

Contents

| | |
|---|-----------|
| International and Regional Instruments | 3 |
| 1954 Convention | 3 |
| 1961 Convention | 3 |
| Other conventions..... | 4 |
| Stateless Population Data..... | 8 |
| Availability and sources..... | 8 |
| Stateless in detention data | 14 |
| Statelessness Determination and Status | 15 |
| Definition of a stateless person..... | 15 |
| Existence of a dedicated SDP | 17 |
| Access to procedure (SDP) | 18 |
| Assessment (SDP) | 22 |
| Procedural Protections (SDP) | 24 |
| Protection during SDP | 26 |
| Appeals (SDP) | 28 |
| Stateless Status (SDP)..... | 29 |
| Access to citizenship (SDP)..... | 34 |
| Detention | 37 |
| Detention screening | 37 |
| Alternatives to immigration detention | 41 |
| Procedural safeguards..... | 43 |
| Protections on release..... | 49 |
| Readmission agreements | 50 |
| Prevention and Reduction | 52 |

ENS Statelessness Index Survey: Latvia

| | |
|--|-----------|
| Stateless born on territory | 52 |
| Foundlings | 57 |
| Adoption | 58 |
| Ius sanguinis and discrimination | 59 |
| Access to birth registration | 60 |
| Late Birth Registration..... | 62 |
| Reduction | 63 |
| Withdrawal of nationality | 65 |
| Jurisprudence and Training..... | 67 |
| Published judgements..... | 67 |
| Legal training | 67 |
| Pro Bono | 68 |
| Literature..... | 68 |

International and Regional Instruments

| Cat | Q | Sub | Subtheme | Question | International Norms / Good Practice | Answer | Source |
|-----|---|-----|-----------------|---|--|--|--|
| IOB | 1 | a | 1954 Convention | Is your country party to the 1954 Statelessness Convention? | • UN Convention Relating to the Status of Stateless Persons, 1954 | Yes, the Republic of Latvia is party to the 1954 Convention. | Par 1954.gada 28.septembra Konvenciju par bezvalstnieka status (Law on Ratification of 1954 Convention), 1998: https://likumi.lv/ta/id/16113-par-1954-gada-28-septembra-konvenciju-par-bezvalstnieka-statusu#p24&pd=1 (LV) |
| IOB | 1 | b | | If yes, when was ratification/accession? | | The Law on ratification was adopted in Saeima (parliament) on 16 Sept 1999, came into force on 5 Oct 1999. The Convention came into force on 6 Feb 2000 in accordance with Article 39. | Par 1954.gada 28.septembra Konvenciju par bezvalstnieka status (Law on Ratification of 1954 Convention), 1998: https://likumi.lv/ta/id/16113-par-1954-gada-28-septembra-konvenciju-par-bezvalstnieka-statusu#p24&pd=1 (LV) |
| IOB | 1 | c | | Are there reservations in place? Please list them. | Best practice is no reservations. If there are, they should have little or no effect on the rights of stateless persons. | 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 Convention have direct effect? | Best practice is that the Convention has direct effect, though this may depend on 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- |

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| | | | | | | | konvenciju-par-precetu-sieviesu-pilsonibu-konvenciju-par-bezvalstniecibas-samazinasanu-un-konvenciju-pret-spīdzinasanu-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-spīdzinasanu-un-c (LV) |
| IOB | 2 | c | | Are there reservations in place? Please list them. | As above | No. | |
| IOB | 2 | d | | Does 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? Are there reservations in place? Please list them. | • 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 Citizenship 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? Are there reservations in place? Please list them. | • 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 denationalization process | 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) |

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| | | | | | | and restoration of property and land ownership. | Reservation concerns Article 1 of Protocol No 1: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/009/declarations?p_auth=9XshAGFs |
| IOB | 3 | c | | State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Are there reservations in place? Please list them. | • 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 Returns Directive). Are there reservations in place? Please list them. | • Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive) | Yes. No reservations. | Eiropas Parlamenta un Padomes Direktīva 2008/115/EK (2008. gada 16. decembris) par kopīgiem standartiem un procedūrām dalībvalstīs attiecībā uz to trešo valstu valstspiederīgo 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? Are there reservations in place? Please list them. | • 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-organizācijas-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? Are there reservations in place? Please list them. | • 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-daudzpusējie-ligumi-kuriem-latvijas-republika-pievienojusies-pec-1990-gada-4-maija (LV) |

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| | | | | | | | <p>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)</p> <p>UN Human Rights, STATUS OF RATIFICATION INTERACTIVE DASHBOARD: http://indicators.ohchr.org/</p> |
| IOB | 3 | g | | <p>State Party to International Covenant on Economic, Social and Cultural Rights 1966? Are there reservations in place? Please list them.</p> | <ul style="list-style-type: none"> • International Covenant on Economic, Social and Cultural Rights 1966 | <p>Yes, since 14 July 1992. No reservations.</p> | <p>Starptautiskie daudzpusējie līgumi, kuriem Latvijas Republika pievienojusies pēc 1990.gada 4.maija: https://likumi.lv/ta/id/19551-starptautiskie-daudzpusējie-ligumi-kuriem-latvijas-republika-pievienojusies-pec-1990-gada-4-maija (LV)</p> <p>UN Human Rights, STATUS OF RATIFICATION INTERACTIVE DASHBOARD: http://indicators.ohchr.org/</p> |
| IOB | 3 | h | | <p>State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Are there reservations in place? Please list them.</p> | <ul style="list-style-type: none"> • Convention on the Elimination of all Forms of Discrimination Against Women 1979 • Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness. | <p>Yes, since 14 May 1992. No reservations.</p> | <p>UN Human Rights, STATUS OF RATIFICATION INTERACTIVE DASHBOARD: http://indicators.ohchr.org/</p> |
| IOB | 3 | i | | <p>State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Are there reservations in place? Please list them.</p> | <ul style="list-style-type: none"> • Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984 | <p>Yes, since 14 May 1992. No reservations.</p> | <p>Par Konvenciju par precētu sieviešu pilsonību, Konvenciju par bezvalstniecības samazināšanu un Konvenciju pret spīdzināšanu un citiem nežēlīgas, necilvēcīgas vai pazemojošas izturēšanās vai sodīšanas veidiem: https://likumi.lv/ta/id/235072-par-konvenciju-par-precetu-sieviesu-pilsonibu-konvenciju-par-bezvalstniecibas-samazinasanu-un-konvenciju-pret-spidzinasanu-un-c (LV)</p> <p>Starptautiskie daudzpusējie līgumi, kuriem Latvijas Republika pievienojusies pēc 1990.gada 4.maija: https://likumi.lv/ta/id/19551-</p> |

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| | | | | | | | 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? Are there reservations in place? Please list them. | <ul style="list-style-type: none"> • 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? Are there reservations in place? Please list them. | <ul style="list-style-type: none"> • 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/ |

Stateless Population Data

| Cat | Q | Sub | Subtheme | Question | International Norms / Good Practice | Answer | Source |
|-----|---|-----|--------------------------|---|---|--|---|
| POP | 1 | a | Availability and sources | Does the Govt have a discrete category for statelessness in its data collection system (e.g. in the census)? If so, what are the Govt figures for the total stateless population on the territory? Is the data disaggregated? If so, how? | <ul style="list-style-type: none"> • Gen. Rec. 32 of CEDAW (para. 39): States parties should... gather, analyse and make available sex-disaggregated statistical data and trends... • European Council, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness: Recognise the importance of exchanging good practices...concerning the collection of reliable data on stateless persons... • UNHCR Global Action Plan to End Statelessness 2014-2024 (Action 10): Improve quantitative and qualitative data on stateless populations... | <p>Yes, it does. Government data from the Population Register records: 176 Latvian, 28 Estonian, 4 Uzbek, 2 Belarussian and 1 Finnish 'stateless' people in Latvia as of 1 July 2018.</p> <p>The Population Register data is disaggregated by country and ethnic origin as well as citizenship status. As well as 'stateless', other citizenship categories include: Latvian citizen, Latvian non-citizen, Latvian alternative (subsidiary status), Latvian stateless, Latvian refugee, Latvian temporary protection, Estonian non-citizens, Estonian stateless, Belarus stateless, Finland stateless, Uzbekistan stateless and 'not indicated' (<i>nav norādīta</i>).</p> | <p>Office of Citizenship and Migration Affairs, Latvijas iedzīvotāju sadalījums pēc valstiskās piederības, 1 Jul 2018: https://www.pmlp.gov.lv/lv/assets/documents/statistika/iedz%C4%ABvot%C4%81ju%20re%C4%A3istrs%20st.%20uz%2001072018/ISVP_Latvija_pec_VPD.pdf (LV)</p> <p>Office of Citizenship and Migration Affairs, Latvijas iedzīvotāju sadalījums pēc nacionālā sastāva un valstiskās piederības, 1 July 2018: http://www.pmlp.gov.lv/lv/assets/documents/statistika/iedz%C4%ABvot%C4%81ju%20re%C4%A3istrs%20st.%20uz%2001072018/ISVN_Latvija_pec_TTB_VPD.pdf (LV)</p> |

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| | | | | | <ul style="list-style-type: none"> Institute on Statelessness and Inclusion (The World's Stateless) pg.11: States should adopt and/or strengthen measures to count stateless persons on their territory... | | |
| POP | 1 | b | | <p>Do Government authorities define categories of persons who may overlap with stateless (e.g. unknown nationality, unspecified nationality, other)? Are statistics on these available? If, yes, please indicate categories and statistics.</p> | | <p>Yes. There is a separate legal category of residents called “non-citizens” (<i>nepilsonis</i>) under Latvian law, who are former USSR citizens and their descendants who have not received citizenship automatically, obtained citizenship through naturalisation or other means, or taken another country’s citizenship since the restoration of Latvian independence. Their status is defined under 25 April 1995 Law on the Status of those Former USSR Citizens who are not Citizens of Latvia or Any Other State (“Non-citizens”). According to the Government, there are 228,855 ‘non-citizens’ in Latvia.</p> <p>Data on ‘non-citizens’ (as well as other citizenship categories) is disaggregated in the Population Register by ‘ethnic origin’. On 1 July 2018 of the 228,855 Latvian non-citizens: 149,971 were Russian, 31,508 Belarussian, 22,508 Ukrainian, 8,023 Polish, 5,607 Lithuanian, 1,012 Tatar, 751 Armenian, 695 Azeri, 538 Latvian, etc.</p> | <p>Par to bijušās PSRS pilsoņu statusu, kuriem nav Latvijas vai citas valsts pilsonības (On the Status of those Former U.S.S.R. Citizens who do not have the Citizenship of Latvia or that of any Other State) https://likumi.lv/doc.php?id=77481 (LV – ENG translation available)</p> <p>Office of Citizenship and Migration Affairs, Latvijas iedzīvotāju sadalījums pēc valstiskās piederības, 1 Jul 2018: https://www.pmlp.gov.lv/lv/assets/documents/statistika/iedz%C4%ABvot%C4%81ju%20re%C4%A3istrs%20st.%20uz%2001072018/ISVP_Latvija_pec_VPD.pdf (LV)</p> <p>Office of Citizenship and Migration Affairs, Latvijas iedzīvotāju sadalījums pēc nacionālā sastāva un valstiskās piederības, 1 July 2018: http://www.pmlp.gov.lv/lv/assets/documents/statistika/iedz%C4%ABvot%C4%81ju%20re%C4%A3istrs%20st.%20uz%2001072018/ISVN_Latvija_pec_TTB_VPD.pdf (LV)</p> |
| POP | 1 | c | | <p>What is the UNHCR estimate for the population of stateless persons and/or those at risk of statelessness</p> | | <p>UNHCR in its latest Global Trends report (2017) provides two separate figures for the ‘population under its statelessness mandate’ in Latvia at the end of 2017: “bezvalstnieks” – stateless person under the Latvian Law on Stateless Persons (178) and</p> | <p>UNHCR Global Trends 2017, Table 7. Persons under UNHCR's statelessness mandate, 2017 (see also footnotes to figures): http://www.unhcr.org/search?comid=56b079c44&cid=49aea93aba&tags=globaltrends</p> |

