lv/sakums/pakalpojumi/pilsoniba/pilsonibas-registracija/naturalizacija/#1 (LV) ENS (2015), Ending Childhood Statelessness: A Study on Latvia, p.6 & p10: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf Croft, Jennifer. In: IFSH (ed.), OSCE Yearbook 2015, Baden-Baden 2016, pp. 181-195: https://ifsh.de/file-CORE/documents/yearbook/english/15/Croft-en.pdf

						<p>of certain criminal offences are barred from naturalisation.</p> <p>The Government has held regular information days for naturalisation applicants at local OCMA offices in different cities. It provides online materials for naturalisation exams, sample tests, and municipal support for naturalisation courses with EU funding.</p> <p>Amendments to the Citizenship Law in 2013 eased the registration at birth of children born to ‘non-citizen’ parents (one parent may opt for the child to be a Latvian citizen instead of both, ticking a box instead of an application).</p> <p>The new Law On Terminating the Granting of Non-Citizen Status to Children in 2019 facilitated the acquisition of Latvian nationality by children born to ‘non-citizen’ parents on the territory from 1 January 2020.</p> <p>Government-sponsored surveys have suggested that around 11% of ‘non-citizens’ plan to naturalise, while over 80% do not, citing reasons including age, poor knowledge of Latvian language, and the belief that citizenship should be automatic.</p>	
PRS	7	a	Withdrawal of nationality	Are there provisions on loss and/or deprivation of nationality established in law?	<p>UN Convention on the Reduction of Statelessness, 1961: Article 8</p> <p>European Convention on Nationality, 1997: Article 7(3)</p>	<p>The law provides for renunciation and revocation of nationality under certain circumstances including (in the case of revocation): acquiring nationality of another country without submitting an</p>	<p>Citizenship Law, 2013, Section 22 & 24: https://likumi.lv/ta/en/en/id/57512</p>

				Please describe and state whether there is a safeguard against statelessness in law and practice.	Universal Declaration of Human Rights : Article 15(2)	application for renunciation of Latvian nationality (safeguard against statelessness); serving voluntarily in the armed forces of another country without permission (with exceptions; safeguard against statelessness); acquisition/restoration of Latvian nationality by naturalisation by deception (if held for less than ten years, unless criminal conviction; no safeguard against statelessness); action promoting violent overthrow of the Government (safeguard against statelessness). Revocation does not affect family members.	
PRS	7	b		Who is the competent authority for withdrawal of nationality and what procedural safeguards are in place (legal aid, judicial oversight, appeal, time limit, subject to prior sentencing)?	UN Convention on the Reduction of Statelessness, 1961 : Article 8(4) European Convention on Nationality, 1997 : Article 11	The Office of Citizenship and Migration Affairs (OCMA) is the competent authority. The law provides for a right of appeal to the Head of OCMA, and then the administrative court. Legal aid is not available in administrative procedures, but it is in the court procedure.	Citizenship Law, 2013, Section 24: https://likumi.lv/ta/en/en/id/57512
PRS	7	c		Are withdrawal provisions applied in practice?		No information is available.	

Jurisprudence and Training

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
LIT	1	a	Published judgements	Number of published judgements adjudicating statelessness (broken down by level of jurisdiction). Please list.		9 judgements adjudicating statelessness or 'non-citizens' (1 supreme court, 3 regional court, 5 district courts)	Anonymised judgements are accessible online by keywords, phrases, ECLI identifier, case number, type of case (criminal, civil, administrative), but should be reviewed to establish whether 'statelessness' / 'non-citizen' are mentioned in passing, or adjudicated: https://manas.tiesas.lv/eTiesasMvc/ly/nolemumi
LIT	1	b		Number of published judgements mentioning statelessness (broken down by level of jurisdiction). Please list.		33 judgements mention statelessness or 'non-citizens' (2 supreme court, 3 regional courts, 27 district courts)	Anonymised judgements are accessible online by keywords, phrases, ECLI identifier, case number, type of case (criminal, civil, administrative), but should be reviewed to establish whether 'statelessness' / 'non-citizen' are mentioned in passing, or adjudicated: https://manas.tiesas.lv/eTiesasMvc/ly/nolemumi
LIT	2	a	Legal training	Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	UNHCR (2016) : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for stateless status and refer them to appropriate channels. UNHCR (2010) : It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	No information is available about judicial training on statelessness nor training for lawyers.	

LIT	3	a	Pro Bono	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR (2014) : Applicants must have access to legal counsel.	<p>Latvian Centre for Human Rights – a human rights NGO, which, inter alia, provides legal aid to asylum seekers, persons with legal status issues: www.cilvektiesibas.org.lv</p> <p>Latvian Human Rights Committee – a minority rights NGO with links to political party Latvia’s Russian Union, represents ‘non-citizens’ before domestic and international courts: http://www.lhrc.lv/index.php?lang=en&menes=men1#textbegin</p>
LIT	4	a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		<p>Numerous studies have been published on ‘non-citizens’ in Latvia.</p> <p>Handbook for members of parliament. Nr.11-2005. Citizenship and statelessness: http://archive.ipu.org/PDF/publications/nationality_la.pdf</p> <p>ENS (2015), Ending Childhood Statelessness: A Study on Latvia: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf</p> <p>Krūma, Kristīne. Latvian Citizenship and Non-citizen Status. In: EU Citizenship, Nationality and Migrant Status. Brill & Nijhoff, 2013, pp. 443-448: http://booksandjournals.brillonline.com/content/books/9789004251595</p> <p>Krūma K. Country Report on Citizenship Law: Latvia, European University Institute, Florence, Robert Schuman Centre for Advanced Studies, EUDO Citizenship</p>

						<p>Observatory, Revised and updated January 2015</p> <p>Croft, Jennifer. Non-Citizens in Estonia and Latvia: Time for Change in Changing Times? In: IFSH (ed.), OSCE Yearbook 2015, Baden-Baden 2016, pp. 181-195: https://ifsh.de/file-CORE/documents/yearbook/english/15/Croft-en.pdf</p> <p>Baltic Institute of Social Sciences (2013). Analysis of Integration of Latvian Non-Citizens: http://www.biss.soc.lv/downloads/resources/nepilsoni/BISS_Noncitizens_2014.pdf</p> <p>Dace MITA, Augstākās tiesas Administratīvo lietu departamenta tiesnese. Bezvalstniecība, nepilsoņi un Latvijas tiesu vara. LR Augstākās tiesas biļetens Nr. 11/2015, pp.31-35: http://at.gov.lv/files/uploads/files/2_Par_Augstako_tiesu/Informativie_materiali/ATBiletens11_web.pdf</p>
--	--	--	--	--	--	---