



# The Organisation of Asylum and Migration Policies

## Factsheet: Latvia

### 1. Introduction

This factsheet provides an overview of how asylum and migration policies are organised in **Latvia**, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on information provided in the Latvia National Report of the EMN Study *The Organisation of Asylum and Migration Policies in EU Member States*<sup>1</sup>, as at October 2011, and updated **February 2012**. The report was produced by the experts of the Office of Citizenship and Migration Affairs under the supervision of the Ministry of Interior. The Report was based on desk research: key sources were websites, data of the Office of Citizenship and Migration Affairs and research studies. Also studies performed by the Latvian EMN NCP and data published by the Central Statistical Bureau has been used.

### 2. Overview of organisation of political, legislative and institutional framework

#### 2.1 The political system and institutional context

The Ministry of Interior develops, organizes and coordinates the implementation of interior policy, which includes the subsectors of migration and asylum. The Office of Citizenship and Migration Affairs (OCMA), which is subordinated to the Ministry of Interior, implements migration and asylum policy, determines the legal status of individuals, keeps population records, issues personal identity documents and travel documents, considers the applications of asylum seekers and takes decisions thereof, as well as considers the applications of individuals on admission into Latvian citizenship by naturalization procedure. The State Border Guard also implements migration policy, including prevention of illegal migration. It performs actions provided for by legal acts regulating the sector of migration and asylum. Other key state institutions in the area of asylum and migration include the Ministry of Foreign Affairs, the Ministry of Welfare, the Ministry of Economics, the Ministry of Finance, the Ministry of Justice, the Ministry of Health, the Ministry of Education and Science and the Ombudsman.

#### 2.2 The legal framework

The main legal acts regulating the area of asylum and migration in Latvia are the Immigration Law determining the procedures for entry, stay, transit, exit and detention of foreigners, and the Asylum Law ensuring the rights to receive asylum, refugee status or an alternative status or temporary protection in the Republic of Latvia. Furthermore, the Law on the Status of a Long-Term Resident of the European Union in the Republic of Latvia determines the procedure for granting and losing the status of long-term resident of the European Union.

### 3. Development of migration and international protection systems

A new Asylum Law was adopted in 2009 and normative acts subordinate to the Asylum Law were adopted in 2010. The most essential changes affected the decision-making and appeal procedures (a new type of decision) for handling applications. The procedure for considering a repeated application was changed by establishing that, after a final decision, the Asylum Affairs Division of the OCMA shall evaluate the repeated application as the first instance institution. If new significant information has emerged, the Administrative District Court shall act as court of appeal (Administrative Regional Court considered the repeated applications prior to that). In order to give the asylum seeker an opportunity to prepare for the appeal of the decision and to simplify the appeal procedure, the terms for submitting an appeal have been extended for all procedures.

<sup>1</sup> Available on the EMN website

## 4. Organisation of policy

### 4.1 Overview of migration and international protection policy

Applications for granting the status of a refugee or an alternative status are submitted to the State Border Guard - both at the border control posts and inside the country. The Asylum Affairs Division of the OCMA then evaluates the application of the individual and decides on the application within five business days. The decision of the Asylum Affairs Division of the OCMA may be appealed at the Administrative District Court, but the Court decision is final. If an applicant is denied asylum, he/she is expelled by the State Border Guard. A refused person is entitled to submit a repeated application in the event that conditions have changed in their favour. Visas are issued by the Latvian diplomatic and consular missions abroad, the OCMA, the State Border Guard or the Consular Department of the Ministry of Foreign Affairs. The visa is extended by the OCMA or the Consular Department of the Ministry of Foreign Affairs.

A wide range of state and municipal institutions is involved in the area of admission of aliens. The OCMA coordinates cooperation in this area.

The total duration of the examination of the asylum application according to the regular procedure by both the OCMA and the Administrative District Court is approximately 8 to 9 months. The decision on issuing of a residence permit is taken after examination of all submitted information within 30 days.

Two types of residence permits are issued in Latvia – temporary residence permits and permanent residence permits. The temporary residence permit with the validity term of more than one year shall be registered every year, meanwhile, the permanent residence permit is registered once every five years. An alien is entitled to receive a permanent residence permit or a status of a long-term resident of the European Union if he/she has acquired the Latvian language at least at grade 2 of the basic (the lowest) level. If an alien fails to acquire the Latvian language at the requested level, such person shall be entitled to continue residing in Latvia with a temporary residence permit.

The institution responsible for integration policy is the Ministry of Culture. In October 2011, the Cabinet of Ministers approved “The Guidelines for the National Identity and Society Integration Policy for 2012 - 2018”.

The legal basis for acquiring, losing and restoring citizenship is specified in the Citizenship Law. An alien may be admitted citizenship of Latvia according to naturalization procedure only. A principal condition for acquisition of citizenship is that Latvia has been the permanent place of residence for no less than five years at the time of submitting the application. The legal employment relations in Latvia are regulated by the Labour Law. An alien who wishes employment relations in Latvia requires a work permit (with exceptions).

