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Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

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International and Regional Instruments

Item	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

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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 Return Directive)? Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Return 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 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.	Par Apvienoto Nāciju Organizācijas Konvencijas par bērna tiesībām tulkojuma publicēšanu: https://likumi.lv/ta/id/270559-par-apvienoto-naciju-organizacijas-konvencijas-par-berna-tiesibam-tulkojuma-publicesanu (LV) UN Treaty Collection: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en UN Human Rights, STATUS OF RATIFICATION INTERACTIVE DASHBOARD: http://indicators.ohchr.org/
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.	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) Par Latvijas Republikas kārtējo ziņojumu par 1966.gada Starptautiskā pakta par pilsoniskajām un politiskajām tiesībām izpildi Latvijas 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) UN Human Rights, STATUS OF RATIFICATION INTERACTIVE DASHBOARD: http://indicators.ohchr.org/
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.	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.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 CEDAW, 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/ Par Konvenciju par precētu sieviešu pilsonību, Konvenciju par bezvalstniecības samazināšanu
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 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)

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					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.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/
IOB.3.l		State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	Convention on the Rights of Persons with Disabilities, 2006	Yes, since 1 March 2010. There are no reservations.	UN Human Rights, STATUS OF RATIFICATION INTERACTIVE DASHBOARD: http://indicators.ohchr.org/

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Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a standardised '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).	CEDAW, Gen. Rec. 32 (2014): States parties should gather, analyse and make available sex-disaggregated statistical data and trends. Council of the European Union, Conclusions on Statelessness (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. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations. ISI, The World's Stateless (2014): States should strengthen measures to count stateless persons on their territory. International Recommendations on Statelessness Statistics (IROSS) (endorsed by UN Statistical Commission in 2023): States should use standardised definition of statelessness and consistent indicators for collecting statelessness data.	Yes, it does. Government data from the Register of Natural Persons (formerly Population Register) records the country of origin of stateless persons as follows: 159 Latvia, 15 Ukraine, 4 Estonia, 2 Belarus, 1 United Kingdom, 1 Uzbekistan, 1 Lithuania, 1 Finland, 1 citizen of the USSR, 3 persons of unknown nationality, 6 - not indicated as of 1 January 2024. There are also 33 non-citizens originating from Estonia.. The Register of Natural Persons 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-citizen, Estonian stateless, Belarus stateless, Finland stateless, Uzbekistan stateless, 'not indicated' (*nav norādīta*), and 'state unknown not indicated'. Data is also available by age and nationality status. Detailed data on persons by nationality status in municipalities is available. Data on stateless persons by ethnic origin status: 94 are Russian, 15 - Ukrainian, 7 - Belarusian, 10 - Roma, 4 -Armenian, 1 - Polish, 2 - Azeri, 1 - Avar, 1 - Jewish, 2 - Georgian, 1 - Greek, 1 - Iranian, 1 - Kyrgyz, 1 - Moldovan, 2 - Latvian, 2 - Lithuanian, 1 - Lezgin, 2 - Chechen, 1 - Udmurt, 1 - Uzbek, 1- Tsakhur, 6 – 'unchosen', 2 – 'unknown'. On 28 June 2021, the Population Register was replaced by the Register of Natural Persons. The new register includes more information about foreigners with legal links to Latvia.	Office of Citizenship and Migration Affairs, Latvijas iedzīvotāju sadalījums pēc valstiskās piederības, 1 January 2024 https://www.pmlp.gov.lv/lv/media/11046/download?attachment (LV) Office of Citizenship and Migration Affairs, Latvijas iedzīvotāju sadalījums pēc nacionālā sastāva un valstiskās piederības, 1 January 2024(LV) https://www.pmlp.gov.lv/lv/media/11043/download?attachment (LV) Office of Citizenship and Migration Affairs, Latvijas iedzīvotāju sadalījums pēc dzimšanas gada un valstiskās piederības, 1 January 2024 https://www.pmlp.gov.lv/lv/media/11040/download?attachment (LV)
POP.1.b		Do public 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	Yes. There is a separate legal category of residents called "non-citizens" (*nepilsonis*) 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 180,455 'non-citizens' in Latvia. Data on 'non-citizens' (as well as other citizenship categories) is disaggregated in the Register of Natural Persons by 'ethnic origin'. On 1 January 2024, of the 180,455 Latvian 'non-citizens': 118,546 were Russian, 25,000 Belarussian, 18,016 Ukrainian, 6,475 Polish, 4,235 Lithuanian, 1,177 Jewish, 801 Tatar, Moldovan - 635, 582 Armenian, 541 Azeri, 403 Latvian, 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 (53), and nationality 'not chosen' (625).	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) Office of Citizenship and Migration Affairs, Latvijas iedzīvotāju sadalījums pēc nacionālā sastāva un valstiskās piederības, 1 January 2024: https://www.pmlp.gov.lv/lv/media/11043/download?attachment (LV) (LV) Office of Citizenship and Migration Affairs, Latvijas valstspiederīgo skaits ārvalstīs , 1 January 2024 https://www.pmlp.gov.lv/lv/media/11049/download?attachment (LV)

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				There are 4,696 non-citizens living abroad. The largest number of non-citizens live in the UK, Russia, and the USA. According to the Central Statistical Board in 2023, there were 1,883,008 inhabitants in Latvia, Of those, citizens of Latvia – 1,621,208 or 86,1%, non-citizens 175,401 or 9,3%, others – 86,399 or 4,6% (including 31,209 – citizens of Russia; 23,770 – citizens of Ukraine), and stateless people - 140. The data is disaggregated by ethnic origin (largest groups), country of origin, gender, age, and place of residence. The data of the Central Statistical Board are more accurate, however, they do not offer the level of detail of the Physical Persons' Register maintained by the Office of Citizenship and Migration Affairs (OCMA).	CSP (2024). Iedzīvotāju skaits pēc valstiskās piederības gada sākumā (LV) https://data.stat.gov.lv:443/sq/21426 ENG https://data.stat.gov.lv:443/sq/21427 CSP (2024). Iedzīvotāju skaits un īpatsvars pēc tautības un valstiskās piederības gada sākumā, https://data.stat.gov.lv:443/sq/21199
POP.1.c		What is UNHCR's estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	UNHCR in its latest Global Trends report (2022) reports the total number of stateless persons in Latvia as 187,404 at the end of 2022. It provides an explanation for the data listed in a footnote: "This figure includes persons of concern who fall under Latvia's 25 April 1995 Law on the Status of those Former USSR Citizens who are not Citizens of Latvia or Any Other State ("Non-citizens"). 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)." UNHCR's Refugee Data Finder reports a similar figure for stateless persons: 187,564.	UNHCR Global Trends 2022, Annex Table 5. Persons under UNHCR's statelessness mandate, 2022 (see also footnotes to figures): https://www.unhcr.org/global-trends https://www.unhcr.org/statistics/2022GTannextableSTA.xlsx UNHCR Refugee Data Finder (see also footnote to figures): https://www.unhcr.org/refugee-statistics/download/?url=R7uNg2
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 Register of Natural Persons 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 citizens). 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 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	UN High Commissioner for Refugees (UNHCR), Latvia: UNHCR Submission for the Universal Periodic Review - Latvia - UPR 38th Session (2021), October 2020, available at: https://www.refworld.org/docid/607600494.html Martins Paparinskis, 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 ENS (2015), Ending Childhood Statelessness: A Study on Latvia, p.3: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf 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