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| | | | | on the territory? What is UNHCR's source for this information? | | “nepilsonis” – non-citizens under the 25 th April 1995 Law on the Status of those Former USSR Citizens who are not Citizens of Latvia or Any Other State (233,393). The source of this data is the Population Register maintained by the Office of the Citizenship and Migration Affairs. It provides an explanation for the data listed in a footnote: <i>“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).”</i> | |
| POP | 1 | d | | Are there indirect (proxy) sources of statistics on stateless persons? E.g. categories of persons for which statistics are available where stateless persons may be more highly represented (e.g. relevant country of origin or profiles (e.g. Palestinians or Syrian Kurds)? Please provide explanation and figures. | As above | Population Register data includes figures for residents by citizenship status and ‘ethnic origin’ but 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 a significant number of people with unidentified ethnic origin (44,277). | Office of Citizenship and Migration Affairs, Latvijas iedzīvotāju sadalījums pēc nacionālā sastāva un valstiskās piederības, 1 July 2018: http://www.pmlp.gov.lv/lv/assets/documents/statistika/iedz%C4%ABvot%C4%81ju%20re%C4%A3istrs%20st.%20uz%2001072018/ISVN_Latvija_p ec_TTB_VPD.pdf (LV) |
| POP | 1 | e | | Have there been surveys or mapping studies done to estimate the population of stateless | <ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-2024: Action 10 | No, no survey or mapping study of statelessness in Latvia has been published. Figures cited by different international bodies are based on the Population Register in Latvia. | |

Stateless Population Data – February 2019

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| | | | | persons in the country? | | | |
| POP | 1 | f | | Are there other sources of estimates for the population of stateless persons (not covered by the above)? If so, list sources and figures. | As above | No. | |

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| POP | 1 | g | | Are there issues with reliability of stateless data? If yes, please describe why. | As above | <p>The reliability of stateless data in Latvia depends on the interpretation of “non-citizen” status, and the definition of a stateless person in Latvia.</p> <p>People who fall under either category in Latvian law (‘stateless person’ or ‘non-citizen’) are stateless under international law (Article 1(1) of the 1954 Convention). Although ‘non-citizens’ are granted rights (and a route to naturalisation if they can meet certain conditions) that go beyond the minimum rights prescribed by the 1954 Convention, they are not entitled to ‘equivalent rights’ to Latvian nationals). There are important differences distinguishing non-citizens from citizens, including a lack of political rights and 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.</p> <p>Nonetheless, Latvian law deals with the two groups separately. Latvian courts have stated that non-citizens cannot be considered as stateless persons: <i>“Latvian non-citizens can be regarded neither as the citizens, nor the aliens and stateless persons but as persons with “a specific legal status”</i>. The Constitutional Court held that ‘non-citizen’ is ‘a</p> | <p>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</p> <p>ENS (2015), Ending Childhood Statelessness: A Study on Latvia, p.3: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf</p> <p>UN High Commissioner for Refugees (UNHCR), Information and Accession Package: The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, January 1999, p.11: https://www.refworld.org/docid/3ae6b3350.html</p> <p>The Constitutional Court of the Republic of Latvia, Riga, March 7, 2005 JUDGMENT in the name of the Republic of Latvia in case No 2004-15-0106, Para 15.: http://www.satv.tiesa.gov.lv/wp-</p> |
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| | | | | | | <p><i>category unknown in international law</i>’ due to the scope of rights held by this group in Latvia. In 2008, the Latvian Supreme Court Senate stated that, as a non-citizen has a broad scope of social and economic rights, assigning them the status of a stateless person would contradict the 1954 Convention, adopted to provide social and economic protection to persons without any status. It held that Article 1(2)(ii) (exclusion clause) of the Convention applies.</p> <p>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: <i>“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).”</i></p> | <p>content/uploads/2004/07/2004-15-0106_Spriedums_ENG.pdf</p> <p>SKA – 472/2008, 3 October 2008 (Supreme Court Judgement): https://www.tiesas.lv/nolemumi/pdf/11451.pdf (LV)</p> <p>UNHCR Global Trends 2017, Table 7. Persons under UNHCR’s statelessness mandate, 2017 (footnote): http://www.unhcr.org/search?comid=56b079c44&cid=49aea93aba&tags=globaltrends</p> |
| POP | 1 | h | | Are there indications that the stateless population is either over or under reported? Please describe. | As above | See above (POP 1 g). | |

Stateless Population Data – February 2019

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| POP | 1 | i | | Please provide any available figures on stateless refugees or asylum seekers (if there is data, please clarify whether Govt also counts stateless refugees and asylum seekers in the stateless population to avoid under/over reporting). | As above | Data on asylum seekers by country of origin, gender, age, status granted (refugee/subsidiary status) is available upon request from the Office of Citizenship and Migration Affairs, but this is not routinely published. Data on asylum seekers by country of origin is shared with and published by UNHCR. | Written response by the Office of Citizenship and Migration Affairs to Letter 2018-39 by the LCHR. UNHCR, Population Statistics: asylum-seekers (refugee status determination): http://popstats.unhcr.org/en/asylum_seekers |
| POP | 2 | a | Stateless in detention data | Number of stateless persons in immigration detention | As above and see also norms in Detention section. | Data on detention is not routinely published. Data on the number of detainees by nationality is available on request from the State Border Guard. In 2018, a total of 312 people were detained in immigration detention. | Email from the State Border Guard to LCHR on 24 January 2019. |
| POP | 2 | b | | Are there statistics on individuals released from immigration detention who were unremovable, their country of origin and length of detention? If yes, please provide. | As above | Data on detention is not routinely published. Data on the number of individuals released from immigration detention who were unremovable is not available. | |

Statelessness Determination and Status

| Cat | Q | Sub | Subtheme | Question | International Norms / Good Practice | Answer | Source |
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| IDP | 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. | <ul style="list-style-type: none"> UN Convention Relating to the Status of Stateless Persons, 1954: Article 1(1) and 1(2). | <p>Article 2.1 of the Law on Stateless Persons states that someone may be recognised as a stateless person in the Republic of Latvia ‘if some other state has not recognised the person as a citizen thereof in accordance with the laws of such state.’ The Citizenship Law defines a stateless person as ‘someone who is not considered a citizen by any state in accordance with the laws thereof, except a person who is a subject of the Law on the Status of those Former USSR Citizens who are not Citizens of Latvia or Any Other State’. Aside from excluding ‘non-citizens’ from the definition of a stateless person, the formulation ‘in accordance with the laws thereof’ is narrower than the 1954 Convention, which defines a stateless person as someone ‘not considered a national of any state under the operation of its laws’. There is also a special provision in the Law on Stateless Persons requiring the absence of guarantees from another state to grant citizenship for those who have lost ‘non-citizen’ status.</p> <p>The status of ‘non-citizens’ is defined under the Law on the Status of those Former USSR Citizens who are not Citizens of Latvia or 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.</p> | <p>Law on Stateless Persons, 2007, Article 2.1 & 2.2: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p> <p>Citizenship Law, 2013: https://likumi.lv/ta/en/id/57512-citizenship-law</p> <p>UN Convention Relating to the Status of Stateless Persons, 28 September 1954, United Nations, Treaty Series, vol. 360, p. 117, Article 1: https://www.refworld.org/docid/3ae6b3840.html</p> <p>Par to bijušās PSRS pilsoņu statusu, kuriem nav Latvijas vai citas valsts pilsonības (On the Status of those Former U.S.S.R. Citizens who do not have the Citizenship of Latvia or that of any Other State), 2007: https://likumi.lv/doc.php?id=77481 (LV – ENG translation available)</p> |

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| | | | | | <p>People who fall under either category in Latvian law ('stateless person' or 'non-citizen') are stateless under international law (Article 1(1) of the 1954 Convention). Although 'non-citizens' are granted rights (and a route to naturalisation if they can meet certain conditions) that go beyond the minimum rights prescribed by the 1954 Convention, they are not entitled to <i>'equivalent rights'</i> to Latvian nationals. There are important differences distinguishing non-citizens from citizens, including a lack of political rights and restrictions on employment and property ownership. Moreover, 'non-citizens' in Latvia clearly lack a nationality and therefore meet the definition of a stateless person under international law regardless of whether they should be excluded from protection under the 1954 Convention. Protection under the Convention and the definition of a stateless person should not be confused, as the international legal definition applies at the moment in time in which it is determined, regardless of whether the stateless person is able to acquire rights and a nationality at a later date, or whether they are deemed to be excluded from protection under the Convention, which is a separate legal consideration.</p> <p>Nonetheless, Latvian law deals with the two groups separately. Latvian courts have stated that non-citizens cannot be considered as stateless persons: <i>"Latvian non-citizens can be regarded neither as the citizens, nor the aliens and stateless persons but as persons with "a specific legal status"</i>. The Constitutional Court held that 'non-citizen' is <i>'a category unknown in international law'</i> due to the scope of rights held by this group in Latvia. In 2008, the</p> | <p>UN High Commissioner for Refugees (UNHCR), Information and Accession Package: The 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness, January 1999, p.11: https://www.refworld.org/docid/3ae6b3350.html</p> <p>UN High Commissioner for Refugees (UNHCR), UNHCR Submission on Latvia: UPR 24th Session, July 2015, p.12: https://www.refworld.org/docid/5a12da012.html</p> <p>The Constitutional Court of the Republic of Latvia, Riga, March 7, 2005 JUDGMENT in the name of the Republic of Latvia in case No 2004-15-0106, Para 15.: http://www.satv.tiesa.gov.lv/wp-content/uploads/2004/07/2004-15-0106_Spriedums_ENG.pdf</p> |
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Identification and Protection – February 2019

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| | | | | | | 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. | SKA – 472/2008, 3 October 2008 (Supreme Court Judgement): https://www.tiesas.lv/nolemumi/pdf/11451.pdf (LV) |
| IDP | 1 | b | Existence of a dedicated SDP | Which of the following best describes the situation in your country? 1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: ... it is implicit in the 1954 Convention that States must identify stateless persons within their jurisdictions so as to provide them appropriate treatment in order to comply with their Convention commitments. • UNHCR (Good Practices Paper 6): Establishing a statelessness determination procedure is the most efficient means for States Parties to the 1954 Convention to identify the beneficiaries of that 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 |
| IDP | 2 | a | | You have identified that your country has a dedicated SDP established in law, administrative guidance or judicial procedure. Which authority is responsible for determining statelessness? | <ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: There is no general rule for appointing the most appropriate authority for statelessness determination... the structure must be evaluated in light of the specific national circumstances. | 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 nepilsona 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- |

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| | | | | | | | statuss/bezvalstnieka-statuss-iegusana.html (LV) |
| IDP | 2 | b | Access to procedure (SDP) | Must an application for statelessness status be made on a specific form? Are there clear instructions on how to make a claim for statelessness or how to fill in the relevant forms? | <ul style="list-style-type: none">• UNHCR (2014), Handbook on Protection of Stateless Persons: For procedures to be fair and efficient, access to them must be ensured. Dissemination of information, including through targeted information campaigns... counselling on the procedures ... Given that individuals are sometimes unaware of SDPs or hesitant to apply...procedures can usefully contain safeguards permitting State authorities to initiate a procedure.• UNHCR (Good Practices Paper 6):• ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: Bureaucratic difficulties (such as complicated application forms, inflexible procedures, strict language requirements, limited places where claims can be submitted, high costs, etc.) can encumber, or even impede access to SDPs.• ENS (2016), Protecting Stateless Persons from Arbitrary Detention in the United Kingdom: Any application form to apply for stateless status should be simplified and offered in a variety of languages... [and] made freely available, including in immigration detention centres. | <p>Yes. The form is accessible in Latvian (on the Latvian version of the OCMA website). Instructions on how to make a claim are accessible in Latvian only on this page of the website. Instructions on how to fill out the relevant form can be provided by phone, email (pskn@pmlp.gov.lv) and in person. There is no public information about the SDP available in other languages.</p> <p>By law, the stateless person must submit:</p> <ol style="list-style-type: none">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. <p>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.</p> | <p>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-iegusana.html (LV)</p> <p>Law on Stateless Persons, 2007, Art. 4: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p> |

