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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*<sup>1</sup> has adopted and  
the President has proclaimed the following law:

## Immigration Law

### Chapter I General Provisions

#### Section 1.

(1) The following terms are used in this Law:

1) **foreigner** - a person who is not a Latvian citizen or non-citizen of Latvia;

<sup>1</sup>) **volunteer** - a foreigner who based on a goodwill performs work without remuneration by participating in a volunteering programme financed by the European Commission or an international organisation without profit motive and under which objectives for achieving the common interest are implemented. A person of 18 up to 30 years of age can be admitted to the volunteering programme. This condition shall not apply to the volunteering programme financed

by the European Commission and to the allowance of the person and the reimbursement of costs.

2) **travel document** - a personal identification document which, in accordance with international agreements binding upon the Republic of Latvia, this Law and other laws and regulations, grants the right to its holder to cross the State border of the Republic of Latvia;

2<sup>1</sup>) **European Union Blue Card** - a temporary residence permit which is issued in the Republic of Latvia to a foreigner who is employed and, for an agreed remuneration, performs specific work under the management of the employer in the Republic of Latvia and also has acquired higher education in a study programme the length of which is at least three years, in the relevant speciality or in the sector determined in the employment contract or who has professional experience of at least five years in the sector determined in the employment contract or in the speciality;

2<sup>2</sup>) **employee-trainee** - a foreigner who has acquired higher education and is transferred within the framework of an intra-corporate transfer for career development purposes or in order to obtain training in business techniques or methods, and receives work remuneration during training in the Republic of Latvia;

3) **invitation** - a document approved by the Office of Citizenship and Migration Affairs (hereinafter - the Office), in which an inviter undertakes the obligations laid down in this Law in relation to the foreigner whom he or she has invited to stay the Republic of Latvia (with a visa);

4) **voluntary return decision** - an administrative act, in which the fact of illegal stay of a foreigner has been substantiated and the foreigner has been imposed an obligation to voluntarily return within a specified period of time to the country of his or her citizenship, third country, from which he or she entered, or another country, which he or she has the right to enter;

5) **sponsorship** - a document approved by the Office, in which the inviter undertakes the obligations laid down in this Law in relation to the foreigner whom he or she has invited to reside in the Republic of Latvia (with a residence permit);

5<sup>1</sup>) **competent State institution** - the Security Police, the Constitution Protection Bureau, the Military Intelligence and Security Service, the State Police or an institution of the relevant competence abroad;

5<sup>2</sup>) **removal order** - an administrative deed, in which the fact of illegal stay of a foreigner is justified and removal of the foreigner to his or her country of citizenship, the third country, from which he or she has entered, or another country, which he or she has the right to enter, is determined;

6) **country of residence** - the country of citizenship of a foreigner, the foreigner's previous country of permanent place of residence, or a country which has issued a residence permit to a foreigner;

6<sup>1</sup>) **illegal stay** - staying of a foreigner in the Republic of Latvia which does not conform to the provisions of Article 4 of Regulation (EU) No 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code) (hereinafter - Regulation No 2016/399 of the European Parliament and of the Council of 9 March 2016) or of Section 4 or 4.<sup>1</sup> of this Law;

6<sup>2</sup>) **researcher** - a foreigner holding a doctorate degree or higher education and a corresponding qualification which gives access to studies in a doctoral programme, and who has been admitted to its territory by a Member State of the European Union and has been selected by a national or private structure involved in the field of research - creative work undertaken on a systematic basis in order to increase the stock of knowledge and the creative use thereof, including knowledge of man, culture and society;

7) [9 June 2016];

7<sup>1</sup>) **seasonal worker** - a foreigner who retains his or her place of residence outside the territory of the European Union and stays legally and temporarily in the territory of the Republic of Latvia to perform a temporary seasonal work according to one or more fixed-term employment contracts concluded directly between the abovementioned foreigner and the employer conducting commercial activities in the Republic of Latvia;

7<sup>2</sup>) **specialist** - a foreigner who is working in a group of undertakings and possesses essential and specialised knowledge related to the scope of activity, methods or management of the undertaking, and who is transferred to work in the Republic of Latvia within the framework of an intra-corporate transfer. In assessing the knowledge of the person, not only the specific knowledge related to the abovementioned undertaking, but also whether the person has a high level of qualification, including adequate professional experience conforming to the type of work or activity requiring specific technical knowledge, shall be taken into account;