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				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 I(2)(ii) (exclusion clause) of the Convention applies. 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).” The same or similar note has appeared in UNHCR statistics for more recent years as well. See above (POP 1 g).	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 SKA – 472/2008, 3 October 2008 (Supreme Court Judgment): https://www.tiesas.lv/nolemumi/pdf/11451.pdf (LV) UNHCR Global Trends 2022, Annex Table 5. Persons under UNHCR’s statelessness mandate, 2022 (see also footnotes to figures): https://www.unhcr.org/global-trends-report-2022 https://www.unhcr.org/statistics/2022GTannextableSTA.xlsx
POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above. EASO/EUAA, Practical guide on registration (2021): States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.	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. According to the Office of Migration and Citizenship Affairs, , there were 1,624 initial asylum applications in Latvia in 2023. Of those, the largest group was from Syria – 348, Afghanistan – 305, Iranian – 209, Iraq – 65, Cameroon – 53, Russian Federation – 45, DR Congo – 42. Of the asylum seekers, 1 052 were adult men, 294 adult women, 278 were minors (including 28 unaccompanied minors).	OCMA, Patvēruma dati 2023 (unpublished). Information provided to the Latvian Centre for Human Rights by the Office of Citizenship and Migration Affairs by e-mail on 09.02.2024
POP.2.a	Stateless in detention data	Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations. CEDAW, Gen. Rec. 32 (2014): State parties should gather, analyse and make available sex-disaggregated statistical data and trends. ISI, The World’s Stateless (2014): States should strengthen measures to count stateless persons on their territory. Equal Rights Trust, Guidelines (2012): States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. Council of the European Union, Conclusions on Statelessness (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.	Data on detention is not routinely published. Data on the number of detainees by nationality is available on request from the State Border Guard. According to the State Border Guard, 721 asylum seekers were detained from 1 January - 30 November 2023. Among the detainees there was no stateless person. On 10 August 2021, due to the increase in the number of cases of irregular crossings of the state border between Latvia and Belarus, and between Lithuanian and Belarus border, the Latvian Government declared a state of emergency for three months from 11 August 2021 to 10 November 2021 in four administrative territories bordering with Belarus. Government Decree No. 518 foresaw that no asylum applications are accepted by the State Border Guard and other institutions located on the territory where the emergency situation has been declared (Point 6). The state of emergency in administrative territories bordering with Belarus was extended throughout 2022 until August 2023.	Cabinet of Ministers (2022). Amendment to the Order Nr 518 “On Declaring a State of Emergency” of 10 August 2021 (Grozījums Ministru kabineta 2021. gada 10. augusta rīkojumā Nr. 518 "Par ārkārtējās situācijas izsludināšanu"), 6 April. ADMINISTRATĪVĀ RAJONA TIESA RĒZEKNES TIESU NAMS, Lietas arhīva Nr. A42-01184-22/42 ECLI:LV:ADRJRTN:2022:0314.A420290221.4.S, Rēzekne, 14 March 2022 https://manas.tiesas.lv/eTiesasMvc/nolemumi/pdf/472967.pdf (LV) State Border Guard (Valsts robežsardze) (2024). 2023.gada 31.decembris uz valsts robežas un valsts iekšienā, 2 January https://www.rs.gov.lv/lv/jaunums/2023-gada-31-decembris-uz-valsts-robezas-un-valsts-ieksiene?utm_source=https%3A%2F%2Fwww.google.com%2F (LV)

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				On 14 March 2022 the Rēzekne administrative district court ordered the State Border Guard to register the asylum claims of several applicants. As a result of the court decision, on 6 April 2022, the government amended Article 6 of the emergency decree, which provides that restrictions on the acceptance of the asylum applications are no longer applied at two border crossing points (located in the territories where emergency situation is declared) and the foreigner detention centre "Daugavpils". On 10 August 2023 the Cabinet of Ministers issued an order declaring an enhanced regime of border protection for six months from 11 August 2023 till 10 February 2024 in several regions bordering Belarus. On 28 November 2023 the geographical scope of the regime was slightly broadened. The enhanced regime was also in force in several regions bordering Russia. According to the State Border Guard, in 2023, 13,863 persons were deterred from crossing the border, while 428 persons were allowed into territory on humanitarian grounds.	Latvia, Cabinet of Ministers Order No. 825 of 28 November 2023 "Amendments to Cabinet of Ministers Order No 514 of 10 August 2023 "On Declaring a Reinforced Operating Regime for the Border Security System"" (*Ministru kabineta 2023. gada 28.novembra rīkojums Nr. 825 "Grozījumi Ministru kabineta 2023. gada 10. augusta rīkojumā Nr. 514 "Par pastiprināta robežapsardzības sistēmas darbības režīma izsludināšanu""*), 28 November 2023; Draft Law "Amendments to the Cabinet of Ministers Order No 514 of 10 August 2023 "On Declaring an Enhanced Operating Regime for the Border Security System"" - Ex-ante Initial Impact Assessment Report (annotation) (*Tiesību akta projekta "Grozījumi Ministru kabineta 2023. gada 10. augusta rīkojumā Nr. 514 "Par pastiprināta robežapsardzības sistēmas darbības režīma izsludināšanu"" sākotnējās ietekmes (ex-ante) novērtējuma ziņojums (anotācija)*)
POP.2.b		Does the State 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.	

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Statelessness Determination and Status

Item	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.	1954 Convention: Articles 1(1) & 1(2).	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 of such state' 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. 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 residence before that date was on the territory of Latvia, and their children, provided that they have no other citizenship. The 1954 Convention Article I(2)(ii) states that the Convention shall not apply "To persons who are recognized by the competent authorities of the country in which they have taken residence as having the rights and obligations which are attached to the possession of the nationality of that country". People who fall under either category in Latvian law ('stateless person' or 'non-citizen') are stateless under international law (as per the definition in Article 1(1) of the 1954 Convention, which is also customary international law), but according to UNHCR, non-citizens may currently be considered persons to whom the Convention does not apply. 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 citizens. 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.	Law on Stateless Persons, 2007, Article 2.1 & 2.2: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons Citizenship Law, 2013: https://likumi.lv/ta/en/id/57512-citizenship-law 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 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) 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 UN High Commissioner for Refugees (UNHCR), UNHCR Submission on Latvia: UPR 24th Session, July 2015, p.12: https://www.refworld.org/docid/5a12da012.html 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 SKA – 472/2008, 3 October 2008 (Supreme Court Judgment): https://www.tiesas.lv/nolemumi/pdf/11451.pdf (LV)

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				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.	
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	UNHCR Executive Committee, Conclusion No. 106 (LVII) (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.	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 (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%81l%C4%81-p%C4%81rst%C4%81vniec%C4%ABba-sadarb%C4%ABb%C4%81-ar-pmlp-dal%C4%81s-pieredz%C4%93-bezvalstniec%C4%ABbas-jaut%C4%81jumos/
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	UNHCR, Good Practices Papers – Action 6 (2020): Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels. UNHCR, Geneva Conclusions (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.	
SDS.3.a	Existence of a dedicated SDP	Which of the following best describes the situation in your country? **Choose only one and then proceed to question indicated**. **1.** There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status **(answer Question SDS.3.b. and proceed to Question 4a).** **2.** There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access their rights **(answer Question SDS.3.b. and proceed to Question 10a).**	UNHCR, Handbook on Protection (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. UNHCR, Good Practices Papers – Action 6 (2020): Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	#1 - There is a dedicated statelessness determination procedure (SDP) established in law.	Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons

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		3. There is a dedicated statelessness status but no formal procedure for determining this **(answer Question SDS.3.b. and proceed to Question 15a).**			
SDS.3.b	Temporary protection for people fleeing war	Does the State guarantee access to the territory to everyone fleeing Ukraine, regardless of nationality, documentation, or residence status? Does the State offer a temporary form of protection to stateless people and people at risk of statelessness from Ukraine (through the EU Temporary Protection Directive or another mechanism)? Is temporary protection accessible to all stateless persons who have fled Ukraine, regardless of their documentation status? If the State grants temporary protection more broadly than required by the EU TPD, please state so. Please describe any other barriers for stateless people or people at risk of statelessness in accessing the territory or receiving temporary protection, asylum, or other protection.	EU Temporary Protection Directive (2001) EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine & European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine: Everyone fleeing the war in Ukraine should be guaranteed access to the territory. European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection.	Latvia has implemented the EU Temporary Protection Directive. According to Article 1(1) of the Law on Assistance to Ukrainian Civilians grants assistance to Ukrainian civilians who fled Ukraine and are unable to return due to the armed conflict. Ukrainian civilians are citizens of Ukraine and their family members, and also the persons who have received a permanent residence permit in Ukraine and cannot return to the country of their citizenship, the status of a stateless person, or the status of international protection in Ukraine and their family members. Article 1.1 of the same law grants temporary protection for Ukrainian civilians within the meaning of the Asylum Law. When a person claims to be stateless, the absence of any documents which officially recognise their statelessness can potentially affect the length of the temporary protection process. If a person arrives without travel documents, the identity of the person will be confirmed in cooperation with the competent Ukrainian authorities, inter alia the Embassy of Ukraine in the Republic of Latvia. There are no restrictions for stateless persons from Ukraine who do not meet the criteria for temporary protection that prevent them from claiming asylum.	Law on Assistance to Ukrainian Civilians, 2022 https://likumi.lv/ta/en/en/id/330546-law-on-assistance-to-ukrainian-civilians
SDS.4.a	Access to the procedure (Group 1)	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.	UNHCR, Handbook on Protection (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, Good Practices Papers – Action 6 (2020): It is important that examiners develop expertise while ensuring that the procedures are accessible.	The 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.	Law on Stateless Persons, 2007, Article 2.2: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons 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) Office of Citizenship and Migration Affairs website: https://www.pmlp.gov.lv/lv/sakums/pakalpojumi/nepilsona-bezvalstnieka-statuss/bezvalstnieka-statuss-iegusana.html (LV)
SDS.4.b		Are there clear, accessible instructions on how to make a claim of statelessness?	UNHCR, Handbook on Protection (2014): For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR, Good Practices Papers – Action 6 (2020): Information on the procedure and counselling	Instructions on how to make a claim are accessible in Latvian, English and Russian 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. Information can also be submitted electronically by using electronic signature.	Office of Citizenship and Migration Affairs website, Bezvalstnieka statusa iegūšana (Obtaining stateless person status): https://www.pmlp.gov.lv/lv/sakums/pakalpojumi/nepilsona-bezvalstnieka-statuss/bezvalstnieka-statuss-iegusana.html (LV) https://www.pmlp.gov.lv/en/obtaining-status-stateless-person (ENG)