Identification and Protection – February 2019

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| IDP | 2 | c | | Do submissions and/or other written evidence have to be submitted in an official language? | <ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): As above. | Yes, the 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. | <p>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)</p> <p>Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p> <p>Official Language Law, 1999: https://likumi.lv/ta/en/en/id/14740-official-language-law</p> |
| IDP | 2 | d | | Can an application for stateless status be made orally to a public official? | <ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): As above. • UNHCR (2014), Handbook on Protection of Stateless Persons: Given that individuals are sometimes unaware of SDPs or hesitant to apply for statelessness status, procedures can usefully contain safeguards permitting State authorities to initiate a procedure. | Yes. Although it is not <i>expressis verbis</i> mentioned in the Law on Stateless Persons, this option stems from Article 3.3 of the Law on Submissions. | Law on Submissions, 2007, Art. 3(3): https://likumi.lv/ta/en/en/id/164501-law-on-submissions |
| IDP | 2 | e | | Are there obligations in law on authorities to consider the application? | <ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): 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 |
| IDP | 2 | f | | Are government authorities authorised to initiate SDPs <i>ex officio</i> ? | <ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): ...it is recommended that governmental authorities be authorised to initiate these procedures <i>ex officio</i>... • ENS (2013), Statelessness Determination and the Protection | 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 |

Identification and Protection – February 2019

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| | | | | | of Stateless Persons: a summary guide of good practices : as above. | | |
| IDP | 2 | g | | Is there an application fee? | <ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): access to the SDP must be guaranteed. | No. | OCMA website, Pricelist: http://www.pmlp.gov.lv/en/home/services/pricelist/ |
| IDP | 2 | h | | Is there a requirement for lawful stay to access the SDP? | <ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): Access to the procedure needs to be open to anyone who claims to be stateless, regardless of...lawful stay or residence... • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: Everyone in a state's territory must have access to SDPs. There is no basis in the 1954 Convention for requiring that applicant ... be lawfully within a state. | No. | <p>Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p> <p>Imigrācijas likums (Immigration Law), 2017: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> |
| IDP | 2 | i | | Is there a time limit beyond which a person cannot access the SDP? If so, what is this and can the requirement be waived? | <ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): For procedures to be fair and efficient... access to the SDP must be guaranteed and not subject to time limits. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: There is... no basis in the 1954 Convention to set time limits for individuals to claim stateless status... | No. | Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons |
| IDP | 2 | j | | Is the examination of statelessness | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: | Yes. The Office of Citizenship and Migration Affairs. | Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons |

Identification and Protection – February 2019

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| | | | | claims conducted by a dedicated centralised body with relevant expertise? If yes, please specify. | 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 Paper 6) : Where to situate SDPs institutionally is a matter of State discretion and can vary from one country to the next. Regardless...it is important that examiners develop expertise... while ensuring that the procedures are accessible... | | |
| IDP | 2 | k | | Is there training to inform different government bodies about statelessness and SDPs? If yes, please provide details (e.g. who provides training to whom and how often?) | • UNHCR Executive Committee, Conclusion on Identification, Prevention and Reduction of Statelessness and Protection of Stateless Persons 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 (Good Practices Paper 6) : Training sessions for officials and meetings between the various decentralised bodies, UNHCR and civil society take place on a regular basis, allowing for an exchange of information and discussion... | UNHCR has facilitated ad hoc training workshops on statelessness in cooperation with OCMA, but no public information is available about whether statelessness is embedded in regular training for different government bodies. | OCMA website, UNHCR reģionālā pārstāvniecība sadarbībā ar PMLP dalās pieredzē bezvalstniecības jautājumos (The UNHCR Regional Representation, in cooperation with the OCMA, shares experiences on statelessness): https://www.pmlp.gov.lv/lv/sakums/jaunumi/aktualitates/2018/02/27/unhcr-re%C4%A3ion%C4%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/ |

Identification and Protection – February 2019

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| IDP | 2 | I | | Is there cooperation between agencies that may have contact with stateless people? If so, how are cases referred to the appropriate authority for determination? | <ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): 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 |
| IDP | 3 | a | Assessment (SDP) | Who has the burden of proof in the SDP? Is this shared in practice, even if not in law? | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: ...the burden of proof is in principle shared, in that both the applicant and examiner must cooperate to obtain evidence and to establish the facts. • UNHCR (Good Practices Paper 6): SDPs must... take into consideration the difficulties inherent in proving statelessness. UNHCR recommends that SDPs provide for a shared burden of proof... • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: The applicant has a duty to provide as full and truthful account...as possible and to submit all evidence reasonably available. Similarly, the determination authority is required to obtain and present all relevant evidence reasonably available to it... authorities need to... [give] sympathetic consideration to | By law the person authorised by the Head of OCMA is entitled to take a decision on stateless status (based on written information approved by OCMA at its disposal) even if the applicant due to reasons beyond his/her control is unable to submit any of the listed documents. Thus, it could be concluded that the burden of proof is shared. This also stems from the general principle of law within administrative procedures. | <p>Law on Stateless Persons, 2007, Art. 4(2): https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p> <p>Administratīvā procesa likums (Administrative Procedure Law), 2017: https://likumi.lv/doc.php?id=55567 (LV)</p> |

Identification and Protection – February 2019

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| | | | | | <p>testimonial explanations regarding the absence of certain kinds of evidence.</p> <ul style="list-style-type: none"> • UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: It is incumbent on individuals to cooperate to establish relevant facts. If an individual can demonstrate, on the basis of all reasonably available evidence, that he or she is evidently not a national, then the burden should shift to the State to prove that the individual is a national of a State. | | |
| IDP | 3 | b | | <p>What is the standard of proof? Is it the same as in asylum applications?</p> | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: States are...advised to adopt the same standard of proof as ... in refugee status determination, namely... to a “reasonable degree”... • UNHCR, Nationality and Statelessness, Handbook for Parliamentarians No. 22, 2014: Because of the difficulties inherent in proving statelessness, the threshold of evidence required ... should not be too high. States are therefore advised to adopt the same standard of proof as in refugee status determination. | <p>The standard of proof is the same or lower than in the asylum procedure.</p> | <p>Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p> |
| IDP | 3 | c | | <p>Is there respect for specific protection needs and evidentiary challenges</p> | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: As a result of discrimination, women might face additional barriers in acquiring relevant | <p>Yes. This stems from the general principles of law, which are 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</p> | <p>Bērnu tiesību aizsardzības likums (Law on the Protection of Children’s Rights), Art. 6(1): https://likumi.lv/doc.php?id=49096 (LV)</p> |

Identification and Protection – February 2019

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| | | | | presented by women, children and people with disabilities in the SDP? | documentation, such as birth certificates or other identification documents that would be pertinent to establishing their nationality status... Children, especially unaccompanied children, 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 ... • Gen. Rec. 32 of CEDAW : Nationality laws may discriminate directly or indirectly against women. Legislative provisions that appear gender neutral may in practice have a disproportionate and negative impact on the enjoyment of the right to nationality by women... | child. Latvia is also signatory to the UN Convention on the Rights of the Child. | Ceļmale L. Bērna labāko interešu princips un tā piemērošana praksē. Jurista Vārds, 06.06.2017., Nr. 24 (978), 20.-23.lpp. |
| IDP | 3 | d | | Are decision-makers presented with clear guidance on how to determine statelessness, including sources of evidence and procedures for evidence gathering to establish statelessness? Please provide details. | • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices : determining authorities can benefit significantly from any concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances... | There is no public information available about whether decision-makers are presented with clear guidance on how to determine statelessness. | |
| IDP | 4 | a | Procedural Protections (SDP) | Is there free legal aid available | • UNHCR (2014), Handbook on Protection of Stateless Persons : applicants are to have access to | There is no right to legal aid in the Latvian legal system for administrative procedures. Stateless persons have the right to state | Valsts nodrošinātās juridiskās palīdzības likums (State Ensured Legal Aid Law), Arts. |

Identification and Protection – February 2019

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| | | | | during the application? | <p>legal counsel; where free legal assistance is available, it is to be offered to applicants without financial means.</p> <ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: If state funded legal aid is available in the country it should be provided to stateless claimants. If there is no state funded legal aid... but asylum claimants can access legal aid free of charge, then the same level of access should be provided to stateless claimants. | <p>provided free legal aid for court proceedings, if they have received the status of a low-income or needy person or find themselves in a special situation (Arts. 3(1)(3) & 3(2) of the State Ensured Legal Aid Law). Article 3(1)(6) envisages the provision of state legal aid for those who have the right to such aid in accordance with the international agreements entered into by Latvia. Means test requirements are set by the Cabinet of Ministers Regulation No.1484.</p> | <p>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)</p> <p>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</p> |
| IDP | 4 | b | | Is an interview always offered (unless granting without interview)? | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: The right to an individual interview, and necessary assistance with translation/interpretation throughout the process, are essential ... | <p>An interview is only conducted if needed (e.g. to acquire additional information).</p> | <p>Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p> |
| IDP | 4 | c | | Are interpreters provided for statelessness determination interviews? Are they free of charge? | <ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: assistance should be available for translation and interpretation in respect of written applications and interviews (good practice is free of charge). | <p>Yes. Interpreters are provided if needed. There is a gap in the law, but in practice interpreting is provided, free of charge. Most stateless persons as evidenced by their ethnic origin recorded in the Population Register (2018) are Russians (99), Ukrainians (19), Roma (6), and Poles (2). As most are former citizens of the USSR who have not regularised their status, interpretation is often provided in Russian, or they speak Latvian. In the last 4-5 years, with the increasing number of asylum seekers arriving in Latvia, relevant state authorities (OCMA, State Border Guard), have been providing interpreting services via interpreters in person, on skype or by phone.</p> | <p>Experience of the Latvian Centre for Human Rights.</p> |

Identification and Protection – February 2019

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| IDP | 4 | d | | Are there quality assurance audits of the SDP? Does UNHCR participate in the proceedings? Can they access files? Do they play a quality monitoring or training role? | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: States are encouraged... to incorporate the following safeguards: [...] access to UNHCR is guaranteed. • UNHCR (Good Practices Paper 6): 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. | |
| IDP | 4 | e | | Are decisions (refusals and grants) given with reasons? And in writing? | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: States are encouraged, therefore, to incorporate the following safeguards: [...] decisions are made in writing with reasons. | Yes. | <p>Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p> <p>Administratīvā procesa likums (Administrative Procedure Law), 2017: https://likumi.lv/doc.php?id=55567 (LV)</p> |
| IDP | 4 | f | | Is there a referral mechanism if an individual has been refused asylum but may be stateless? | <ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): Efficient referral mechanisms should be established... officials who may be in contact with stateless persons need to be trained to identify potential applicants ...and refer them to appropriate channels. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: The regulation should... guarantee that proper cross-referral systems exist for cases where the two determination procedures are not conducted in a joint framework... | There is no automatic referral in law or practice. A new application is needed, even though the same institution is responsible for both procedures. | Experience of the Latvian Centre for Human Rights. |
| IDP | 5 | a | Protection during SDP | Does the applicant have automatic legal admission while their claim for | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: An individual awaiting a decision is entitled, at a minimum, to all rights based on jurisdiction or | There is no provision in the law regarding automatic legal admission, so the Convention should be applied in these cases. In practice, the applicant has automatic legal admission while their claim for stateless status is | Experience of the Latvian Centre for Human Rights. |