7<sup>3</sup>) **trainee** - a foreigner who has acquired higher education or who acquires higher education in a third country and whose purpose is to travel to the Republic of Latvia in order to obtain knowledge, practical skills and experience in an adequate professional environment;

7<sup>4</sup>) **student** - a foreigner who has been admitted to a full time study programme at a higher education institution or college in the Republic of Latvia;

8) **norms of international law** - international agreements, international common law and general principles of international law binding on the Republic of Latvia;

8<sup>1</sup>) **written request** - a document certified in accordance with the procedures stipulated by the Cabinet, in which an inviter undertakes the obligations laid down in this Law in relation to the foreigner invited by him or her to reside in the Republic of Latvia (with a visa);

9) **inviter** - a natural or legal person that invites a foreigner;

9<sup>1</sup>) **intra-corporate transferee** - a foreigner who does not permanently stay in any of the European Union Member States and who has been transferred for professional or training purposes from the undertaking which does not perform commercial activities in a European Union Member State to the undertaking which performs commercial activities in the Republic of Latvia or in the Republic of Latvia and another European Union Member State;

9<sup>2</sup>) **group of undertakings** - two or more undertakings recognised as linked in one of the following ways:

a) an undertaking, in relation to another undertaking directly or indirectly, holds the majority of the subscribed capital of such undertaking;

b) controls the majority of the votes attached to another undertaking of such undertaking;

c) an undertaking as a participant (shareholder) of another undertaking is entitled to appoint or revoke the majority of members of the executive body or supervisory body of the undertaking;

9<sup>3</sup>) **manager** - a person who holds a senior position and who primarily directs the management of the undertaking which invites a foreigner to stay in the Republic of Latvia as an employee transferred within the framework of an intra-corporate transfer, supervises the work of other employees of the undertaking and performs other personnel action, and who is generally supervised by or who receives instructions from the board of the undertaking or an equivalent structural unit;

10) **residence permit** - a document which gives a foreigner the right to reside in the Republic of Latvia for a specified time period or permanently;

11) **visa** - a visa sticker of a specific sample which certifies that a person has requested an authorisation to enter and stay in the Republic of Latvia or another Schengen Agreement Member State, or in several Schengen Agreement Member States or cross their territory in transit, and that the authority which has issued the visa does not see, within its competence, any obstacle to the fact that the person enters and stays in the Republic of Latvia or another Schengen Agreement Member State, or in several Schengen Agreement Member States during the period indicated in the visa and for the number of times indicated therein. The visa itself does not give the right to enter the Republic of Latvia or another Schengen Agreement country;

12) **Union citizen** - a foreigner who has the citizenship of any of the European Union Member States, Member State of the European Economic Area or the Swiss Confederation;

13) **Schengen Agreement** - the Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders;

14) **Schengen Convention** - Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders;

14<sup>1</sup>) **third country** - any country, excluding a European Union Member State, a European Economic Area State and the Swiss Confederation;

15) **local border traffic permit** - in accordance with Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention, a document of certain sample which is issued to an inhabitant of a border area of a foreign country and which entitles him or her to cross the external land border and stay in the border area of the Republic of Latvia.

(2) The term "border area" used in this Law shall conform to the term used in Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention.

(3) The term "carrier" used in this Law shall conform to the term used in Article 2(15) of Regulation No 2016/399 of

the European Parliament and of the Council of 9 March 2016.

(4) The term "qualified venture capital investor", "early stage venture capital investment" and "innovative product" used in this Law shall conform to the terms used in the Law on Aid for the Activities of Start-up Companies.

[20 December 2007; 22 April 2010; 26 May 2011; 5 December 2013; 9 June 2016; 2 February 2017; 21 June 2018; 6 June 2019]

## **Section 2.**

The purpose of this Law is to determine the procedures for the entry, stay, transit, exit and detention of foreigners, as well as the procedures by which foreigners are kept under temporary custody in the Republic of Latvia and returned from it in order to ensure the implementation of migration policy conforming with the norms of international law and the State interests of Latvia.