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			services must be available to potential applicants in a language they understand.		https://www.pmlp.gov.lv/ru/priobretenie-statusa-lica-bez-grazhdanstva (RUS)
SDS.4.c		Can submissions be made orally and/or in writing in any language?	ENS, Statelessness Determination and the Protection Status of Stateless Persons (2013): Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	Although it is not explicitly 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/pakalpojumi/nepilsona-bezvalstnieka-statuss/bezvalstnieka-statuss-iegusana.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.4.d		Must a specific application form be used? Please note any difficulties with forms or other inflexible documentation requirements.	ENS (2013): Bureaucratic difficulties (e.g. complicated forms, inflexible procedures, language restrictions etc.) can impede access to SDPs.	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 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.	Office of Citizenship and Migration Affairs website, Bezvalstnieka statusa iegūšana (Obtaining stateless person status): https://www.pmlp.gov.lv/lv/sakums/pakalpojumi/nepilsona-bezvalstnieka-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.4.e		Are competent authorities authorised to initiate SDPs *ex officio*?	UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that governmental authorities be authorised to initiate procedures ex officio. UNHCR, Handbook on Protection (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.4.f		Are there obligations in law on authorities to consider the application?	UNHCR, Good Practices Papers – Action 6 (2020): 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.4.g		Is there an application fee?	UNHCR, Good Practices Papers – Action 6 (2020): Access to the SDP must be guaranteed.	No.	OCMA website, Pricelist: http://www.pmlp.gov.lv/en/home/services/pricelist/
SDS.4.h		Is there a lawful stay requirement to access the SDP?	UNHCR, Good Practices Papers – Action 6 (2020): 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)
SDS.4.i		Is there a time limit on access to the SDP?	UNHCR, Good Practices Papers – Action 6 (2020): Access to the SDP must be guaranteed and not subject to time limits. ENS (2013): There is no basis in the 1954 Convention to set time limits for individuals to claim statelessness status.	No.	Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons

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SDS.4.j		Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	UNHCR, Good Practices Papers – Action 6 (2020): Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	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.5.a	Assessment (Group 1)	Who has the burden of proof in the SDP in law and practice?	UNHCR, Handbook on Protection (2014): The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). UNHCR, Good Practices Papers – Action 6 (2020): SDPs must take into consideration the difficulties inherent in proving statelessness. UNHCR, Geneva Conclusions (2010): In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. 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. ECtHR, Hoti v. Croatia (2018): State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.	By law the person authorised by the Head of OCMA is entitled to take a decision on statelessness status (based on written information approved by OCMA at its disposal) even if the applicant due to reasons beyond their 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 from the general principle of law within administrative procedures.	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)
SDS.5.b		What is the standard of proof, in law and in practice? Is it the same as in refugee status determination procedures?	UNHCR, Handbook on Protection (2014): States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree'). UNHCR, Good practices in nationality laws (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. ECtHR, Hoti v. Croatia (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.	Asylum and statelessness categories cannot be fully compared. They are regulated by sources of law which are partially interlinked (e.g. by applied UNHCR practice and doctrine for both categories), however, there is a reason to believe that the standard of proof for the determination of statelessness is higher than in asylum cases. This is evidenced by the applicant's duty "to submit documents which confirm their right to receive the status of a stateless person". These documents include identification documents, a document issued by a foreign competent authority which confirms that the person is not a citizen of a specific country and they are not guaranteed the citizenship of that country, or a documentary confirmation that such a document is impossible to obtain. If a person may not submit the required documents, this must be due to circumstances beyond the person's control (Supreme Court Senate judgement No SKA 103/2023 of 8 February 2023). Article 4 part 2 of the Law on Stateless Persons). This legal norm grants the authority a margin of appreciation, but there are not many precedents. In cases of a person's dual identity, communication with the person and location of the person may be hindered, e.g. in cases where the person committed an offence when they present themselves with another identity elsewhere. Thus, it is only possible to verify if a person is a citizen of another State when there is no doubt that a person who claims the status of a stateless person is the same person they claim to be(para 8). Thus, the Supreme Court Senate agrees with the argument of the Office of Migration and Citizenship Affairs that "when the status of statelessness is granted to a person who does not co-operate with the authority and hides his/her identification data, a precedent is being created in Latvia that the status of a stateless person can be acquired with identity data that are not derived from documents." In its practice, the Supreme Court Senate, although citing the UNHCR Guidelines, nevertheless acknowledges: "The Senate acknowledges that the acquisition of a personal identification	Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons 08.02.2023. Judgment of the Department of Administrative Cases, case No SKA-103/2023 ECLI:LV:AT:2023:0208.A420236918.16.S

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				document or proof which confirms a person's identification data, is primarily up to and in the interest of a person himself/herself in order to claim the status of a stateless and consequently enjoy the rights granted to stateless persons by the Convention. Only the person himself/herself who has had a link with some State, including at the age of majority, knows best where to turn to clarify data about oneself and one's legal status." Therefore, the standard of proof is higher or no less high than in asylum cases. Both the Supreme Court Senate and OCMA link the duty to verify the applicant's identity with the requirement for a person to be registered in the register foreseen by Article 11 of the Physical Persons Register Law and Cabinet of Ministers Regulations No 412 of the 22 June 2021 "The Procedure of Entering and Updating of Information in the Physical Persons Register", in acknowledging that: "Since the identity of the applicant has not been determined, the argument by OCMA is justified, that by ordering to grant the applicant the status of a stateless person, OCMA would have to violate the above norms that require to substantiate information to be included in the register with proof." This narrows the margin of appreciation of the authority in the context of Article 4 para 2. In sum, the practice is such that a more proactive effort by the applicant is expected concerning identity and other documents with the country of origin which may not be proportionate. The Supreme Court Senate, nevertheless, provides that in such cases the applicant shares the burden of proof with State authorities trying to clarify the situation and obtain documents in their home country.	
SDS.5.c		What measures are in place to guarantee substantive equality for women, children and other groups (e.g. disabled people, older people, LGBTQI people, etc.) at risk of discrimination in the SDP? In particular, what measures are in place to ensure respect for the best interests of the child in the procedure (burden of proof, guardianship, child-friendly procedures, etc.)?	UNHCR, Handbook on Protection (2014): Due to discrimination, women might face additional barriers in acquiring documentation (e.g. birth certificates or other identification documents). Children and persons with disabilities may face acute challenges in communicating basic facts with respect to their nationality. States must follow the principle of pursuing the best interests of the child. Additional safeguards for child claimants include priority processing of their claims, appropriately trained professionals and a greater share of the burden of proof by the State. CEDAW, Gen. Rec. 32 (2014): 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. CRC: Articles 2, 3, 7 and 8 CRPD: Article 18 UNHCR, Best Interests Procedure Guidelines (2021) UNHCR, Roundtable on Protection and Solutions for LGBTIQ+ People in Forced Displacement (2021) Global Compact for Safe, Orderly and Regular Migration: Objective 7 UN Women, Gender-responsive implementation of the Global Compact (2021): States should put in place measures to regularise the status of migrants leading to permanent residence, with specific	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. Article 5.1 on Subjects of the Law on the Protection of Children's Rights Law lists professions requiring special knowledge in the field of protection of the rights of the child. Government Regulation No 173 further specifies the procedures by which special knowledge in the field of the protection of the rights of the child shall be acquired, and also the content and extent of such knowledge shall be determined by the Cabinet. In 2021, the State Children's Rights Inspectorate (Valsts bērnu tiesību aizsardzības inspekcija) published the 2nd volume of the Handbook for child custody court employees. It includes extensive Guidelines on providing representation to foreign minors and unaccompanied minors and the cooperation of involved institutions. The guidelines include issues such as the categories of foreign minors and relevant procedures, role and mandate of child custody courts, methodology concerning the provision of representation and co-operation of involved institutions, accommodation of an unaccompanied minor (UAM) and care in family environment, provision of guarantees to UAM, search for family members, co-operation of institutions concerning UAM.	Bērnu tiesību aizsardzības likums (Law on the Protection of Children's Rights), Art. 6(1), Art. 5 (1), Art. 6 (2.1) 2021: https://likumi.lv/doc.php?id=49096 (LV) Ceļmale L. Bērna labāko interešu princips un tā piemērošana praksē. Jurista Vārds, 06.06.2017., Nr. 24 (978), 20.-23.lpp. Noteikumi par kārtību, kādā apgūst speciālās zināšanas bērnu tiesību aizsardzības jomā, šo zināšanu saturu un apjomu https://www.vestnesis.lv/op/2014/71.1 State Children's Rights Inspectorate (Valsts bērnu tiesību aizsardzības inspekcija, p. 72-112, at https://www.bti.gov.lv/lv/media/645/download