Identification and Protection – February 2019

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| | | | | <p>stateless status is assessed? Is expulsion possible during the process? If yes, are there verified reports of expulsions?</p> | <p>presence in the territory as well as “lawfully in” rights... inter alia, identity papers, the right to self-employment, freedom of movement and protection against expulsion... it is recommended that individuals... receive the same standards of treatment as asylum-seekers...</p> <ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: States should refrain from expelling or removing an individual from their territory pending the outcome of the determination process. | <p>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.</p> | |
| IDP | 5 | b | | <p>Do applicants for stateless status who are awaiting a decision have permission to work, if they have no other permission to stay in the country?</p> | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Allowing individuals...to engage in wage-earning employment...may reduce the pressure on State resources and contributes to the dignity and self-sufficiency of the individuals concerned. | <p>No. Until the decision granting or refusing stateless status the person's residence in Latvia is regulated by the Immigration Law, under which a person can only be employed in Latvia if the decision on granting the status of the stateless is positive.</p> | <p>Imigrācijas likums (Immigration Law), 2017, Art. 9: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> |
| IDP | 5 | c | | <p>Do applicants for stateless status with limited means have access to assistance to meet their basic needs (shelter and welfare support)? Please describe.</p> | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: The status of those awaiting statelessness determination must also reflect applicable human rights such as... assistance to meet basic needs. | <p>There is no provision in law for applicants under the SDP to access support and assistance. The Law on Social Services & Social Assistance states that only foreigners who have received a permanent residence permit or have been granted the status of a permanent resident of the EU in Latvia have the right to receive social services and assistance. Under the Healthcare Financing Law, everyone is entitled to emergency medical care and the right to minimum state-funded medical care is ensured to stateless persons. In LCHR's experience, applicants for stateless status have</p> | <p>Law on Social Services & Social Assistance, 2017, Art. 3(1)(2): https://likumi.lv/ta/en/en/id/68488-law-on-social-services-and-social-assistance</p> <p>Veselības aprūpes finansēšanas likums (Healthcare Financing Law), 2018, Art. 7 & Art. 9(1)(3): https://likumi.lv/doc.php?id=296188 (LV)</p> <p>LCHR practice.</p> |

Identification and Protection – February 2019

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| | | | | | | been placed in municipal crises centre, which provide short-term (about 6 months) shelter and basic services for people in crisis. | |
| IDP | 5 | d | | Is it possible to detain an applicant while they are in the SDP? | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary... Detention is therefore 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) |
| IDP | 5 | e | | Does law or policy set out a timeframe for the SDP? If so, is it complied with? Can the decision maker extend the timeframe? | <ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): Some of the most fundamental guarantees reflected in current State practice include: a time limit for a decision following submission of a statelessness status application. • UNHCR (2014), Handbook on Protection of Stateless Persons: In general, it is undesirable for a first instance decision to be issued more than six months from the 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. |
| IDP | 6 | a | Appeals (SDP) | Is there an automatic right of appeal in the case of refusal (on grounds of | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: 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 |

Identification and Protection – February 2019

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| | | | | both law and fact)? | | | |
| IDP | 6 | b | | Is legal aid available for appealing/appliyng to review a negative determination? | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: The applicant is to have access to legal counsel and, where free legal assistance is available, it is to be offered to applicants without financial means. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: Applicants are to have access to legal counsel both at first instance and upon appeal. | There is no right to legal aid for the initial administrative appeal to OCMA, but there is for court proceedings. | <p>Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p> <p>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)</p> |
| IDP | 6 | c | | Is there a fee for the appeal application? | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: 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) |
| IDP | 6 | d | | Is there evidence of significant errors in decision making? If so, is there a publicly available source (e.g. audits, independent reports, academic research etc.)? If yes, please provide this. If anecdotal, please describe. | | There is no public information about the quality of decision making. | |
| IDP | 7 | a | Stateless Status (SDP) | Does recognition of statelessness result in | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: The 1954 Convention ...[grants] | Yes. Recognition of statelessness under the SDP results in the granting of stateless status. | Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons |

Identification and Protection – February 2019

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| | | | | <p>permission to stay/legal status? Is status granted immediately or automatically upon recognition or identification as stateless?</p> | <p>stateless persons a core set of rights. Its provisions, along with applicable standards of international human rights law, establish the minimum rights and the obligations of stateless persons in States party to the 1954 Convention. The status granted to a stateless person in a State Party... must reflect these 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...</p> | | |
| | 7 | b | | <p>Are there additional requirements beyond meeting the definition of a stateless person and satisfying the exclusion provisions that a stateless person must meet to be granted permission to stay/legal status?</p> | | <p>There are no additional requirements.</p> | <p>Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons </p> |

Identification and Protection – February 2019

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| IDP | 7 | c | | How long is initial status? Is residence status renewable? | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: It is recommended that States grant persons recognised as stateless a residence permit valid for at least two years, although permits for a longer duration, such as five years, are preferable in the interests of stability. Such permits are to be renewable, providing the possibility of facilitated naturalisation... | 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 s/he has 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 s/he has acquired the official state language (Latvian). | Imigrācijas likums (Immigration Law), 2017, Arts. 23 & 24: https://likumi.lv/ta/id/68522-imigracijas-likums (LV) |
| IDP | 7 | d | | Is a travel document issued to those recognised as stateless? | <ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954, Art. 28: The Contracting States shall issue to stateless persons lawfully staying in their territory travel documents for the purpose of travel outside their territory... | 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) |
| IDP | 7 | e | | What are the family reunion provisions for individuals recognised as stateless? | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Although the 1954 Convention does not address family unity, States parties are nevertheless encouraged to facilitate the reunion of those with recognised stateless status in their territory with their spouses and dependents. Indeed, some States have obligations arising under relevant international or regional human rights treaties to do so. | 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) |

Identification and Protection – February 2019

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| IDP | 7 | f | | Is residence status granted to stateless people revocable? If yes, on what grounds? | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: If an individual recognised as stateless subsequently acquires or reacquires the nationality of another State... he or she will cease to be stateless in terms of the 1954 Convention. This may justify the cancellation of a residence permit obtained on the basis of statelessness status, although proportionality considerations in relation to acquired rights and factors arising under international human rights law, such as the degree to which the individual has established a private and family life in the State, need to be taken into account. | Yes, if the person obtains the citizenship of Latvia or any other state, 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 |
| IDP | 7 | g | | Do people granted stateless status have permission to work? | <ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: The Contracting States shall accord to stateless persons lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to foreigners generally in the same circumstances, as regards the right to engage in wage-earning employment. • UNHCR (2014), Handbook on Protection of Stateless Persons: Recognition of an individual as a stateless person under the 1954 Convention also triggers the “lawfully staying” rights, in addition to a right to residence. | Yes. | Imigrācijas likums (Immigration Law), 2017, Art. 9: https://likumi.lv/ta/id/68522-imigracijas-likums (LV) |

Identification and Protection – February 2019

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| | | | | | Thus, the right to work [...] must accompany a residence permit. | | |
| IDP | 7 | h | | Do people granted stateless status have access to primary education? | <ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: (Art. 22) The Contracting States shall accord to stateless persons the same treatment as is accorded to nationals with respect to elementary education. | 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. | <p>Izglītības likums (Education Law), Art. 3(1)(5) & 32(1): https://likumi.lv/doc.php?id=50759 (LV)</p> <p>Vispārējās izglītības likums (General Education Law), 1999: https://likumi.lv/ta/id/20243-visparejas-izglitibas-likums (LV)</p> <p>Law on Stateless Persons, 2007, Section 7(2): https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p> <p>Par 1954.gada 28.septembra Konvenciju par bezvalstnieka statusu: https://likumi.lv/doc.php?id=16113 (LV)</p> |
| IDP | 7 | i | | Do people granted stateless status have access to secondary and higher education? | <ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: (Art. 22) The Contracting States shall accord to stateless persons treatment as favourable as possible and, in any event, not less favourable than that accorded to foreigners generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships. | Yes. 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. | <p>Izglītības likums (Education Law): https://likumi.lv/doc.php?id=50759 (LV) https://likumi.lv/ta/en/en/id/50759-education-law (ENG - not up to date)</p> <p>Vispārējās izglītības likums (General Education Law), 1999, Art. 41(1), 12(4): https://likumi.lv/ta/id/20243-visparejas-izglitibas-likums (LV)</p> |

Identification and Protection – February 2019

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| IDP | 7 | j | | Do people granted stateless status have access to social welfare and healthcare? | <ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: (Art. 23, 24) • UNHCR (2014), Handbook on Protection of Stateless Persons: Recognition of an individual as a stateless person under the 1954 Convention also triggers the “lawfully staying” rights, in addition to a right to residence. Thus, the right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit. | Persons granted stateless status are not explicitly mentioned in the law on social security, but the right to social insurance and the right to minimum defined preventive and curative health care prescribed by law apply to all persons whose place of residence is the territory of Latvia. Persons granted stateless status have the right to receive minimum state-funded medical care. | <p>Par sociālo drošību (On Social Security), 1995, Arts. 3, 5 & 6: https://likumi.lv/ta/en/en/id/36850-on-social-security (LV)</p> <p>Veselības aprūpes finansēšanas likums (Healthcare Financing Law), 2018, Art. 8(1) & Art. 9(1)(3): https://likumi.lv/doc.php?id=296188 (LV)</p> |
| IDP | 8 | a | Access to citizenship (SDP) | Are stateless people able to naturalise as citizens? In what timeframe? | <ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954 (Art. 32): The Contracting States shall as far as possible facilitate the assimilation and naturalisation of stateless persons. They shall in particular make every effort to expedite naturalisation proceedings and to reduce as far as possible the charges and costs of such proceedings. • UNHCR (Good Practices Paper 6): It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. This may be achieved, e.g. by reducing or waiving residence, income and language requirements for applicants and by exempting them from fees or the obligation to provide documentary evidence. | Yes. The residence requirement is five years' <i>permanent</i> residence. An interruption of one year in total is permitted, but not during the last year. The total time for stateless persons is therefore ten years: five years as a stateless person plus five years permanent residence. Other requirements include Latvian language proficiency, legal source of income, confirmation the person does not have citizenship of another country. | Citizenship Law, 2013, Art 12(1)(1) & (5): https://likumi.lv/ta/en/en/id/57512 |

Identification and Protection – February 2019

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| IDP | 8 | b | | <p>If stateless people can naturalise, are there accelerated naturalisation procedures (e.g. reduced qualification periods) which apply to stateless persons? If yes, please provide comparative timeframes for naturalisation in other situations.</p> | <ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954 (Art. 32): as above. • UNHCR (Good Practices Paper 6): as above. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: ...the main benchmark is whether there is any preferential treatment for stateless persons as compared to the general rules applied to those with a foreign nationality... | No. | <p>Citizenship Law, 2013, Art 12(1)(1) & (5): https://likumi.lv/ta/en/en/id/57512</p> |
| IDP | 8 | c | | <p>Are previous criminal convictions a bar to naturalisation? If yes, please describe the requirement. Is there a good character clause (separate from criminal record requirement)? If yes, please describe.</p> | <ul style="list-style-type: none"> • Council of the European Union, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness, December 2015: Each state should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory, and...: d) ensure that offences, when they are relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state. • Human Rights Watch, Roma in the Czech Republic: Foreigners in their Own Land (1996): ... denying citizenship to previously convicted criminals effectively adds an additional, ex post facto | <p>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.</p> | <p>Citizenship Law, 2013, Section 11: https://likumi.lv/ta/en/en/id/57512</p> |

Identification and Protection – February 2019

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| | | | | | punishment to the individual who committed a crime. | | |
| IDP | 8 | d | | Is there a citizenship/integration test? | <ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: ...the main benchmark is whether there is any preferential treatment for stateless persons as compared to the general rules ... | Yes. Latvian language proficiency, knowledge of the basic principles of the Constitution, national anthem, basics of Latvian history and culture, are required. | Citizenship Law, 2013, Section 12: https://likumi.lv/ta/en/en/id/57512 |
| IDP | 8 | e | | Are there language requirement exemptions for stateless people? | <ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): It is...recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons...for example, by reducing or waiving residence, income and language requirements...and by exempting them from fees or the obligation to provide documentary evidence. • Council of the European Union, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness, December 2015: as above • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: as above. | No. The only exemption is a general one from the written part of the test (essay) for persons over 65. | Citizenship Law, 2013, Section 12: https://likumi.lv/ta/en/en/id/57512 |
| IDP | 8 | f | | Are there income exemptions for stateless persons if a level of income is required for naturalization? | <ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): as above. | No. | Citizenship Law, 2013: https://likumi.lv/ta/en/en/id/57512 |