### **Section 2.<sup>1</sup>**

(1) The conditions of Section 4, Paragraphs three, five, six, eight and nine, Section 5, Paragraph three, Sections 10 and 11, Section 13, Paragraphs two and four, Sections 14, 15, 16, 17, Section 18, Paragraph two, Sections 20, 21, Section 46, Paragraph five, Sections 50.<sup>4</sup>, 50.<sup>5</sup>, Section 51, Paragraph five, Sections 52, 53, 54, 54.<sup>1</sup>, 55, 56, 57, 58, 59, 59.<sup>1</sup>, 59.<sup>2</sup>, 59.<sup>3</sup>, 59.<sup>4</sup>, 59.<sup>5</sup>, 60, 65.<sup>1</sup>, 65.<sup>2</sup>, 65.<sup>3</sup>, 65.<sup>4</sup>, 65.<sup>5</sup>, 66, 67 and 70 of this Law shall apply to Union citizens and their family members.

(2) The procedures by which Union citizens and their family members enter and reside in the Republic of Latvia, as well as residence restrictions for these persons shall be determined by the Cabinet.

[26 May 2011; 5 December 2013]

## **Section 3.**

(1) The entry and stay of foreigners in the Republic of Latvia shall be documented and controlled by the Office, State Border Guard, diplomatic and consular representations of the Republic of Latvia (hereinafter - the representations) and the Consular Department of the Ministry of Foreign Affairs (hereinafter - the Consular Department) in accordance with their competence.

(2) [9 June 2016]

(3) The Office and State Border Guard for the fulfilment of their duties shall establish and maintain electronic information systems, the amount of information to be included and procedures for the use of which shall be determined by the Cabinet.

[22 April 2010; 9 June 2016]

## **Section 4.**

(1) A foreigner is entitled to enter and reside in the Republic of Latvia if he or she concurrently:

1) has a valid travel document. The travel document is valid if:

a) it is recognised in the Republic of Latvia;

b) it conforms to a specified sample;

c) it contains all identity data and photographs of the foreigners who use this document as a travel document. In order to request a residence permit, each foreigner needs to have his or her own travel document;

d) its term of validity exceeds the time period of the planned residence in the Republic of Latvia or in the territory of another Schengen Agreement country by at least three months;

e) it does not contain any unstipulated corrections by the issuer of the document, mechanical damages or smears due to which it is not possible to identify the holder of the document, to read the information indicated in the document or to detect document forgeries;

f) it contains space for at least two notes on border-crossing in the pages provided for visas. This condition shall not be in effect if international agreements which are binding on the Republic of Latvia lay down that there is no need to make such notes on border-crossing;

2) has a valid visa, a residence permit issued in the Republic of Latvia or a residence permit of a long-term resident of the European Union. A foreigner who has received a new travel document may use the previous travel document with a glued-in valid residence permit for a single entry in order to receive a residence permit issued by the Republic of Latvia;

3) has a valid health insurance policy. The Cabinet shall determine the cases when a foreigner may enter and reside in the Republic of Latvia without a health insurance policy;

4) does not have any other obstacles laid down in the law or other laws and regulations regarding entry into the Republic of Latvia;

5) has the necessary financial means in order to reside in the Republic of Latvia or another Schengen Agreement country and return to the country of residence or to depart to a third country which he or she has the right to enter. The Cabinet shall determine the amount of necessary financial means and how to determine the existence of financial means.

(1<sup>1</sup>) By derogation from that laid down in Paragraph one, Clause 1, Sub-clause "d" of this Section, a foreigner who has been issued a visa in accordance with Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), or who has received a residence permit or a certificate of an accredited person in the Republic of Latvia or another Schengen Agreement Member State, is entitled to enter and stay in the Republic of Latvia until the end of the term of validity indicated in the travel document insofar as it does not exceed the term indicated in the visa, residence permit or certificate of an accredited person. If a foreigner requests a residence permit for a period of time exceeding one year, his or her travel document must be valid for at least six months.