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			attention to migrant women and girls who are stateless. European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on Commission and Member States to overcome discrimination against rainbow persons and families.	On 11 November 2021, the Law on the Protection of Children's Rights was supplemented with Article 2.1 which details evaluation criteria in determining the best interest of the child.	
SDS.5.d		Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, accurate and reliable country of origin information relating to statelessness, etc.)?	ENS (2013): Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances. Asylos, Principles for Conducting Country of Origin Information Research on Statelessness (2023)	There is no public information available about whether decision-makers are presented with clear guidance on how to determine statelessness. Authorities would use reliable external sources as country of origin information.	
SDS.5.e		Is there any evidence of significant errors in decision-making?		There is no public information about the quality of decision making.	
SDS.6.a	Procedural safeguards (Group 1)	Is free legal aid available during the procedure?	UNHCR, Handbook on Protection (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 before administrative authorities. State legal aid covers court instances. Stateless persons have the right to State provided free legal aid for court proceedings, if they have received the status of a low-income person or person in need, 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-atbilstibu-valsts-nodrosinatas-juridiskas-palidzibas-pieskirsanai
SDS.6.b		Is an interview always offered (unless granting without interview)?	UNHCR, Handbook on Protection (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.6.c		Is free interpreting offered for statelessness determination interviews?	UNHCR, Handbook on Protection (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. As most stateless persons 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.6.d		Are there quality assurance audits of the SDP?	UNHCR, Good Practices Papers – Action 6 (2020): 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.6.e		What role does UNHCR play in the proceedings (e.g. access to files, monitoring, training)?	UNHCR, Handbook on Protection (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 Persons about the role of UNHCR, OCMA does consult UNHCR from time to time on individual cases and UNHCR do get queries regarding nationality laws and/or practices in different countries.	https://www.pmlp.gov.lv/lv/sakums/jaunumi/aktualitates/2018/02/27/unhcr-re%C4%A3ion%C4%81l%C4%81-p%C4%81rst%C4%81vniec%C4%ABba-sadarb%C4%ABb%C4%81-ar-pmlp-dal%C4%81s-pieredz%C4%93-bezvalstniec%C4%ABbas-jaut%C4%81jumos/ Information received by LCHR from UNHCR Northern Europe Office representative on 12 February 2020.
SDS.6.f		Are decisions (refusals and grants) given in writing with reasons?	UNHCR, Handbook on Protection (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)

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SDS.6.g		Is there a timeframe for the SDP set in law or policy and is it complied with in practice?	UNHCR, Handbook on Protection (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.6.h		Is statelessness identified in asylum procedures? Is there any guidance for officials relating to identification or determination of statelessness within asylum procedures? Is there a referral mechanism from asylum procedures to the SDP (either during or at the conclusion, if the applicant is refused asylum)?	UNHCR, Good Practices Papers – Action 6 (2020): Efficient referral mechanisms should be established and officials who may be in contact with stateless persons trained to identify and refer potential applicants. EASO/EUAA, Practical guide on registration (2021): The country or countries of former habitual residence should be recorded in applications for international protection to facilitate follow-up and referral to a dedicated statelessness determination procedure. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim. 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. There is no public information available about whether decision-makers are presented with clear guidance on how to determine statelessness.	Experience of the Latvian Centre for Human Rights.
SDS.7.a	Protection during SDP (Group 1)	Does the applicant have automatic legal admission while their claim for statelessness status is assessed or is there a risk of expulsion?	UNHCR, Handbook on Protection (2014): An individual awaiting a decision is entitled, at a minimum, to all rights based on presence and being 'lawfully in' the territory (including identity documents, the right to self-employment, freedom of movement, protection against expulsion). It is recommended that applicants for statelessness status receive the same treatment as asylum-seekers. ENS (2013): States should refrain from expelling or removing an individual pending the outcome of the determination process.	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 statelessness 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 application to be assessed if the person is no longer in Latvia.	Experience of the Latvian Centre for Human Rights.
SDS.7.b		Do applicants for statelessness status have permission to work and access to assistance to meet their basic needs?	UNHCR, Handbook on Protection (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.	No. Until the decision granting or refusing statelessness 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 statelessness status have been placed in municipal crises centre, which provide short-term (about six months) shelter and basic services for people in crisis.	Imigrācijas likums (Immigration Law), 2017, Art. 9: https://likumi.lv/ta/id/68522-imigracijas-likums (LV) 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 Veselības aprūpes finansēšanas likums (Healthcare Financing Law), 2018, Art. 7 & Art. 9(1)(3): https://likumi.lv/doc.php?id=296188 (LV) LCHR practice.
SDS.7.c		Do applicants for statelessness status face a risk of detention?	UNHCR, Handbook on Protection (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 have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention.	The Immigration Law establishes that people can only be detained in the case of a removal procedure.	Imigrācijas likums (Immigration Law), 2017, Art. 51: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)

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SDS.8.a	Appeals (Group 1)	Is there an automatic right of appeal?	UNHCR, Handbook on Protection (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.8.b		Is legal aid available for appeals?	UNHCR, Handbook on Protection (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.8.c		Is there a fee for the appeal application?	UNHCR, Handbook on Protection (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.9.a	Statelessness status (Group 1)	Does recognition of statelessness result immediately in automatic permission to stay/legal status? If not, please describe any additional requirements, admissibility criteria, grounds for refusal or other steps required to access protection.	UNHCR, Handbook on Protection (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 statelessness status. There are no additional requirements.	Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons
SDS.9.b		How long is initial status granted for and is it renewable?	UNHCR, Handbook on Protection (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.9.c		Is a travel document issued to people recognised as stateless?	1954 Convention: 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.9.d		Do people recognised as stateless have a right to family reunification?	UNHCR, Handbook on Protection (2014): Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunification of those with recognised statelessness 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.9.e		On what grounds (if any) may residence status granted to stateless people be revoked? Is a proportionality assessment undertaken prior to the revocation decision, e.g. to consider respect for the right to private and family life (if applicable)?	UNHCR, Handbook on Protection (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. 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.	Residence status can be revoked 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
SDS.9.f		Do people granted statelessness status have permission to work?	1954 Convention: Article 17 UNHCR, Handbook on Protection (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)

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SDS.9.g		Do people granted statelessness status have access to primary, secondary, and higher education?	1954 Convention: 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 status: https://likumi.lv/doc.php?id=16113 (LV)
SDS.9.h		Do people granted statelessness status have access to social security and healthcare?	1954 Convention: Articles 23 & 24 UNHCR, Handbook on Protection (2014): The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.	Persons granted statelessness 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 statelessness status have the right to receive minimum state-funded medical care.	Par sociālo drošību (On Social Security), 1995, Arts. 3, 5 & 6: https://likumi.lv/ta/en/en/id/36850-on-social-security (LV) Veselības aprūpes finansēšanas likums (Healthcare Financing Law), 2018, Art. 8(1) & Art. 9(1)(3): https://likumi.lv/doc.php?id=296188 (LV)
SDS.9.i		Are stateless people allowed to vote in local and/or national elections? If yes, are there any additional requirements for stateless people to vote (e.g. permanent residence, identification documents, etc.)? **[Section complete, proceed to DET]**	1954 Convention: Article 7, States shall accord to stateless persons at least the same treatment as is accorded to foreign nationals.	No. Stateless people are not allowed to vote either in local or national elections. Neither are non-citizens.	Law on Elections of Municipality Council, 1994, Art. 5 (1) https://likumi.lv/ta/id/57839-pasvaldibas-domes-velesanu-likums Saeima Election Law, 1995, Art.1 https://likumi.lv/ta/id/35261-saeimas-velesanu-likums