Detention

| Cat | Q | Sub | Subtheme | Question | International Norms / Good Practice | Answer | Source |
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| DET | 1 | a | Detention screening | Are immigration detention powers provided for in law? | <ul style="list-style-type: none"> • ICCPR Art 9 (1): Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. • ECHR Art 5 (1): Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: ... (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition. | Yes, under Section 51 of the Immigration Law and Section 16 of the Asylum Law. | <p>Imigrācijas likums (Immigration Law), 2017, Section 51: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> <p>Asylum Law, 2017, Section 16: https://likumi.lv/ta/en/en/id/278986-asylum-law</p> |
| DET | 1 | b | | Does domestic law allow immigration detention for purposes other than those allowed under ECHR 5(1)(f)? | <ul style="list-style-type: none"> • ECHR Art 5 (1)(f) | No. | |

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| DET | 1 | c | Does a proposed country of removal need to be identified before a person is detained for the purpose of removal? Please describe the situation in law and in practice. | <ul style="list-style-type: none"> • ICCPR Art 7: Repeated attempts to expel a person ... to a country that is refusing to admit the individual in question could amount to inhuman or degrading treatment. • ECHR Art 5 (1)(f) • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): ...the only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant. • EU Returns Directive: Any detention shall be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence. • ECRE, Point of No Return: The Futile Detention of Unreturnable Migrants, 2014: Once un-returnability is established, migrants should not be detained. | 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. | <p>Imigrācijas likums (Immigration Law), 2017: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> <p>Asylum Law, 2017: https://likumi.lv/ta/en/en/id/278986-asylum-law</p> |
| DET | 1 | d | Is statelessness a juridically relevant fact in any decision to detain (in practice and in law)? If so, at what point(s) is a risk of statelessness identified? Is referral to an SDP possible within the | <ul style="list-style-type: none"> • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): as above. • Mikolenko v. Estonia, Application no. 10664/05, 8 October 2009 (ECtHR): Detention is justified as long as “deportation proceedings are being conducted” and these proceedings must be carried out with due diligence... • UNHCR (2014), Handbook on Protection of Stateless Persons: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary... the | If the statelessness fact is established by the state, the person shall not be detained solely on the statelessness ground. In any case, until statelessness is considered, the person could be detained if there is a risk of absconding or threat to national security and there is no legal ground for the person to stay in the country. The statelessness of a person is considered first. | <p>Imigrācijas likums (Immigration Law), 2017: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> <p>Asylum Law, 2017: https://likumi.lv/ta/en/en/id/278986-asylum-law</p> |

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| | | | | detention regime? | <p>absence of status determination procedures to verify identity or nationality can lead to prolonged or indefinite detention. SDPs are therefore an important mechanism to reduce the risk of prolonged and/or arbitrary detention.</p> <ul style="list-style-type: none"> • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 13 – 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. • International Commission of Jurists, Migration and International Human Rights Law: a Practitioner's Guide 2014: the detention of stateless persons can never be justified when there is 'no active or realistic progress towards transfer to another State'. | | |
| DET | 1 | e | | <p>Are stateless people detained in practice? Please provide figures and source of information if available.</p> | As above. | <p>There is no recent public information about stateless people being detained in practice, but in LCHR's experience there were such cases in 2014.</p> | <p>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</p> |

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| DET | 1 | f | | <p>Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives to detention have been exhausted?</p> | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Detention is therefore 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. • EU Returns Directive: Art 15(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process. | <p>The Asylum Law provides that restrictive measures shall be applied taking into account the individual circumstances of the case and the principle of proportionality. There is currently only one alternative to detention: regular registration with the State Border Guard. Article 51 of the Immigration Law allows for detention on grounds other than the violation of the obligation to register with the State Border Guard, implying indirectly that the obligation to register shall be imposed first. However, there is no clear provision stating that detention should be a measure of last resort.</p> | <p>Asylum Law, 2017, Section 13 & 14: https://likumi.lv/ta/en/en/id/278986-asylum-law</p> <p>Imigrācijas likums (Immigration Law), 2017, Art. 51: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> <p>Noteikumi par ārzemnieka piespiedu izraidīšanu, izceļošanas dokumentu un tā izsniegšanu (Regulations Regarding Forced Return of Foreigners, Standard Travel Document and the Issue Thereof), 2011: https://likumi.lv/ta/id/232351-noteikumi-par-arzemnieka-piespiedu-izraidisanu-izcelosanas-dokumentu-un-ta-izsniegšanu (LV)</p> |
| DET | 1 | g | | <p>Are individual vulnerability assessments carried out before a decision to detain (or shortly thereafter), and are stateless persons defined as a vulnerable group?</p> | <ul style="list-style-type: none"> • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless persons are not understood and addressed... • EU Returns Directive: Art 16(3) Particular attention shall be paid to the situation of vulnerable persons... • Council of the European Union Guidelines to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons 2013: European entities | <p>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.</p> | <p>Imigrācijas likums (Immigration Law), 2017, Art. 57 & 59: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> |

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| | | | | | should assess the situation of LGBTI persons in detention... | | |
| DET | 2 | a | Alternatives to immigration detention | Does the country have alternatives to detention which individuals are considered for prior to any decision to detain? Are alternatives to detention established in law? Are they subject to a statutory time limit and proportionality test? | <ul style="list-style-type: none"> • ICCPR Art 9 • FKAG v Australia (HRC): Any decision relating to detention must take into account less invasive means of achieving the same ends... • UN General Assembly Resolution on the protection of migrants 63/184 2009: Calls upon all States ... to adopt, where applicable, alternative measures to detention. • UNHCR (2014), Handbook on Protection of Stateless Persons: Detention...can only be justified where other less invasive or coercive measures have been considered and found insufficient... • UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention : alternatives to detention refers to any legislation, policy or practice that allows asylum-seekers to reside in the community subject to a number of conditions or restrictions on their freedom of movement and since they can involve restrictions on movement of liberty they are bound by human right standards. • Human Rights Council (HRC), Report of the Special Rapporteur on the human rights of migrants, François Crépeau (2012) A/HRC/20/24: Alternatives to | <p>The Asylum Law provides that restrictive measures shall be applied taking into account the individual circumstances of the case and the principle of proportionality. There is currently only one alternative to detention: regular registration with the State Border Guard.</p> <p>Article 51 of the Immigration Law allows for detention on grounds other than the violation of the obligation to register with the State Border Guard, implying indirectly that the obligation to register shall be imposed first. In these cases, the principle of proportionality shall be applied not only with regards to the restrictive measure per se, but also regarding the its length.</p> | <p>Asylum Law, 2017, Section 13 & 14: https://likumi.lv/ta/en/en/id/278986-asylum-law</p> <p>Imigrācijas likums (Immigration Law), 2017, Art. 51: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> |

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| | | | | <p>detention should not become alternatives to unconditional release [...] the obligation to always consider alternatives to detention (non-custodial measures) before resorting to detention should be established by law.</p> <ul style="list-style-type: none"> • Council of Europe (2005), Twenty Guidelines of the Committee of Ministers of Europe on Forced Return: After a careful examination of the necessity of deprivation of liberty in each individual case, the authorities...have concluded that compliance with the removal order cannot be ensured as effectively by resorting to non-custodial measures ... • EU Returns Directive: Art 15(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: (31) ...states have an obligation in the first instance to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive... | | |
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| | | | | | <ul style="list-style-type: none"> International Detention Coalition (2015), There Are Alternatives: A handbook for preventing unnecessary immigration detention (revised edition): 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. | | |
| DET | 2 | b | | Is there evidence that immigration detention is used in practice prior to all alternatives being considered? Please cite relevant reports. | <p>As above.</p> | <p>Information provided to LCHR by the State Border Guard indicates that:</p> <p>In 2015: 1,495 return decisions were issued (427 forced return decisions, 480 voluntary return orders, 88 deportation decisions); alternatives to detention were ordered in 61 cases (55 registration with SBG, 6 handing over of personal identification documents).</p> <p>In 2016: 1,602 return decisions were issued (414 decisions on forced return, 1,108 voluntary return orders, 80 deportation decisions; alternatives to detention were ordered in 54 cases (53 registration with SBG, 1 handing over of personal identification documents).</p> <p>In 2017: 954 return decisions were issued (171 decisions on forced return; 194 decisions were issued without the presence of the individual concerned); alternatives to detention were applied in 28 cases.</p> | <p>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</p> <p>State Border Guard (<i>Valsts robežsardze</i>), Letter to Latvian Centre for Human Rights (<i>Latvijas Cilvēktiesību centrs</i>) No.23.1-1/1156, 16 March 2017</p> |
| DET | 3 | a | Procedural safeguards | Is there a maximum time period for immigration | <ul style="list-style-type: none"> UN Human Rights Council (HRC) (2010), Report of the UN Working Group on Arbitrary Detention to the Human Rights Council, 13th Session, A/HRC/13/30: a maximum period of | <p>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</p> | <p>Imigrācijas likums (Immigration Law), 2017, Art. 54: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> |

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| | | | | <p>detention set in law? What is it?</p> <p>detention must be established by law and upon expiry ...the detainee must be automatically released.</p> <ul style="list-style-type: none"> • UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention : to guard against arbitrariness, maximum periods of detention should be set in national law. • EU Returns Directive: Art 15(5) Each Member State shall set a limited period of detention ... • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: It is desirable that states clearly specify a reasonable maximum time limit. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 39: Detention should always be for the shortest time possible. There should be a reasonable maximum time-limit for detention... | <p>to cooperate or delays the receipt of necessary documents from third countries.</p> | |
| DET | 3 | b | | <p>Does law/policy provide that individuals must be informed in writing of the reasons for immigration detention? Are detainees provided with</p> <ul style="list-style-type: none"> • UN General Assembly (UNGA) (1988), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Resolution A/RES/43/173: Anyone who is arrested shall be informed at the time of his arrest of the reason for his arrest and shall be promptly informed of any charges against him. | <p>Yes. The Immigration Law states that when detaining a foreigner, the State Border Guard or State Police official shall draw up a detention report including the date and place of drawing up the report, the position, name and surname of the person who has drawn up the report, information regarding the detainee, time and motives of detention. The report shall be signed by the official who has drawn it up and the</p> | <p>Imigrācijas likums (Immigration Law), 2017, Art. 52(2), 54, 56 & 59: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> |

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| | | | | <p>information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?</p> <ul style="list-style-type: none"> • EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 37: Stateless detainees shall receive their order of detention in writing and in a language they understand, and this must outline the reasons for their detention... Detainees must be informed of their rights... • International Commission of Jurists (ICJ) (2014), Migration and International Human Rights Law: a Practitioner's Guide (updated edition): The authorities are required to ...ensure that sufficient information is available to detained persons in a language they understand, regarding the nature of their detention, the reasons for it, the process for reviewing or challenging the decision to detain. | <p>detainee. If the detainee refuses to sign the report, it shall be noted in the report.</p> <p>The law provides detainees with a right to:</p> <ul style="list-style-type: none"> • 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 non-government human rights organisations • 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 health care 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 • to store property that is not prohibited | |
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| | | | | | | <p>A detainee has a duty:</p> <ul style="list-style-type: none"> • to subject him or herself 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; • to maintain in order the accommodation premises and common premises, as well as to observe personal hygiene. | |
| DET | 3 | c | | <p>Are there regular periodic reviews of the necessity for the continuation of detention before a court or an independent body? If yes, are detainees released when it becomes evident that their removal will not be possible within a reasonable time?</p> | <ul style="list-style-type: none"> • EU Returns Directive: Any detention shall ... only be maintained as long as removal arrangements are in progress and executed with due diligence. • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): ... the only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant... the length of the detention should not exceed that reasonably required for the purpose pursued. • Kim v Russia [2014] Application no 44260/13 (ECtHR): The purpose of Art 5(4) ECHR is to guarantee to persons who are arrested and detained the right to judicial supervision of the lawfulness of the measure... • A. v. Australia, CCPR/C/59/D/560/1993, (HRC): Decisions to detain should be open to review periodically... | <p>The Asylum Law provides a right to regular periodic review but there is no analogous regulation in the Immigration Law, which states that a detainee shall be released if the time period of detention has expired or the court has taken a decision to refuse to extend the time period of detention; if the SBG decides the circumstances for detention no longer exist, or it is not possible to obtain the necessary documents to carry out removal. The frequency of reviews is not set in law.</p> | <p>Asylum Law, 2017, Section 20: https://likumi.lv/ta/en/en/id/278986-asylum-law</p> <p>Imigrācijas likums (Immigration Law), 2017, Art. 59(4): https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> |