(2) Paragraph one, Clause 2 of this Section shall not apply to a foreigner who:

1) enters and resides in accordance with the procedures laid down in international treaties binding on the Republic of Latvia regarding the abolition of visa requirement or Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (hereinafter - Regulation No 539/2001);

2) uses a United Nations passport (*Laissez-passer*) as a travel document;

3) uses a Vatican passport as a travel document;

4) uses a European Commission passport as a travel document;

5) [22 April 2004];

6) [20 December 2007];

7) is a holder of a seaman's discharge book issued in accordance with the seafarers identity documents conventions of the International Maritime Organisation, is included in the list of the crew of an international route ship and enters in the Republic of Latvia, but has disembarked ashore while the ship is in port and stays in the administrative territory of the port city;

8) is a holder of the certificate of a crew member issued in accordance with the International Convention on Civil Aviation of 7 December 1944, enters the Republic of Latvia within the scope of his or her work duties in order to take the next flight and stays in the administrative territory of the city nearest to the airport;

9) uses a valid travel document issued by his or her country of nationality and a passport of the Council of Europe (*Laissez-passer*) as a travel document.

(3) A foreigner who, in accordance with the provisions of this Law, has been included in the list of those foreigners for whom entry in the Republic of Latvia is prohibited (hereinafter also - the list), or regarding whom a notification has been included in the Schengen Information System in order to refuse entry and residence in the territory of the Schengen Agreement countries (hereinafter - the prohibition to enter Schengen Area), is not entitled to enter and reside in the Republic of Latvia.

(4) The procedures by which the travel documents of foreigners are recognised shall be determined by the Cabinet.

(5) The specimens of travel documents, visas, residence permits, seals and stamps shall be included in the information system of specimens of documents. The Cabinet shall determine the procedures by which the information system of specimens of documents is established and used.

(6) The procedures for foreigners' health insurance, as well as the procedures by which a foreigner receives health care services in the Republic of Latvia, the minimum insurance amount, the minimum amount of services to be covered and cases when a visa or a residence permit without health insurance policy may be issued to a foreigner shall be determined by the Cabinet.

(7) [21 June 2007]

(8) When issuing a visa or a residence permit to a foreigner who is a citizen of a country included in the list referred

to in Paragraph nine of this Section, or a foreigner whom the status of a stateless person or refugee status has been granted in a foreign country, an official shall examine the information available in respect of whether the entry of the foreigner will not cause a threat to national security or public order and safety (hereinafter - the additional assessment). The Cabinet shall determine the procedures in respect of additional assessments.

(9) The Cabinet shall determine the list of countries for the citizens of which in issuing a visa or a residence permit the additional assessment shall be performed.

(10) [20 December 2007]

(11) Military personnel of the armed forces of the North Atlantic Treaty Organization and European Union Member States, civil personnel of the armed forces, dependants of such military or civil personnel, and also other persons related to the armed forces shall enter and stay in the Republic of Latvia in accordance with the international agreements binding to the Republic of Latvia. A certification of the right to stay in the Republic of Latvia shall be issued to these persons. Information on certifications issued to the aforementioned persons shall be included in the electronic information system. The Cabinet shall determine the authority which issues the certification to the military personnel of the armed forces, civil personnel of the armed forces, dependants of such military or civil personnel, and also other persons related to the armed forces, the procedures for issuing the certification, the sample and content of the certification and also the information to be included in the electronic information system, the procedures for the use thereof, the procedures for keeping and destroying the certification data.

[8 July 2003; 22 April 2004; 24 November 2005; 6 April 2006; 21 June 2007; 20 December 2007; 22 April 2010; 26 May 2011; 5 December 2013; 9 June 2016; 2 February 2017; 21 June 2018]

#### **Section 4.<sup>1</sup>**

(1) A foreigner is entitled to enter and reside in the border area of the Republic of Latvia, if he or she has a local border traffic permit which is issued by the representation in accordance with the international agreements entered into.

(2) The procedures by which a local border traffic permit shall be registered, annulled and revoked, the data to be included therein, as well as the amount of information to be included in the electronic information system and the procedures for the use thereof shall be approved by the Cabinet.

(3) A foreigner has the right to contest a decision to refuse to issue a local border traffic permit, as well as a decision to annul or revoke the issued local border traffic permit within 30 days after entering into effect of the abovementioned decision by submitting a relevant submission:

1) to the Director of the Consular Department, if the decision was taken by an official of a representation or an official of the Consular Department;

2) to the Head of the Office, if the decision was taken by an official of the Office;

3) to the Chief of the State Border Guard if the decision was taken by an official of the State Border Guard.