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Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered. Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.	ICCPR: Article 9 ECHR: Article 5 EU Return Directive: Article 15 UNHCR, Handbook on Protection (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. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. HRC, Report of the Special Rapporteur (2012): The obligation to always consider alternatives before resorting to detention should be established by law. International Detention Coalition (2015): Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.	Section 51 of the Immigration Law and Section 16 of the Asylum Law regulate immigration detention. 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. According to Section 16 of the Asylum Law, an asylum seeker may be detained if: 1) it is necessary to ascertain or verify the person's identity or nationality; 2) it is necessary to ascertain the facts on which the asylum application is based; 3) it is necessary to decide on the person's right to enter Latvia; 4) there are grounds for assuming that the person submitted an application to hinder their removal; 5) the competent authorities (including the Border Guard) have reason to believe that the asylum seeker presents a threat to national security or public order and safety; 6) detention is necessary for a transfer procedure in accordance with the EU Dublin Regulation According to Section 51(2), the Border Guard may detain a non-national if there are grounds to believe that the person will avoid or impede a removal procedure or there is a risk of absconding—a determination that is based on any of the following criteria: the individual 1) fails to disclose their identity, provides false information, or refuses to cooperate; 2) crosses the external border, avoiding border checks and using forged documents; 3) fails to indicate a place that they will reside while awaiting a removal procedure; 4) threatens security, public order, or safety; 5) promotes undocumented immigration; 6) has been convicted for a criminal offence punishable with a prison sentence of at least one year; 7) has previously avoided a removal procedure; 8) unjustifiably fails to abide by a voluntary return decision; 9) fails to register with the Border Guard; 10) leaves an accommodation centre; or 11) violates a re-entry ban. Alternatives to detention are rarely applied in practice. According to the State Border Guard, 721 asylum seekers were detained from 1 January - 30 November 2023. Among the detainees there was no stateless person.	Imigrācijas likums (Immigration Law), 2017, Section 51: https://likumi.lv/ta/id/68522-imigracijas-likums (LV) Asylum Law, 2017, Sections 13, 14, & 16: https://likumi.lv/ta/en/en/id/278986-asylum-law 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-izsniegsanu (LV) 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 Immigration Detention in Latvia: Giving "Accommodation" a Whole New Meaning (2019) https://www.globaldetentionproject.org/immigration-detention-latvia-giving-accommodation-whole-new-meaning State Border Guard (Valsts robežsardze), Letter to the Latvian Centre for Human Rights (Latvijas Cilvēktiesibu centrs) No Nr..23.1-8.16/5155, 5 December 2023.

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DET.1.b		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: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7). ECtHR, Auad v. Bulgaria (2011): In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities' diligence in handling the deportation. EU Return 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), 2021: https://likumi.lv/ta/id/68522-imigracijas-likums (LV) Asylum Law, 2017: https://likumi.lv/ta/en/en/id/278986-asylum-law
DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal? Please describe the situation in law and in practice.	EU Return Directive: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately. UN Working Group on Arbitrary Detention (2018): When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary. ECtHR, Auad v. Bulgaria (2011) ECtHR, Mikolenko v. Estonia (2009)	According to Article 59.4 of the Immigration Law a detained foreigner shall be released if the detention period has expired or the court has taken the decision to refuse to extend the detention period; or based on the decision of an official of the State Border Guard on release of the detained foreigner if the circumstances which were the basis for their detention no longer exist, or the documents required for the removal of the foreigner cannot be obtained. This is applied in practice.	Imigrācijas likums (Immigration Law), 2021 https://likumi.lv/ta/id/68522-imigracijas-likums https://likumi.lv/ta/en/en/id/68522-immigration-law (ENG)
DET.2.a	Identification of statelessness	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.	ECtHR, Auad v. Bulgaria (2011) ECtHR, Mikolenko v. Estonia (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence. UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. CMW, General comment No. 5 (2021): States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Equal Rights Trust, Guidelines (2012): States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. ICJ, Migration and International Human Rights Law (2014): The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.	If statelessness is established by the State, the person shall not be detained solely on the ground of statelessness. 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), 2021: https://likumi.lv/ta/id/68522-imigracijas-likums (LV) Asylum Law, 2021: https://likumi.lv/ta/en/en/id/278986-asylum-law
DET.2.b		Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.	There is no definition of vulnerability in Immigration Law. According to Article 1 (10) of the Asylum Law, asylum seekers with special procedural or reception needs - a minor, a disabled person, a person of the age where a pension is granted in the Republic of Latvia, a pregnant woman, a parent with a minor child, a victim of human trafficking, a person who needs special care due to the health condition, a person with mental disorders, a person who has suffered from torture, rape or other serious psychological,	Imigrācijas likums (Immigration Law), 2021: https://likumi.lv/ta/id/68522-imigracijas-likums (LV) Asylum Law, 2021: https://likumi.lv/ta/en/en/id/278986-asylum-law

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				physical or sexual violence, or other person to be especially protected whose ability to benefit from the rights and to comply with the obligations during the asylum procedure is limited. Article 59(1) of the Immigration Law provides that vulnerable persons cannot be placed in temporary places of detention within police departments (Section 59(1)). Those who are classed as vulnerable persons include children, people with disabilities, elderly, pregnant women, parents of minor children, and victims of serious psychological, physical, or sexual violence.	
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	ENS, Protecting Stateless Persons From Arbitrary Detention (2015): Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed. EU Return Directive: Article 16(3) EU Return Handbook (2017): Attention should be paid to the specific situation of stateless persons. Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013): European entities should assess the situation of LGBTI persons in detention. PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.	Yes, the law obliges the state to carry out individual health assessments. Statelessness is not a vulnerability factor, but special needs related are identified before, after and also when appealing the detention decision.	Imigrācijas likums (Immigration Law), 2017, Art. 57 & 59: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)
DET.2.d		Are stateless people detained in practice?	As above.	There is no recent public information about stateless people being detained in practice.	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.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?	ICCPR: Article 9(4) ECHR: Article 5(4) EU Return Directive: Articles 12, 13 and 15(5) HRC, Report of the Working Group on Arbitrary Detention (2010): A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. CMW, General comment No. 5 (2021): States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. UNHCR, Detention Guidelines (2012): To guard against arbitrariness, maximum periods of detention should be set in national law. UNHCR, Handbook on Protection (2014): Judicial oversight of detention is always necessary and	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. 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. 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 removal. The frequency of reviews is not set in law.	Imigrācijas likums (Immigration Law), 2017, Art. 54: https://likumi.lv/ta/id/68522-imigracijas-likums (LV) Imigrācijas likums (Immigration Law), 2017, Art. 52(2), 54, 56 & 59: https://likumi.lv/ta/id/68522-imigracijas-likums (LV) Asylum Law, 2017, Section 20: https://likumi.lv/ta/en/en/id/278986-asylum-law Imigrācijas likums (Immigration Law), 2017, Art. 59(4): https://likumi.lv/ta/id/68522-imigracijas-likums (LV)

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			detained individuals need to have access to legal representation, including free counselling for those without means. UNGA, Body of Principles (1988): Anyone who is arrested shall be informed at the time of the reason for their arrest. Equal Rights Trust, Guidelines (2012): Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible. International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (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. ECtHR, Kim v. Russia (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.	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. 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 free legal aid available to challenge detention	Imigrācijas likums (Immigration Law), 2017, Art. 54(1) & 56(6): https://likumi.lv/ta/id/68522-imigracijas-likums (LV) 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) Imigrācijas likums (Immigration Law), 2017: https://likumi.lv/ta/id/68522-imigracijas-likums (LV) Patvēruma likums (Asylum Law), Art. 11(2)(5): https://likumi.lv/ta/id/278986-patveruma-likums (LV)
DET.3.b		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, Guidelines (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 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. 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.	Imigrācijas likums (Immigration Law), 2017, Art. 52(2), 54, 56 & 59: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)
DET.3.c		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	Equal Rights Trust, Guidelines (2012): The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. ENS, Protecting Stateless Persons From Arbitrary Detention (2015): The detaining state should have rules in place that govern the process of re-	There is no publicly available information on whether rules or guidance are in place governing the process of redocumentation and/or ascertaining nationality.	