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| | | | | | <ul style="list-style-type: none"> • Saïd Shamilovich Kadzoev v Direktisia Migratsia' priMinisterstvo na vatrešniteraboti [2009] Case C-357/09 (ECJ): There must, at the time of the national Court's review of the lawfulness of detention, be a real prospect that the removal can be carried out successfully. • Council of Europe (2005), Twenty Guidelines of the Committee of Ministers of Europe on Forced Return: Detention pending removal shall be justified only for as long as removal arrangements are in progress. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 41: 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. | | |
| DET | 3 | d | | <p>What remedies are available to an individual to challenge detention? How often can these be invoked? Are there any obstacles in practice?</p> | <ul style="list-style-type: none"> • ICCPR Art 9(4): Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court... • ECHR: Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court.... • Kim v Russia [2014] Application no 44260/13 (ECtHR): the purpose of | <p>A detained person has the right to appeal the SBG detention decision before the court, and the right to appeal the decision of a judge within 48 hours.</p> | <p>Imigrācijas likums (Immigration Law), 2017, Art. 54(1) & 56(6): https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> |

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| | | | | | Art 5(4) ECHR is to guarantee to persons who are arrested and detained the right to judicial supervision of the lawfulness of the measure... | | |
| DET | 3 | e | | Are there rules/guidance in place that govern the process of re-documentation and/or ascertaining entitlement to nationality for the purpose of removal? Do these articulate the respective roles that state and individual are expected to play? Are there time limits clearly set out? Are the outcomes considered relevant for subsequent determination of statelessness? | <ul style="list-style-type: none"> • Aquad v Bulgaria [2011] Application no 46390/10 (ECtHR): The only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: The detaining state should have rules in place that govern the process of re-documentation and/or ascertaining entitlement to nationality... • ECRE, Point of No Return: The Futile Detention of Unreturnable Migrants, 2014: Once un-returnability is established, migrants should not be detained. | There is no publicly available information on whether rules or guidance are in place governing the process of redocumentation and/or ascertaining nationality. | |
| DET | 3 | f | | Is free legal aid available to challenge detention? Are | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Judicial oversight of detention is always necessary and detained | 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 | Valsts nodrošinātās juridiskās palīdzības likums (State Ensured Legal Aid Law), Section 3: https://likumi.lv/doc.php?id=104831 (LV) |

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| | | | | <p>there any barriers to accessing this in practice?</p> | <p>individuals need to have access to legal representation, including free counselling for those without means.</p> <ul style="list-style-type: none"> • EU Returns Directive: Art 13(3) The third-country national concerned shall have the possibility to obtain legal advice, representation and, where necessary, linguistic assistance. | <p>detention. State legal aid covers only challenging the removal decision and order.</p> | <p>https://likumi.lv/ta/en/en/id/104831-state-ensured-legal-aid-law (ENG - not up to date)</p> <p>Imigrācijas likums (Immigration Law), 2017: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> <p>Patvēruma likums (Asylum Law), Art. 11(2)(5): https://likumi.lv/ta/id/278986-patveruma-likums (LV)</p> |
| DET | 4 | a | Protections on release | <p>Are those released from detention issued with any identification, including confirmation of their stateless status, and thus protected from arbitrary re-detention?</p> | <ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: Art 27 • UNHCR (2014), Handbook on Protection of Stateless Persons: ...being undocumented or lacking the necessary immigration permits cannot be used as a general justification for detention... • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: ...state parties to the 1954 Convention have an obligation to provide stay rights to stateless persons who have been released from detention. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guidelines 55 & 56: Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation. | <p>According to the law irregular migrants with no valid passport or identity document cannot be assigned a personal identification number on release from detention, and so are released without any rights to social assistance. If determined to be stateless, OCMA will grant stateless status on release and provide the stateless person with official identification, a residence permit and a travel document.</p> | <p>Iedzīvotāju reģistra likums (Population Register Law), 2017, Section 3: https://likumi.lv/ta/id/49641-iedzivotaju-registra-likums</p> <p>Latvian Centre for Human Rights (2015) The return of Third Country Nationals: Standards and their Implementation in Latvia, pp.28-29: http://cilvektiesibas.org.lv/media/attachments/01/12/2015/Latvian_report_korekturai_COR_NEWNEW.pdf</p> <p>Imigrācijas likums (Immigration Law), 2017, Art. 23 (27): https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> <p>Law on Stateless Persons, 2007: https://likumi.lv/ta/en/en/id/84393-law-on-stateless-persons</p> |

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| DET | 4 | b | | <p>If the purpose of detention cannot be fulfilled (e.g. removal) and the person is released, what legal status is provided to them by law? Can they access social security accommodation, education and healthcare? Do they have the right to work?</p> | <ul style="list-style-type: none"> • Saïd Shamilovich Kadzoev v Direktisia Migratsia' pri Ministerstvo na vatrešnite raboti [2009] Case C-357/09 (ECJ): Article 15(4) and (6) of the Directive should be interpreted as requiring that after the maximum period of detention has expired, the person must be released immediately... the individual's lack of valid documentation, his/her inability to support him/herself or his/her "aggressive conduct" should not be a deterrent to his/her release. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 55 as above. | <p>If there is a legal ground, the person shall be provided stateless person status with corresponding travel document and residence permit.</p> | |
| DET | 4 | c | | <p>If re-detention does occur, is the cumulative time spent in detention counted towards any maximum time limits?</p> | <ul style="list-style-type: none"> • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 40: When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration. | <p>No, each detention decision is taken based on the circumstances of a particular case with a particular purpose. Re-detention highly likely will not be justified.</p> | <p>Imigrācijas likums (Immigration Law), 2017: https://likumi.lv/ta/id/68522-imigracijas-likums (LV)</p> |
| DET | 5 | a | Readmission agreements | <p>Is statelessness considered a juridically relevant fact in any readmission and/or bilateral return agreements?</p> | <p>UNHCR (2014), Handbook on Protection of Stateless Persons: Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.</p> | <p>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.</p> | <p>Ministry of Foreign Affairs of the Republic of Latvia website: https://www.mfa.gov.lv/arpolitika/divpuseji-likumi?title=&signer=&country=0&organization=0&branch=24&status=0&date=&search=true (agreements on readmission where publicly available, but not all are listed)</p> |

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

Prevention and Reduction

| Cat | Q | Sub | Subtheme | Question | International Norms / Good Practice | Answer | Source |
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| PRS | 1 | a | Stateless born on territory | Is there a provision in law for stateless children born on the territory to be granted nationality? | <ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless... • European Convention on Nationality, 1997: Each State Party shall provide in its internal law for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality... • Convention on the Rights of the Child 1989: The child shall have... the right to acquire a nationality... States Parties shall ensure the implementation of these rights...in particular where the child would otherwise be stateless... States Parties undertake to respect the right of the child to preserve his or her identity, including nationality... • Genovese v. Malta (ECtHR) Application No. 53124/09, 11 October 2011 | <p>Yes. Under the Citizenship Law, a child born in Latvia after 21 August 1991 shall be recognised as a Latvian citizen at birth registration if one parent expresses such a wish and provided that both parents are stateless/non-citizens. The parent must have permanent residence in Latvia. A child shall also be recognised as Latvian citizen at birth if the child's mother is a non-citizen or stateless and there is no information about the father in the civil register, or if one of the child's parents is a non-citizen or stateless, but the other parent is deceased.</p> <p>Until the child reaches 15, one parent can apply for the child to be recognised as a Latvian citizen, provided that:</p> <ol style="list-style-type: none"> 1) The child has been non-citizen or stateless since birth; 2) The child's permanent residence is in Latvia; 3) Both the child's parents are non-citizens or stateless; 4) And the parent with whom the child has lived has held permanent residence for five years. (As above if no information about father, or the other parent deceased) <p>After 15, a child can apply themselves until aged 18 years, provided that:</p> <ol style="list-style-type: none"> 1) Both the child's parents are non-citizen or stateless; 2) The child has resided permanently for five years in Latvia; 3) The child has no committed no serious or grave criminal offence; 4) The child meets the Latvian language proficiency requirement | Citizenship Law, 2013, Section 3(1): https://likumi.lv/ta/en/en/id/57512 |

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| | | | | | | (As above if no information about father, or the other parent deceased) | |
| PRS | 1 | b | | Is the provision for stateless children to access nationality automatic or non-automatic (i.e. by application)? | <ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Article 1 of the 1961 Convention provides Contracting States with two alternatives ...for granting nationality to children who would otherwise be stateless born in their territory...either...automatic acquisition ...upon birth pursuant to Article 1(1)(a), or ...upon application pursuant to Article 1(1)(b) ... • ENS (2015), No Child Should Be Stateless: Article 1 of the 1961 Convention and article 6(2) of the ECN ... oblige the conferral of nationality to children born on the territory if they would otherwise be stateless ... The ...optimal method ...is to grant nationality to otherwise stateless children automatically, at birth. | Non-automatic. A parent fills in an application form about the child and submits information about themselves if relevant. | <p>Citizenship Law, 2013, Section 3(1): https://likumi.lv/ta/en/en/id/57512</p> <p>Application for recognition of a child born in Latvia on 21 August 1991 as a stateless person or a non-citizen of Latvia as a citizen of Latvia in accordance with Section 3.1(2) of the Citizenship Law: https://likumi.lv/doc.php?id=260436#piel0</p> |
| PRS | 1 | c | | Is it a requirement that the parents are also stateless for the child to acquire the nationality of the host state? | <ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: The test is whether a child is stateless because he or she acquires neither the nationality of his or her parents nor that of the State of his or her birth; it is not an inquiry into whether a child's parents are stateless. • ENS (2015), No Child Should Be Stateless: Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the child's parent(s) do hold a | Yes. | <p>Citizenship Law, 2013, Section 3(1): https://likumi.lv/ta/en/en/id/57512</p> |

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| | | | | | nationality themselves, but are unable to pass this on... | | |
| PRS | 1 | d | | Are children born stateless required to prove they cannot access another nationality to acquire nationality of the country of birth? If yes, please describe the requirement e.g. what is the standard and burden of proof, and how this is determined in practice? | <ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: A Contracting State to the 1961 Convention 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 where this conflicts with the interpretation applied by the State concerned... the burden of proof must be shared between the claimant and the authorities... decision makers need to take into account Articles 3 and 7 of the CRC and adopt an appropriate standard of proof... Special procedural considerations to address the acute challenges faced by children... in communicating basic facts with respect to their nationality are to be respected. | No. | Citizenship Law, 2013: https://likumi.lv/ta/en/en/id/57512 |
| PRS | 1 | e | | Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, what is it? Must this be legal and/or permanent residence? | <ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A Contracting State may make the grant of its nationality...subject to one or more of the following conditions: ...b) that the person concerned has habitually resided in the territory ... for such period...not exceeding five years immediately preceding the ... application nor ten years in all. • UNHCR Guidelines on Statelessness #4 2012: States may stipulate that an individual who would otherwise be | No. | Citizenship Law, 2013: https://likumi.lv/ta/en/en/id/57512 |