(3<sup>1</sup>) A foreigner may appeal a decision on the contested administrative act in accordance with the procedures laid down in law to the District Administrative Court. The court ruling shall be final and cannot be appealed.

(3<sup>2</sup>) The contesting and appeal of the decision referred to in Paragraph three of this Section shall not suspend its operation.

(4) In respect of examination of the documents necessary for requesting a local border traffic permit, a foreigner shall pay a State fee in the amount and according to the procedures stipulated by the Cabinet. The Cabinet shall determine the categories of persons exempted from payment of the State fee.

[22 April 2010; 26 May 2011; 5 December 2013]

#### **Section 4.<sup>2</sup>**

(1) If a foreigner enters the Republic of Latvia in accordance with the provisions laid down in Regulation No 2016/399 of the European Parliament and of the Council of 9 March 2016, the entry requirements specified in the relevant Regulation shall apply to him or her.

(2) The travel document of the foreigner referred to in Paragraph one of this Section shall be regarded as valid, if the latter conforms to the requirements of Section 4, Paragraph one, Clause 1, Sub-clauses "a", "b", "c", "e" and "f" of this Law.

(3) The financial means necessary to the foreigner referred to in Paragraph one of this Section for entry and residence shall be determined in accordance with the Cabinet regulations regarding the amount of financial means necessary to the foreigner and determining the existence of financial means.

[9 June 2016; 2 February 2017]

## **Section 5.**

(1) [9 June 2016]

(2) If a foreigner has resided in the Republic of Latvia with a long-stay visa or with a temporary residence permit, after the expiry of the time period thereof, without exiting from the territory of the Republic of Latvia or another Schengen Agreement country, he or she is not entitled to receive a visa or to continue to reside in the Republic of Latvia in accordance with Section 4, Paragraph two, Clause 1 of this Law. The Head of the Office or his or her authorised official may permit the issuing of a visa if it conforms to international legal norms, the State interests of Latvia or is associated with force majeure or reasons of a humanitarian nature.

(3) A foreigner has an obligation, if it is requested by a State institution in accordance with the competence thereof, to present the documents laid down in Sections 4 and 4.<sup>1</sup> of this Law, as well as allow their fingerprints to be taken.

(4) A foreigner who is not a Union citizen and who has been recognised as a victim of trafficking in human beings, as well as minor children accompanied by him or her has the right to reside in the Republic of Latvia without a visa or residence permit until the specified reflection period has ended or has been terminated or a decision to issue a temporary residence permit has entered into effect.

[24 November 2005; 25 January 2007; 20 December 2007; 22 April 2010; 26 May 2011; 9 June 2016; 21 June 2018]

## **Section 5.<sup>1</sup>**

An employee of a foreign diplomatic or consular representation accredited in Latvia, international organisation or its representation, consular institution or a family member of such employee, on the basis of a certificate of an accredited person, is entitled to stay in the Republic of Latvia throughout the term of accreditation, if he or she is exempted from the visa requirement in accordance with Regulation No 539/2001 or such procedures are laid down in the international agreements binding to the Republic of Latvia.

[5 December 2013]

## **Section 5.<sup>2</sup>**

(1) A researcher to whom a long-stay visa or a temporary residence permit has been issued in another Member State of the European Union in relation to research is entitled to stay in the Republic of Latvia within the validity period of the aforementioned visa or temporary residence permit for the purpose of conducting the research work for a period of 180 days in any time period of 360 days. A family member of the researcher who has a valid long-stay visa or temporary residence permit issued in another Member State of the European Union can stay together with the researcher. During the period of stay in the Republic of Latvia the researcher and his or her family member must hold a valid travel document.

(2) A researcher to whom a long-stay visa or a temporary residence permit has been issued in another Member State of the European Union in relation to research and who plans to stay in the Republic of Latvia for the purpose of conducting the research work for more than 180 days shall submit a visa application in accordance with Section 11, Paragraph two of this Law or a temporary residence permit application in accordance with Section 23, Paragraph one, Clause 9 of this Law. A family member of the researcher shall submit a visa application in accordance with Section 11, Paragraph two of this Law or a temporary residence permit application in accordance with Section 23, Paragraph four of this Law.