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			documentation and/ or ascertaining entitlement to nationality.		
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?	1954 Convention: Article 27 UNHCR, Handbook on Protection (2014): Being undocumented cannot be used as a general justification for detention. CMW, General comment No. 5 (2021): There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released. ENS, Protecting Stateless Persons From Arbitrary Detention (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, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	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 statelessness status on release and provide the stateless person with official identification, a residence permit and a travel document.	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 Imigrācijas likums (Immigration Law), 2017, Art. 23 (27): https://likumi.lv/ta/id/68522-imigracijas-likums (LV) Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	CJEU, Kadzoev, C-357/09 PPU (2009): After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release. Equal Rights Trust, Guidelines (2012): Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	If there is a legal ground, the person shall be provided stateless person status with corresponding travel document and residence permit.	
DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	UNHCR, Handbook on Protection (2014): Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness. UNCRC, MKAH v Switzerland, no 95/2019 (2021): The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC).	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://www2.mfa.gov.lv/component/intagmt/?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 ieceļošanas vai uzturēšanās nosacījumiem otras valsts teritorijā (Georgia), 2008: https://likumi.lv/doc.php?id=184345 (LV) 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)
DET.5.b		Are you aware of cases of stateless people being returned under such agreements?		No. No information is available on this.	

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Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	1954 Convention: Article 32 UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. 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.	The residence requirement for stateless persons 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: 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); 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.	Citizenship Law, 2013, Art 12(1)(1) & (5): https://likumi.lv/ta/en/en/id/57512
PRS.1.b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	CoE Committee of Ministers, Recommendation No. R (99) 18 (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
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children, and any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices.	1954 Convention: Article 32 UNHCR, Good Practices Papers – Action 6 (2020): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021): States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.	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 with 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
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality? **[If yes, continue to PRS2b. If no, proceed to PRS2i]**	1961 Convention: Article 1 ECN: Article 2 CRC: Article 7 Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. HRC, CCPR General comment No. 17 (1989): States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. European Parliament resolution (2018): The EU and its MS should ensure that childhood statelessness is	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. Until the child reaches 15, one parent can apply for the child to be recognised as a Latvian citizen, provided that: 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;	Citizenship Law, 2013, Section 3(1): 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]: https://likumi.lv/ta/id/310468-par-nepilsona-statusa-pieskirsanas-izbeigsanu-berniem (LV)

			adequately addressed in national laws in full compliance with Article 7 CRC.	4) And the parent with whom the child has lived has held permanent residence for five years. (As above if no information about father, or the other parent deceased) After 15, a child can apply themselves until aged 18 years, provided that: 1) Both the child's parents are non-citizen or stateless; 2) The child has resided permanently for five years in Latvia; 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) A new law provides for the automatic acquisition of Latvian citizenship 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.	
PRS.2.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	UNHCR, Guidelines on Statelessness No. 4 (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, No Child Should Be Stateless (2015): The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.	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).	Citizenship Law, 2013, Section 3(1): https://likumi.lv/ta/en/en/id/57512 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 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.2.c		Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012): Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.	The parents are provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality.	https://www.pmlp.gov.lv/en/children-non-citizens-or-stateless-persons (ENG) https://www.pmlp.gov.lv/ru/deti-negrazhdan-i-lic-bez-grazhdanstva (RU)
PRS.2.d		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	UNHCR, Guidelines on Statelessness No. 4 (2012): The test is not an inquiry into whether a child's parents are stateless. ENS, No Child Should Be Stateless (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

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PRS.2.e		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, Guidelines on Statelessness No. 4 (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, but in the case of children the State assumes a greater share of the burden of proof. 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.2.f		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.	1961 Convention: Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (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. CRC: Articles 3 & 7 Committee on the Rights of the Child, Concluding observations on the Netherlands (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. ECN: Article 6(2)(b)	No.	Citizenship Law, 2013: https://likumi.lv/ta/en/en/id/57512
PRS.2.g		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.	Committee on the Rights of the Child, Concluding observations on Czech Republic (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. ENS, No Child Should Be Stateless (2015): Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.	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.2.h		What are the age limits and fees (if any) for making an application for nationality for a stateless person born on the territory?	1961 Convention: Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (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. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. ENS, No Child Should Be Stateless (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.	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. There are no fees in either case.	Citizenship Law, 2013: https://likumi.lv/ta/en/en/id/57512 Kārtība, kādā bezvalstnieku vai nepilsoņu bērnu, kas dzimis Latvijā pēc 1991.gada 21.augusta, atzīst par Latvijas pilsoni, 2013 https://likumi.lv/doc.php?id=260436 (LV)

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PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	UNHCR, Guidelines on Statelessness No. 4 (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.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	1961 Convention: Article 2 ECN: Article 6(1)(b)	Yes. It is automatic.	Citizenship Law, 2013, Section 2: https://likumi.lv/ta/en/en/id/57512
PRS.3.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, Guidelines on Statelessness No. 4 (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.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR, Guidelines on Statelessness No. 4 (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.4.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?	1961 Convention: Article 5 ENS, No Child Should Be Stateless (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. In a case from 2023, after the deprivation of parental custody rights, a five-year-old child, a Latvian non-citizen, was placed with a foster family until he was adopted by foreign citizens. Although the child custody court [*bāriņtiesa*] was the child's legal representative for four years, it did not do anything for the child to receive Latvian citizenship. After the adoption, the parents requested OCMA to grant the child Latvian citizenship, which was denied as both parents are not Latvian citizens. Neither the child custody court nor OCMA evaluated the best interest of the child. They failed to guarantee a fundamental aspect of a child's identity, namely his citizenship. Parents' dispute with OCMA is now before the administrative court, and the Ombudsperson has given an opinion in the case.	Citizenship Law, 2013: https://likumi.lv/ta/en/en/id/57512 Ombudsperson 2023 annual report (LV) https://www.tiesibsargs.lv/wp-content/uploads/2024/03/2023.-gada-zinojums.pdf
PRS.4.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.	ECN: Article 6(4)(d) Committee on the Rights of the Child, Concluding Observations on Switzerland (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 their 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.5.a	Ius sanguinis	Can children born to nationals abroad acquire nationality by descent (*ius sanguinis*) in general and/or if they would otherwise be stateless?	1961 Convention: Article 4 UNHCR, Guidelines on Statelessness No. 4 (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 citizenship, as the criteria set by the	https://likumi.lv/ta/id/57512-pilsonibas-likumsCitizenship 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)

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				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, 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 citizenship 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.5.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.)?	ECtHR, Genovese v. Malta (2011): The state must ensure that the right to nationality is secured without discrimination. CEDAW, Gen. Rec. 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. UNHCR, Background Note on Gender Equality, Nationality Laws and Statelessness 2023: Nationality laws which do not grant women equality with men in conferring nationality to their children are a cause of statelessness. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 4	Conditions above apply. 'Non-citizens'' and 'stateless persons'' children born abroad do not have an automatic right to Latvian citizenship, 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 citizenship upon request if the child does not acquire another nationality.	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)
PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the migration or residence status, sexual and/or gender identity of their parents, or other characteristics?	CRC: Article 7 ICCPR: Article 24(2) CoE, Recommendation CM/Rec(2009)13 (2009): Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown. UNHCR, Guidelines on Statelessness No. 4 (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7 UN Sustainable Development Goal 16.9 European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on States to overcome discrimination against rainbow persons and families. UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.	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 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) and 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.	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) 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 ENS (2015), Ending Childhood Statelessness: A Study on Latvia, p.17-18: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf Law on Registration of Civil Documents
PRS.6.b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	HRC, Resolution A/HRC/RES/20/4 (2012): 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. Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: 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.	All children are issued with a birth certificate upon registration.	Civilstāvokļa aktu reģistrācijas likums (Law on Registration of Civil Documents), 2013, 26(3): https://likumi.lv/ta/id/253442-civilstavokla-aktu-registracijas-likums (LV)