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| | | | | <p>stateless born in its territory fulfils a period of “habitual residence”. This period is not to exceed five years immediately preceding an application nor ten years in all...The term “habitual residence” is ...to be understood as stable, factual residence. It does not imply a legal or formal residence requirement.</p> <ul style="list-style-type: none">• Convention on the Rights of the Child 1989: Arts 3 & 7• Committee on the Rights of the Child, Concluding observations on the 4th periodic report of the Netherlands CRC/C/NDL/CO/4, 2015: The Committee recommends that the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to citizenship without any conditions.• European Convention on Nationality, 1997: Article 6 (2)(b) ... Such an application may be made subject to the lawful and habitual residence on its territory for a period not exceeding five years.... | | | |
| PRS | 1 | f | | <p>Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, what is it? Must this be legal and/or</p> | <ul style="list-style-type: none">• Committee on the Rights of the Child, Concluding Observations Czech Republic CRC/C/CZE/CO/3-4, 2011: The outcome of an application...by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State... | <p>Yes, one of the parents should have a permanent residence permit.</p> | <p>Citizenship Law, 2013, Section 3(1): https://likumi.lv/ta/en/en/id/57512</p> |

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| | | | | permanent residence? | <ul style="list-style-type: none"> • ENS (2015), No Child Should Be Stateless: Demanding that the child or his/her parents reside lawfully on the territory is... prohibited by the 1961 Convention... | | |
| PRS | 1 | g | | What are the age limits, if any, for making an application for nationality for a stateless person born on the territory? | <ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A Contracting State may make the grant of its nationality...subject to one or more of the following conditions: (a) that the application is lodged during a period... beginning not later than at the age of 18 years and ending not earlier than at the age of 21 years... • UNHCR Guidelines on Statelessness #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... • ENS (2015), No Child Should Be Stateless: ...any application procedure which only becomes available in late childhood or even upon reaching majority is particularly problematic [...] 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. | Citizenship Law, 2013: https://likumi.lv/ta/en/en/id/57512 |

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| PRS | 1 | h | | Are there specific provisions for the nationality of children born to beneficiaries of international protection? | <ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Some children are born to refugee parents who are themselves stateless or cannot acquire the nationality of their parents owing to restrictions on transmission of nationality to children born abroad. Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities. | No. | |
| PRS | 2 | a | Foundlings | Are foundlings granted citizenship by law? If it's not automatic, is there an application procedure? | <ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered to have been born within that territory of parents possessing the nationality of that State. • European Convention on Nationality, 1997: Each State Party shall provide in its internal law for its nationality to be acquired ex lege by the following persons: [...] b) foundlings found in its territory who would otherwise be stateless. | Yes. It is automatic. | Citizenship Law, 2013, Section 2: https://likumi.lv/ta/en/en/id/57512 |
| PRS | 2 | b | | If yes, is there an age limit (or status e.g. 'newborn') specified for foundlings to be granted citizenship? If not, | <ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: At a minimum, the safeguard ... is to apply to all young children who are not yet able to communicate accurately information | 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 |

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| | | | | when would a child usually qualify in practice? | pertaining to the identity of their parents or their place of birth... | | |
| PRS | 2 | c | | Can citizenship be withdrawn from foundlings if parents are identified even if this leads to statelessness? | <ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Nationality acquired by foundlings... may only be lost if it is proven that the child concerned possesses another State's nationality. | No, there is no ground to withdraw citizenship on this basis. | Citizenship Law, 2013, Section 2: https://likumi.lv/ta/en/en/id/57512 |
| PRS | 3 | a | Adoption | Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired? | <ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: If the law of a Contracting State entails loss of nationality as a consequence of any change in the personal status of a person such as...adoption, such loss shall be conditional upon possession or acquisition of another nationality. • ENS (2015), No Child Should Be Stateless: ...the "sending" state in a situation of inter-country adoption may be a non-European one, so even if Europe's nationality laws were all in alignment with international standards, children may be exposed to a (temporary) risk of statelessness during the adoption process. | No. | Citizenship Law, 2013: https://likumi.lv/ta/en/en/id/57512 |
| PRS | 3 | b | | Does a foreign child adopted by national parents acquire nationality? Is there a risk of statelessness during the adoption process? | <ul style="list-style-type: none"> • European Convention on Nationality, 1997: Each State Party shall facilitate in its internal law the acquisition of its nationality for the following persons: ...d) children adopted by one of its nationals... • Committee on the Rights of the Child, Concluding Observations: Switzerland, CRC/C/CHE/CO/2-04, | A foreign child adopted by national parents will acquire nationality: ' <i>...the adopted child and his or her descendants shall acquire the legal status of a child born of a marriage in regard to personal as well as property relations.</i> ' | 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 |

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| | | | | Are there any age limits? | 2015 : ...ensure that a child adopted from abroad is not stateless or discriminated against during the waiting period between...arrival...and formal adoption. | | |
| PRS | 4 | a | <i>Ius sanguinis</i> and discrimination | Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>)? Are there any conditions? Are these conditions discriminatory? (see below if child would otherwise be stateless) | <ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: Art 4 • UNHCR Guidelines on Statelessness #4 2012: ...where a child who would otherwise be stateless is born in a Contracting State 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... • Genovese v. Malta (ECtHR) Application No. 53124/09, 11 October 2011: the impact of denial of citizenship on the applicant's social identity was such as to bring it within the general scope and ambit of Article 8... the state ... must ensure that the right is secured without discrimination... • Convention on the Elimination of all Forms of Discrimination Against Women, General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, November 2014 • UNHCR Global Action Plan to End Statelessness 2014-24: Action 4 • Fighting statelessness and discriminatory nationality law in Europe, Laura van Waas, 2012 | 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 Latvia (unless in English, German, French or Russian). Legalisation of documents is not required if issued in the EU/EEA, Switzerland or states with which Latvia has bilateral agreements. 'Non-citizens' and 'stateless persons' children born abroad do not have an automatic right to Latvian nationality, as the criteria set by the Citizenship Law (that the child should be born in Latvia, etc.) are not fulfilled; in such cases, the child may have the right to 'non-citizen' status. | Citizenship Law, 2013, Section 2 & 9(2) & (5): https://likumi.lv/ta/en/en/id/57512 |

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| PRS | 4 | b | | Can children born to nationals outside the country access nationality by descent (<i>ius sanguinis</i>) if they would otherwise be stateless? Are there any conditions? Are these conditions discriminatory? | <ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: ... where children of a national of a Contracting State who would otherwise be stateless are born in a non-Contracting State... the Contracting State of the parents [is required] to grant its nationality to the child (or children) of its nationals born abroad... | Conditions above apply. ‘Non-citizens’ and ‘stateless persons’ children born abroad do not have an automatic right to Latvian nationality, as the criteria set by the Citizenship Law (that the child should be born in Latvia, etc.) are not fulfilled; in such cases, the child may have the right to ‘non-citizen’ status. | Citizenship Law, 2013, Section 2 & 9(2) & (5): https://likumi.lv/ta/en/en/id/57512 |
| PRS | 5 | a | Access to birth registration | Does the law provide that all children are registered immediately upon birth? Can children be registered if parents are undocumented and/or not legally residing in the country (by law)? | <ul style="list-style-type: none"> • Convention on the Rights of the Child 1989: The child shall be registered immediately after birth and shall have the right from birth to a name [and] the right to acquire a nationality... • International Covenant on Civil and Political Rights 1966: Art 24(2) • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children • UNHCR Guidelines on Statelessness #4 2012: ... registration of the birth provides proof of descent and of place of birth and therefore underpins implementation of the 1961 Convention...Article 7 CRC ...applies irrespective of the nationality, statelessness or residence status of the parents. • UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 | 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), 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 | <p>Civilstāvokļa aktu reģistrācijas likums (Law on Registration of Civil Documenta), 2013, Section 24 & 25 & 26(2): https://likumi.lv/ta/id/253442-civilstavokla-aktu-registracijas-likums (LV)</p> <p>Cabinet Regulation No. 974, Procedures for Registering a Person as a Latvian Citizen, 2013, Article 3: https://likumi.lv/ta/en/en/id/260431-procedures-for-registering-a-person-as-a-latvian-citizen</p> <p>ENS (2015), Ending Childhood Statelessness: A Study on Latvia, p.17-18: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf</p> |

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| | | | | | <ul style="list-style-type: none"> • UN Sustainable Development Goal 16 • UN Human Rights Council, Resolution A/HRC/RES/20/4: ... ensure free birth registration, including free or low-fee late birth registration, for every child...irrespective of his or her immigration status and that of his or her parents or family members... | obligation to report in writing about the fact to the registry office | |
| PRS | 5 | b | | Are there credible reports to suggest that children are prevented from registering in practice because of parents' status? | As above | <p>The Ending Childhood Statelessness report records a case of a mother without legal residence facing difficulties to register the birth of her child but there is no further public information on this issue. There have been recent discussions on information exchange between medical institutions and registry offices on how to address cases when parents or medical persons have failed to report. From 2015-2017, there have been 10 such cases when parents have failed to register for longer than 6 months. Reasons include that parents do not want to register child, paternity issues, parents with special needs lack relevant info. Three different versions how to address electronic exchange of information between health authorities and registry office. Plan to start in 2022.</p> | <p>ENS (2015), Ending Childhood Statelessness: A Study on Latvia, p.17-18: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf</p> <p>Informatīvais ziņojums par konceptuālu risinājumu informācijas par bērna dzimšanu apmaiņai starp ārstniecības iestādi un dzimtsarakstu nodaļu (Informative report on a conceptual solution for exchanging information on the birth of a child between a medical institution and a registry office), 2018: http://tap.mk.gov.lv/lv/mk/tap/?pid=40464318&mode=mk&date=2018-10-30 (LV)</p> <p>Ministry of Health, Piedāvā risinājumu visu jaundzimušo reģistrēšanai (), 30 Oct 2018: http://www.vm.gov.lv/lv/aktualitates/presses_relizes/5845_piedava_risinajumu_visu_jaundzimuso_registresanai</p> |

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| PRS | 5 | c | | <p>Are there mandatory reporting requirements for authorities which would deter undocumented parents coming forward to register their children (e.g. health authorities required to report undocumented migrants)?</p> | <ul style="list-style-type: none"> • UNICEF, Access to Civil, Economic and Social Rights for Children in the Context of Irregular Migration, 2012: While there is generally a separation between civil registries and immigration enforcement, undocumented parents may also fear detection, particularly in countries where civil servants have a duty to report undocumented migrants... • PICUM, Rights of Accompanied Children in an Irregular Situation, 2011: Certain barriers that prevent access to basic rights for children in an irregular migration situation arise across the registry, health, education and housing sectors. National legislation is often...contradicted by other rules and practices, such as the duty to denounce ... | No (aside from mandatory reporting of any birth to the registry by public institutions, as outlined above). | |
| PRS | 6 | a | Late Birth Registration | <p>Is there a statutory deadline before which birth registration should be completed? If yes, what is it? Is late birth registration possible by law?</p> | <ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: Low levels of birth registration can be difficult to correct subsequently because procedures for late birth registration have not been established or are lengthy, costly and complex and therefore inaccessible ... • UN Human Rights Council, Resolution A/HRC/RES/20/4 • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children | 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. | <p>Civilstāvokļa aktu reģistrācijas likums (Law on Registration of Civil Documenta), 2013, Section 24 & 30: https://likumi.lv/ta/id/253442-civilstavokla-aktu-registracijas-likums (LV)</p> |