[21 June 2018]

## **Section 5.<sup>3</sup>**

A student who acquires a joint study programme in the implementation of which a higher education institution accredited in Latvia is involved as one of the partnership bodies and to whom a long-stay visa or a temporary residence permit has been issued in another Member State of the European Union is entitled to enter and stay in the Republic of Latvia within the validity period of the aforementioned visa or temporary residence permit for a period of 360 days for the purpose of acquiring a part of the relevant study programme in a higher education institution of the Republic of Latvia. During the period of stay in the Republic of Latvia the student must hold a valid travel document. This provision shall also apply to the student who within the framework of a study programme of a college or a higher education institution participates in an international student exchange programme.

[21 June 2018]

## **Section 5.<sup>4</sup>**

A researcher or a student to whom a temporary residence permit has been issued in the Republic of Latvia and who conducts part of his or her research work or acquires a study programme in another Member State of the European Union in accordance with a request of the relevant Member State of the European Union is entitled to enter the Republic of Latvia also if the validity period of the temporary residence permit issued in the Republic of Latvia has expired or it has been annulled. Such rights shall be also applied to a family member of the researcher.

[21 June 2018]

#### **Section 6.**

A foreigner shall pay a State fee for the examination of the documents necessary for requesting a long-stay visa or residence permit and the services related thereto in accordance with the procedures and in the amount stipulated by the Cabinet. The Cabinet shall determine the categories of those persons who are exempted from the payment of the State fee or whom, upon requesting a uniform visa, a reduced rate of the State fee is applied.

[20 December 2007; 26 February 2009; 22 April 2010]

#### **Section 7.**

The Cabinet shall determine the procedures for the entry and residence of those minor foreigners who enter and reside in the Republic of Latvia not accompanied by their parents or guardians.

#### **Section 8.**

An obligation of civil liability, the term of which exceeds the period of time during which a foreigner is allowed to reside in the Republic of Latvia, may not in itself be the basis for the issue of a visa or the issue or registration of a residence permit.

#### **Section 9.**

(1) A foreigner may be granted the right to employment:

1) with restrictions upon entering into an employment contract with a specific employer in a specific speciality (profession) or part-time work or concluding another civil legal contract, if the foreigner wishes to be employed;

2) for conducting of commercial activities, if he or she is an individual merchant, a member of the board or the council, a proctor, an administrator, a liquidator or a member of a partnership who has the right to represent the partnership, or a person who is authorised to represent a merchant (a foreign merchant) in activities related to a branch registered in the Commercial Register, or a self-employed person;

3) without restrictions.

(2) The decision to grant the right to employment shall be included in the decision to issue a visa or residence permit. The right to employment shall be certified by a corresponding entry in the visa or residence permit issued to the foreigner.

(3) A certification regarding the right to employment with a specific employer and in a specific speciality (profession) shall not be required if a foreigner is lawfully staying in the Republic of Latvia in relation to:

1) performance on tour (concert on tour) as a creative artist or performing artist, or as an, administrative or technical worker involved in ensuring of the performances (concerts) and the intended length of stay in the Republic of Latvia does not exceed 14 days;

2) an invitation from an educational institution or scientific institution, or individual scientist for conducting of scientific research or participation in the implementation of educational programmes and the intended length of stay in the Republic of Latvia does not exceed 14 days;

3) the fact that he or she is a researcher who resides in the Republic of Latvia in accordance with Section 5.<sup>2</sup>, Paragraph one of this Law and has been elected to an academic position at any college, higher education institution or scientific institutes of the Republic of Latvia or is a student who resides in the Republic of Latvia in accordance with Section 5.<sup>3</sup> of this Law and whose employment does not exceed 20 hours per week;

4) being a crew member of the ship, which performs international voyages and is registered in the Latvian Ship Register;

5) being a crew member of a vehicle which performs international voyages and is registered in a foreign country;

6) being lawfully employed in another European Union Member State, Member State of the European Economic Area or in the Swiss Confederation and the employer appoints him or her for the provision of services in Latvia for a time period not exceeding 90 days within six months;