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			General Comment No 7 (2005) CRC: States parties should take all necessary measures to ensure that all children are registered at birth. This can be achieved through a universal, well-managed registration system that is accessible to all and free of charge. An effective system must be flexible and responsive to the circumstances of families.		
PRS.6.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.)	CRC: 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/ep01/Apraksts LCHR casework practice.
PRS.6.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, competent authority, and whether the child's best interests are taken into consideration.	CRC: Articles 3 & 7 1961 Convention: Articles 1 & 4 UNHCR, Guidelines on Statelessness No. 4 (2012): States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years. HRC, CCPR General comment No. 17 (1989): States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. UNHCR, Best Interests Procedure Guidelines (2021) HRC, D.Z. v. Netherlands (2021)	No information available.	
PRS.6.e		Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: 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. Global Compact for Safe, Orderly and Regular Migration: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration. Global Compact on Refugees: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents. European Parliament Resolution (2018): Calls on Member States to take immediate corrective measures to stop discriminatory birth registration. European Parliament, Resolution on LGBTIQ rights in the EU (2021): Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents.	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 six 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 were proposed. There have been no further developments in this regard. No such cases are mentioned in the recent ECRI report on Latvia. There have been no reports of children being prevented from registering their birth because of their parents' sexual or gender identity.	ENS (2015), Ending Childhood Statelessness: A Study on Latvia, p.17-18: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf 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) Ministry of Health, Piedāvā risinājumu visu jaundzimušo reģistrēšanai, 30 Oct 2018: http://www.vm.gov.lv/lv/aktualitates/preses_relizes/5845_piedava_risinajumu_visu_jaundzimuso_registresanai ECRI Report on Latvia (5th monitoring cycle), March 2019, https://rm.coe.int/fifth-report-on-latvia/1680934a9f Noteikumi par civilstāvokļa akta reģistriem (Regulations Regarding Registers of Civil Status Deeds)

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			UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed. Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021): Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.		https://likumi.lv/ta/id/259879-noteikumi-par-civilstavokla-aktu-registriem
PRS.6.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)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC and Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC: 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. Children's personal data, in particular biometric data, should only be used for child protection purposes. CoE, ECRI General Policy Recommendation No. 16(2016): States should clearly prohibit the sharing of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.	No (aside from mandatory reporting of any birth to the registry by public institutions, as outlined above).	
PRS.6.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.	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. HRC, Resolution A/HRC/RES/20/4 (2012): Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child. General Comment No 7 (2005) CRC: States should facilitate late registration of birth and ensure that children who have not been registered have equal access to health care, protection, education and other social services.	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.6.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	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)
PRS.7.a	Reducing *in situ* statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7	Concerning 'non-citizen' children, OCMA conducted a proactive information campaign in 2018-2019 in which it sent individual letters to 'non-citizen' parents encouraging them to register their children (up to age 15) as Latvian citizens. During the three years only 19% of parents decided to register their children 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 Liga, 13 September 2017: https://lvportals.lv/skaidrojumi/289695-latvijas-svesie-vai-tomer-musejie-valsts-prezidents-aicina-partraukt-nepilsona-statusa-pieskirsanu-2017 (LV)

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					Laika gaitā atvieglo pilsonības piešķiršanu nepilsoņu bērniem (Facilitating the granting of citizenship to 'non-citizen' children over time) https://www.pmlp.gov.lv/lv/jaunums/laika-gaita-atvieglo-pilsonibas-pieskirsanu-nepilsonu-berniem
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	1961 Convention: Article 9 UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 4 HRC, Recommendations of the Forum on Minority Issues (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. On 1 January 2024, there were 1,923 non-citizen children under 18 (aged 4-17). Data on stateless persons by ethnic origin status: 94 are Russian, 15 - Ukrainian, 7 - Belarusian, 10 - Roma, 4 -Armenian, 1 - Polish, 2 - Azeri, 1 - Avar, 1 - Jewish, 2 - Georgian, 1 - Greek, 1 - Iranian, 1 - Kyrgyz, 1 - Moldovan, 2 - Latvian, 2 - Lithuanian, 1 - Lezgin, 2 - Chechen, 1 - Udmurt, 1 - Uzbek, 1- Tsakhur, 6 – 'unchosen', 2 – 'unknown'. According to the Office of Citizenship and Migration Affairs, there are 180,455 'non-citizens' in Latvia. Data on 'non-citizens' (as well as other citizenship categories) is disaggregated in the Register of Natural Persons by 'ethnic origin'. On 1 January 2024, of the 180,455 Latvian 'non-citizens': 118,546 were Russian, 25,000 Belarussian, 18,016 Ukrainian, 6,475 Polish, 4,235 Lithuanian, 1,177 Jewish, 801 Tatar, 635 Moldovan, 582 Armenian, 541 Azeri, 403 Latvian, 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 (53), and nationality 'not chosen' (625). According to the Central Statistical Board, in 2023, there were 1,883,008 inhabitants in Latvia, Of those, citizens of Latvia – 1,621,208 or 86,1%, non-citizens 175,401 or 9,3%, others – 86,399 or 4,6% (including 31,209 – citizens of Russia; 23,770 – citizens of Ukraine), stateless people 140. Persons by ethnicity and legal status (OCMA) Citizens of Latvia / Non-citizens Russians 327,389 (67,6%) / 118,546 (24,5%) Ukrainians 17,706 (23,8%) / 18,016 (24,2) Belarussians 26,860 (45,65%) / 25,000 (42,49%) Poles 30,800 (78,9%) / 6,475 (16,6%) According to the Central Statistics Board, in 2023, among ethnic Russians, 298,684 or 67% are citizens of Latvia, while 115,719 or 26% are non-citizens, and 31,209 or 7% – citizens of Russia).	Office of Citizenship and Migration Affairs, Latvijas iedzīvotāju sadalījums pēc nacionālā sastāva un valstiskās piederības (Distribution of Latvia's population by nationality and citizenship), 1 January 2024 https://www.pmlp.gov.lv/lv/media/11043/download?attachment (LV) 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 Central Statistical Board (2024). Iedzīvotāju skaits un īpatsvars pēc tautības un valstiskās piederības gada sākumā (Number and share of population by ethnicity and nationality at the beginning of the year – Ethnicity, Time period, Nationality and Indicators), https://data.stat.gov.lv:443/sq/21199

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				Among ethnic Belarusians, in 2023, 45,1% (25,240) are citizens of Latvia, 44,7% (24,999) are non-citizens, while 10,2% (5,690) are citizens of other countries. The data is disaggregated by ethnic origin (largest groups), country of origin, gender, age, and place of residence.	
PRS.7.c		Has the State 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.)	1961 Convention UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Actions 1 & 8 UNHCR, Good Practices Paper - Action 1 (2022): States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality.	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-heath, or who have a disability are also exempt from some requirements): · 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 of certain criminal offences are barred from naturalisation. 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. 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). The new Law On Terminating the Granting of Non-Citizen Status to Children in 2019 facilitated the acquisition of Latvian citizenship by children born to 'non-citizen' parents on the territory from 1 January 2020. 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. Below 1,000 people naturalise annually (in total, including stateless people), however, since the Russian invasion in Ukraine, the naturalisation applications have increased. Only 518 people naturalised in 2022 and 595 in 2023. In 2022, 1,175 people applied for naturalisation, in 2023 – 1,269 (compared with 562 in 2021), however, around half of them do not pass the Latvian language and history exam.	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 Office of Citizenship and Migration Affairs website, Naturalizācija (Naturalisation): Aktuālā statistika par naturalizācijas procesu (līdz 2023.gada 31. decembrim) https://www.pmlp.gov.lv/lv/naturalizacija

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PRS.8.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	1961 Convention: Article 8 & 9 ECN: Article 7(3) UDHR: Article 15(2) Principles on Deprivation of Nationality and the Draft Commentary: Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6 HRC, Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009): para. 23 UNHCR Guidelines on Statelessness No.5 (2020): the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification). ILEC Guidelines (2015): Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.	Yes. 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 application for renunciation of Latvian citizenship (safeguard against statelessness); serving voluntarily in the armed forces of another country without permission (with exceptions; safeguard against statelessness); acquisition/restoration of Latvian citizenship 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.	Citizenship Law, 2013, Section 22 & 24: https://likumi.lv/ta/en/en/id/57512
PRS.8.b		Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?	1961 Convention: Article 8(4) ECN: Articles 10 to 13 Principles on Deprivation of Nationality: Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation. ILEC Guidelines (2015): The consequences of a decision to deprive somebody of their nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.	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.8.c		Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		No information is available.	
PRS.8.d		Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	1961 Convention: Article 7 ECN: Articles 7 and 8	There is a safeguard to prevent statelessness if a person loses their Latvian citizenship due to voluntarily acquiring the nationality of another country without submitting an application for renunciation of Latvian citizenship.	Citizenship Law, 2013, Section 22 & 24: https://likumi.lv/ta/en/en/id/57512
PRS.8.e		Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	Principles on Deprivation of Nationality Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards.	Yes. One of the grounds for deprivation of Latvian citizenship is 'action promoting violent overthrow of the Government', although there is a safeguard against statelessness in such cases. No information is available on practice. On 21 April 2022, the Citizenship Law was amended to broaden the circumstances in which a person can be deprived of Latvian	Citizenship Law, 2013, Section 22 & 24: https://likumi.lv/ta/en/en/id/57512 Explanatory report (Amendments to the Citizenship Law), paragraph 5, https://titania.saeima.lv/LIVS13/SaeimaLIVS13.nsf/0/E495F2E261ED9B6FC225881C003461BB?OpenDocument