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| | | | | | <ul style="list-style-type: none"> • ENS (2015), No Child Should Be Stateless: One of the ways in which states have sought to deal with an intergenerational lack of documentation is by simplifying the procedures for the late registration of births, making it easier for adults who do not have a birth certificate to acquire one, which can subsequently be used to register their own children's births... | | |
| PRS | 6 | b | | Is late birth registration possible in practice? | As above | Yes. | |
| PRS | 6 | c | | Are there any additional requirements (e.g. fee) for the late birth registration procedure? Are these problematic or do they cause lengthy delays? | <ul style="list-style-type: none"> • UN Human Rights Council, Resolution A/HRC/RES/20/4 | 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 Documenta), 2013, Section 30: https://likumi.lv/ta/id/253442-civilstavokla-aktu-registracijas-likums (LV) |
| PRS | 7 | a | Reduction | Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details. | <ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 • Council of Europe, 3rd European Conference on Nationality, 11-12 October 2004: Taken together Art 7 & 8 ECHR should be understood to encourage States Parties not only to take positive steps to avoid statelessness – including the promotion of birth registration – but also to grant citizenship to children who would otherwise be stateless... | Concerning 'non-citizen' children, OCMA conducted a proactive information campaign in 2018 in which it sent individual letters to 'non-citizen' parents encouraging them to register their children (up to age 15) as Latvian citizens. | Latvijas svešie vai tomēr mūsējie. Valsts prezidents aicina pārtraukt nepilsoņa statusa piešķiršanu (Foreigners of Latvia or ours. The President calls for the cessation of non-citizen status), LV Portal, Paulina Līga, 13 September 2017: https://lvportals.lv/skaidrojumi/289695-latvijas-svesie-vai-tomer-musejie-valsts-prezidents-aicina-partraukt-nepilsona-statusa-pieskirsanu-2017 (LV) |

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| PRS | 7 | b | | <p>Are there sections of the population believed to be stateless/at risk of statelessness? Are minorities disproportionately affected? Please provide details and source of information.</p> | <ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961 Article 9 • UNHCR Global Action Plan to End Statelessness 2014-24: Action 4 | <p>Yes. Government data for ‘stateless’ and ‘non-citizen’ populations is disaggregated by ethnicity, showing that 65.5% of the ‘non-citizen’ population is of ‘Russian’ ethnicity (149,971), 13.8% ‘Belorussian’ (31,508), 9.8% ‘Ukrainian’ (22,508), and 3.5% ‘Polish’ (8,023) for example. The majority of ‘non-citizens’ are of Russian origin and over the age of 50. The majority of people recorded as ‘stateless’ by the Government are recorded as being of ‘Latvian’ ethnicity. Among the total population of Latvia recorded as being ethnic ‘Russians’, 64% are citizens of Latvia, 27.8% are ‘non-citizens’, and the remainder are spread across other citizenship status categories, including 99 ‘Latvian stateless’ persons and 45,390 ‘others’.</p> <p>UNHCR in its latest Global Trends report (2017) provides the Latvian Government figures for both “bezvalstnieks” – stateless person under the Latvian Law on Stateless Persons (178) - and “nepilsonis” – non-citizens under the 1995 Law (233,393) – considering them both ‘populations of concern’ under its statelessness mandate.</p> <p>253 children born to ‘non-citizen’ parents in 2014-2017 remain ‘non-citizens’, while the majority of ‘non-citizens’ have registered their children as Latvian citizens during this period.</p> | <p>Latvijas iedzīvotāju sadalījums pēc nacionālā sastāva un valstiskās piederības, 1 July 2018: http://www.pmlp.gov.lv/lv/assets/documents/statistika/iedz%C4%ABvot%C4%81ju%20re%C4%A3istrs%20st.%20uz%2001072018/ISVN_Latvija_pec_TTB_VPD.pdf (LV)</p> <p>UNHCR Global Trends 2017, Table 7. Persons under UNHCR's statelessness mandate, 2017 (see also footnotes to figures): http://www.unhcr.org/search?comid=56b079c44&&cid=49aea93aba&tags=global_trends</p> <p>Croft, Jennifer. In: IFSH (ed.), OSCE Yearbook 2015, Baden-Baden 2016, pp. 181-195: https://ifsh.de/file-CORE/documents/yearbook/english/15/Croft-en.pdf</p> <p>ENS (2015), Ending Childhood Statelessness: A Study on Latvia: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf</p> |
| PRS | 7 | c | | <p>Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or</p> | <ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961 • UNHCR Global Action Plan to End Statelessness 2014-24: Action 1, Action 8 • UNHCR, Good Practices Paper - Action 1: Resolving Existing Major Situations of Statelessness, 2015 | <p>The main reduction measure is the naturalisation process. People with ‘non-citizen’ status (and their children) may apply for naturalisation under general rules. There are no general exemptions for ‘non-citizens’ (people with refugee status are exempt from the language proficiency, legal source of income, and citizenship test requirements; people aged over 65 or in ill-health, or who have a disability are also exempt from some requirements):</p> | <p>Office of Citizenship and Migration Affairs website, Naturalizācija (Naturalisation): http://www.pmlp.gov.lv/lv/sakums/pakalpojumi/pilsoniba/pilsonibas-registracija/naturalizacija/#1 (LV)</p> <p>ENS (2015), Ending Childhood Statelessness: A Study on Latvia, p.6 & p10:</p> |

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| | | | | naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.) | | <ul style="list-style-type: none"> are aged 15 or over; have been habitually resident in Latvia for at least the last five years prior to the application know the Latvian language, the Constitution, the national anthem, and basics of Latvian history and culture; have a legal source of livelihood; have proof of renunciation/loss of previous nationality or that they are not a national of any other country <p>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.</p> <p>The Government has held regular information days for naturalisation applicants at local OCMA offices in different cities. It provides online materials for naturalisation exams, sample tests, and municipal support for naturalisation courses with EU funding.</p> <p>Amendments to the Citizenship Law in 2013 eased the registration at birth of children born to 'non-citizen' parents (one parent may opt for the child to be a Latvian citizen instead of both, ticking a box instead of an application).</p> <p>Government-sponsored surveys have suggested that around 11% of 'non-citizens' plan to naturalise, while over 80% do not, citing reasons including age, poor knowledge of Latvian language, and the belief that citizenship should be automatic.</p> | 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 |
| PRS | 8 | a | Withdrawal of nationality | Are there any provisions on loss and/or deprivation of nationality? If yes, are these | <ul style="list-style-type: none"> UN Convention on the Reduction of Statelessness, 1961: Article 8: A contracting state shall not deprive a person of its nationality if such | The law provides for renunciation and revocation of citizenship under certain circumstances including (in the case of revocation): acquiring citizenship of another country without submitting an application for renunciation of Latvian citizenship (safeguard | Citizenship Law, 2013, Section 22 & 24: https://likumi.lv/ta/en/en/id/57512 |

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| | | | | <p>established in law? If not, where can they be found?</p> | <p>deprivation would render him stateless.</p> <ul style="list-style-type: none"> • European Convention on Nationality, 1997: Article 7(3): A State party may not provide in its internal law for the loss of its nationality...if the person concerned would thereby become stateless... • Universal Declaration of Human Rights: Article 15(2) No one shall be arbitrarily deprived of his nationality ... | <p>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.</p> | |
| PRS | 8 | b | | <p>Who is the competent authority in any procedure for ordering deprivation of nationality? What procedural guarantees are there? (e.g. judicial oversight, time limit, subject to prior sentencing, appeal rights, legal aid)</p> | <ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: Article 8(4): A contracting state shall not exercise a power of deprivation...except in accordance with the law, which shall provide for ...the right to a fair hearing by a court or other independent body. • European Convention on Nationality, 1997: Article 11: Each state party shall ensure that decisions relating to the acquisition, retention, loss, recovery or certification of its nationality contain reasons in writing... | <p>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.</p> | <p>Citizenship Law, 2013, Section 24: https://likumi.lv/ta/en/en/id/57512</p> |
| PRS | 8 | c | | <p>Are withdrawal provisions (both for loss and deprivation) applied in practice?</p> | | <p>No information is available.</p> | |

| Cat | Q | Sub | Subtheme | Question | International Norms/ Good Practice | Answer | Source |
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| LIT | 1 | a | Published judgements | Number of published judgements adjudicating statelessness (broken down by level of jurisdiction). Please list. | | 9 judgements adjudicating statelessness or non-citizens (1 supreme court, 3 regional court, 5 district courts) | Anonymised judgements are accessible online by keywords, phrases, ECLI identifier, case number, type of case (criminal, civil, administrative), but should be reviewed to establish whether 'statelessness' / 'non-citizen' are mentioned in passing, or adjudicated: https://manas.tiesas.lv/eTiesasMvc/lv/nolemumi |
| LIT | 1 | b | | Number of published judgements mentioning statelessness (broken down by level of jurisdiction). Please list. | | 33 judgements mention statelessness or non-citizens (2 supreme court, 3 regional courts, 27 district courts) | Anonymised judgements are accessible online by keywords, phrases, ECLI identifier, case number, type of case (criminal, civil, administrative), but should be reviewed to establish whether 'statelessness' / 'non-citizen' are mentioned in passing, or adjudicated: https://manas.tiesas.lv/eTiesasMvc/lv/nolemumi |
| LIT | 2 | a | Legal training | Is there judicial training on statelessness? If yes, please provide details (e.g. provider, frequency). | <ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): 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 Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: It is recommended that States provide specialised training on nationality laws and practices, international | No information is available about judicial training on statelessness. | |

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| | | | | | standards and statelessness to officials responsible for making statelessness determinations. | | |
| LIT | 2 | b | | Is there training for lawyers on statelessness? If yes, please describe. | <ul style="list-style-type: none"> • UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: as above | No information is available about training for lawyers on statelessness. | |
| LIT | 3 | a | Pro Bono | Are there specialised lawyers, law firms or organisations providing free advice to stateless persons or those at risk of statelessness? If yes, please describe. | <ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Applicants are to have access to legal counsel. • UNHCR (Good Practices Paper 6): Gives the example of Liverpool Law Clinic providing legal assistance to stateless clients in the UK. | <p>Latvian Centre for Human Rights – a human rights NGO, which, inter alia, provides legal aid to asylum seekers, persons with legal status issues: www.cilvektiesibas.org.lv</p> <p>Latvian Human Rights Committee – a minority rights NGO with links to political party Latvia's Russian Union, represents non-citizens before domestic and international courts: http://www.lhrc.lv/index.php?lang=en&menes=men1#textbegin</p> | |
| LIT | 4 | a | Literature | Is there domestic academic literature on statelessness? If possible, please list and provide references and hyperlinks (where available). | | <p>Numerous studies have been published on 'non-citizens' in Latvia.</p> <p>Handbook for members of parliament. Nr.11-2005. Citizenship and statelessness: http://archive.ipu.org/PDF/publications/nationality_la.pdf</p> <p>ENS (2015), Ending Childhood Statelessness: A Study on Latvia: https://www.statelessness.eu/sites/www.statelessness.eu/files/Latvia_0.pdf</p> <p>Krūma, Kristīne. Latvian Citizenship and Non-citizen Status. In: EU Citizenship, Nationality and Migrant Status. Brill & Nijhoff, 2013, pp. 443-448: http://booksandjournals.brillonline.com/content/books/9789004251595</p> | |

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| | | | | | | <p>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</p> <p>Croft, Jennifer. Non-Citizens in Estonia and Latvia: Time for Change in Changing Times? In: IFSH (ed.), OSCE Yearbook 2015, Baden-Baden 2016, pp. 181-195: https://ifsh.de/file-CORE/documents/yearbook/english/15/Croft-en.pdf</p> <p>Baltic Institute of Social Sciences (2013). Analysis of Integration of Latvian Non-Citizens: http://www.biss.soc.lv/downloads/resources/nepilsoni/BIS_S_Noncitizens_2014.pdf</p> <p>Dace MITA, Augstākās tiesas Administratīvo lietu departamenta tiesnese. Bezvalstniecība, nepilsoņi un Latvijas tiesu vara. LR Augstākās tiesas biļetens Nr. 11/2015, pp.31-35: http://at.gov.lv/files/uploads/files/2_Par_Augstako_tiesu/informativie_materiali/ATBiletens11_web.pdf</p> |
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