If an alien has breached the procedure for entry or residence of aliens, an official of the OCMA or the State Border Guard shall issue an order to leave the country. If the alien fails to leave the country voluntarily within the stipulated period of time, the Head of the OCMA or of the State Border Guard takes the decision on forced return.

### 4.2 Links with other policies

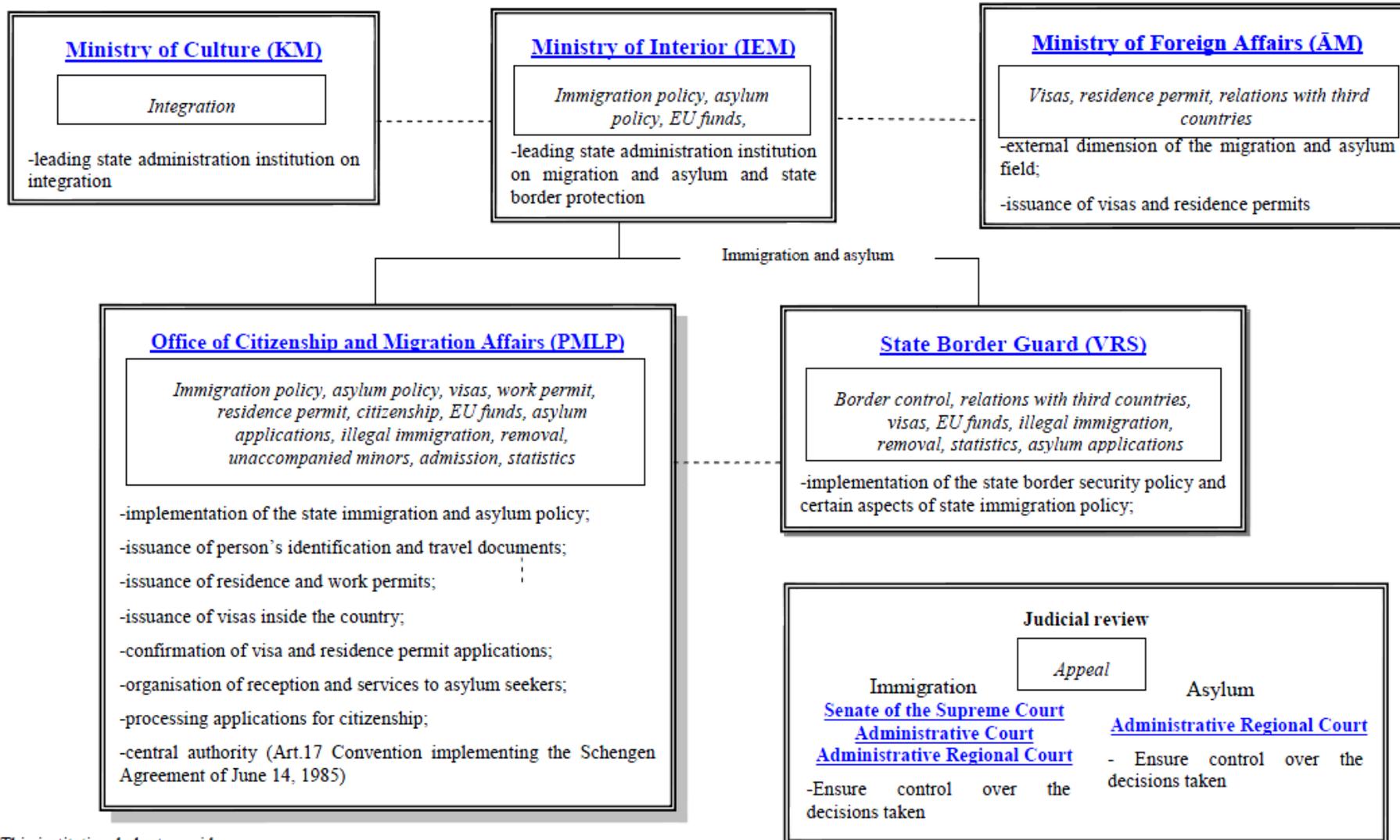
The migration and asylum policy is most closely linked to employment policy, since the attraction of highly qualified employees is one of the priorities of the Latvian employment policy; secondly education policy because attraction of foreign students is essential for development of Latvian higher educational establishments. Also integration policy is closely linked to migration policy, but has received limited attention in Latvia.

## 5. Analysis of asylum and migration systems

The attitude of the public towards migration in Latvia is explicitly negative. Because of the high level of unemployment in Latvia, the question of facilitating immigration is not currently being discussed at the political level. The forecasts of Latvian economic and demographic development bear evidence that in the near future, the population of an economically active age will decline, which is why Latvia will need to attract migrant labour in order to maintain its economic development. Currently an immigration policy document establishing the guidelines and criteria for Latvian immigration policy is being prepared and will be completed by mid-2013.

# LATVIA

## Institutional Framework for Immigration and Asylum Policies\*



\*This institutional chart provides an indicative overview of the asylum and migration system in Latvia. As such, it does not represent its complete structure.