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			UNHCR Guidelines on Statelessness No.5 (2020): Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.	nationality. The amendments were adopted in response to the Russian invasion in Ukraine. Article 24 (1) 5 foresees that the citizenship of Latvia will be revoked if a person has participated in or provided substantial financial, material, propagandist, technological or other support to states or persons who have carried out certain activities, including genocide, crimes against peace, crimes against humanity, war crimes that undermine or threaten the territorial integrity, sovereignty and independence of democratic states or a constitutional facility. There is a safeguard to prevent statelessness in these cases.	Amendments to the Citizenship Law, Section 24 https://likumi.lv/ta/id/331861 War supporters can be stripped of Latvian citizenship, https://eng.lsm.lv/article/politics/saeima/war-supporters-can-be-stripped-of-latvian-citizenship.a453248/
PRS.8.f		Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	ICCPR: Article 26 1961 Convention: Article 9 ECN: Article 5 Principles on Deprivation of Nationality: Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.	Yes. According to the law, it is only possible for naturalised Latvian citizens to be rendered stateless through deprivation provisions. There is a safeguard to prevent statelessness in all cases of deprivation that related to Latvians by birth.	Citizenship Law, 2013, Section 22 & 24: https://likumi.lv/ta/en/en/id/57512
PRS.8.g		Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.	1961 Convention: Article 6 CRC: Articles 2(2), 7 and 8 CEDAW: Article 9(1) Principles on Deprivation of Nationality: States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).	Yes. According to Article 24 (2) of the Law on Citizenship, the revocation of Latvian citizenship shall not affect the citizenship of the spouse, children, or other family members of such person.	Pilsonība kā saikne ar valsti, kuru var atņemt, ja persona nekļūst par bezvalstnieku, (2022) https://lvportals.lv/skaidrojumi/339827-pilsoniba-ka-saikne-ar-valsti-kuru-var-atnemt-ja-persona-neklust-par-bezvalstnieku-2022

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Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		In 2023, there was one judgement relating to stateless persons (bezvalstnieks). On 8 February 2023 the Department of Administrative Affairs of the Senate cancelled the judgment of the Administrative Regional Court, which satisfied the applicant's claim and recognised that he is entitled to the status of a stateless person. The Senate, upon examining the cassation complaint of the Office of Citizenship and Migration Affairs (OCMA), concluded that the regional court did not comprehensively, completely and objectively examine all the evidence in the case. In the given case, a foreigner requests the court to grant him the status of a stateless person. The person does not have any identity document to prove who he is. There is only the person's own story about their origin and their life. OCMA refused to grant statelessness status because the applicant's identity is unknown. Thus, the institution cannot make sure that the applicant is not or cannot be a citizen of another country. The Senate states that the court needs to objectively find out the identity data of the applicant in order to be able to conclude that the applicant does not have and is not guaranteed citizenship of any country. The applicant is obliged to be truthful, to the extent possible, to provide complete information about himself, to provide all reasonable possible evidence. The adjudicating authority must also obtain all reasonably possible evidence to objectively determine the claimant's status. The Senate found that the judgment did not indicate whether or what the applicant had done to find out their identity details or the status while he stayed in Nepal and India, given that the court had found that a person with that name had attended school In Nepal, such a school actually exists, but in India the applicant was issued an identification card. Upon linguistic verification he was found to be speaking Tibetan. The Senate states that obtaining a personal identification document or evidence confirming personal identification data is primarily up to the person themselves and in their interest, so that they can apply for a statelessness status and accordingly exercise the rights guaranteed to a stateless person by the UN Convention. Only a person who has had contact with a country, including as an adult, knows best where to turn for information about themselves and their legal status. The Senate also recognized as reasonable OCMA's argument that clarifying a person's identity is also a matter of national security, because according to the Convention, a stateless person enjoys both the right to obtain travel documents and to travel to another country and the right to naturalize, which further grants the person the same rights as citizens of the country of naturalisation. On 9 June 2022, the Grand Chamber of the European Court of Human Rights held in the case of Savickis and Others v Latvia that	Anonymised judgments 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/lv/nolemumi 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 SKA – 472/2008, 3 October 2008 (Supreme Court Judgment): https://www.tiesas.lv/nolemumi/pdf/11451.pdf (LV) Senate Administrative Case Department. Case no. SKA-103/2023 (A420236918) *Savickis and Others v Latvia*, European Court of Human Rights [GC], 49270/11, 9 June 2022: https://hudoc.echr.coe.int/fre?i=001-217963 A summary is available at the Statelessness Case Law database: https://caselaw.statelessness.eu/caselaw/ecthr-savickis-and-others-v-latvia *Andrejeva v. Latvia*, European Court of Human Rights [GC], 55707/00, 18 February 2009: https://hudoc.echr.coe.int/fre?i=001-91388 A summary is available at the Statelessness Case Law database: https://caselaw.statelessness.eu/caselaw/ecthr-andrejeva-v-latvia

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				there had not been a violation of the prohibition of discrimination under Article 14 of the European Convention on Human Rights. The case concerns the alleged discriminatory nature of Latvian rules applicable to the calculation of the State pensions of permanently resident non-citizens of Latvia as contrasted with Latvian citizens. Under the Latvian law, the calculation of the amount of such non-citizens' pensions largely excludes periods of work done up to 1991 in other territories of the former Soviet Union, outside Latvian territory. However, such periods are included for the calculation of the pensions of Latvian citizens. The ECtHR was asked to examine the contested Latvian legislation under the prohibition of discrimination in conjunction with the right to property (Articles 14 ECHR and 1 of Protocol No.1 to the ECHR). In *Andrejeva v. Latvia* [GC], 2009, the Court found this difference of treatment to amount to a breach of Article 14 taken in conjunction with Article 1 of Protocol no.1. In February 2011 the Constitutional Court declared the impugned provision compatible with the Constitution and the Convention. It admitted that the legislator had established different principles in respect of Latvian nationals and "non-citizens", and that these two groups were treated differently when calculating the overall period of employment. However, it drew a clear distinction between *Andrejeva* and the present case, as Ms Andrejeva had resided in the territory of Latvia over the disputed periods. In contrast, the applicants had worked outside the territory of Latvia for various periods and could not have acquired legal ties with Latvia. Having examined, *inter alia*, the question of State continuity, and noting that Latvia was not the successor of the rights and obligations of the Soviet Union, it found that the difference had objective and reasonable grounds. The ECTHR concluded that the impugned difference in treatment had been consistent with the legitimate aims pursued (of protection Latvia's constitutional identity based on the State continuity doctrine and its economic system) and the grounds relied upon by the Latvian authorities to justify it could be deemed to amount to very weighty reasons. Accordingly, the respondent State had not overstepped its margin of appreciation with regard to the applicants and the Court had to reach a different conclusion from that of the *Andrejeva* case so far as it concerns employment periods completed outside, and before establishing any link with, Latvia. The Court found no violation of Article 14.	
RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR, Handbook on Protection (2014): Applicants must have access to legal counsel.	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 Latvian Human Rights Committee – a minority rights NGO (some visible members are elected councillors to the Riga City Council, etc.) with links to political party Latvia's Russian Union (Latvijas Krievu savienība), represents 'non-citizens' before domestic and international courts: http://www.lhrc.lv/index.php?lang=en&mendes=men1#textbegin	

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RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		Numerous studies have been published on 'non-citizens' in Latvia.	Handbook for members of parliament. Nr.11-2005. Citizenship and statelessness: http://archive.ipu.org/PDF/publications/nationality_la.pdf ENS (2015), Ending Childhood Statelessness: A Study on Latvia: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf 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 Krūma K. Country Report on Citizenship Law: Latvia, European University Institute, Florence, Robert Schuman Centre for Advanced Studies, EUDO Citizenship Observatory, Revised and updated January 2015 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 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 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 Spaliņa, Dace, Nepilsoņu bērnu tiesības uz pilsonību, Jurista Vārds, 23. a 2019 /NR. 16 (1074) https://juristavards.lv/doc/274549-nepilsonu-bernu-tiesibas-uz-pilsonibu/

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