7) being an individual merchant registered in the Commercial Register, a member of the board or council, a proctor, an administrator, a liquidator or a member of a partnership who has the right to represent the partnership, or a person who is authorised to represent a merchant (foreign merchant) in activities related to the branch, or a self-employed person, and the duration of stay does not exceed 90 days within six months;

8) being an intra-corporate transferee whose duration of stay in the Republic of Latvia does not exceed 90 days in any period of 180 days and who holds a valid temporary residence permit issued by another European Union Member State as an intra-corporate transferee;

9) being employed in the Republic of Latvia and duration of his or her stay in the Republic of Latvia does not exceed 14 days in any period of 180 days;

10) traineeship within the scope of a study programme;

11) acquisition of adequate professional experience in the status of a trainee not later than two years after completing higher education studies.

(4) A certification regarding the right to employment with a specific employer and in a specific speciality (profession) shall not be required if a convicted foreigner who is serving a sentence in the investigation prison, deprivation of liberty institution or juvenile correctional institution is employed in accordance with the procedures laid down in the Sentence Execution Code of Latvia.

(4<sup>1</sup>) A certification regarding the right to employment with a specific employer and in a specific speciality (profession) shall not be required if a foreigner is lawfully staying in the Republic of Latvia and unlimited access to the labour market is stipulated by an international treaty binding upon the Republic of Latvia.

(5) A foreigner who has received the following shall be granted the right to employment without restrictions:

1) a permanent residence permit or a residence permit of a long-term resident of the European Union in the Republic of Latvia;

2) a temporary residence permit as the spouse of a citizen of Latvia, a non-citizen of Latvia or a foreigner who has received a permanent residence permit;

3) a temporary residence permit as the child of the foreigner referred to in Clause 2 of this Paragraph and will be employed in accordance with the procedures laid down in the Labour Law;

4) a temporary residence permit in relation to the fact that he or she had been a citizen of Latvia on 17 June 1940;

5) a temporary residence permit as an adult child of a citizen of Latvia or as his or her family member;

6) a temporary residence permit as a person who has been granted alternative status or as a family member of such person;

7) a temporary residence permit as a person who has been granted the status of temporary protection in Latvia;

8) a temporary residence permit as a person who has been appointed as a guardian or trustee upon a citizen of Latvia or a non-citizen of Latvia;

9) a temporary residence permit until the day when a court judgment regarding dissolution of marriage and determination of the place of residence of a child enters into effect, or until the day when a sworn notary has prepared a certification of dissolution of marriage;

10) a temporary residence permit in relation to the fact that pre-trial investigation institutions or a court need for him or her to stay in the Republic of Latvia until investigation of a criminal matter is completed or a criminal matter is examined in a court;

11) a temporary residence permit in accordance with Section 23, Paragraph one, Clause 22 of this Law;

12) a temporary residence permit as a person who has been granted the status of a long-term resident of the European Union in another Member State of the European Union, or as a family member of such person who has been staying in Latvia with a temporary residence permit and wishes to be employed in the Republic of Latvia;

13) a temporary residence permit as a person who has made an investment in the equity capital of a capital company in accordance with Section 23, Paragraph one, Clause 28 of this Law, or as a family member of such person;

14) a temporary residence permit as a person who has purchased and who owns immovable property in accordance with Section 23, Paragraph one, Clause 29 of this Law, or as a family member of such person;

15) a temporary residence permit as a person who has made financial investments in a credit institution of the

Republic of Latvia in accordance with Section 23, Paragraph one, Clause 30 of this Law, or as a family member of such person;

16) a temporary residence permit on the basis of a decision of the Minister for the Interior, which has been taken in relation to the national interests;

17) a temporary residence permit on the basis of a decision of the Head of the Office, which has been taken in relation to international legal norms or reasons of a humanitarian nature;

18) a temporary residence permit as a victim of human trafficking;

19) a temporary residence permit in accordance with Section 23, Paragraph one, Clause 25 of this Law;

20) a temporary residence permit in accordance with Section 23, Paragraph one, Clause 27 of this Law;

21) [2 February 2017];

22) an identification document of a family member of an employee of a foreign diplomatic or consular representation accredited in Latvia, international organisation or its representation, consular institution, if the Republic of Latvia has entered into a corresponding contract or also an agreement on application of the principle of reciprocity with the relevant country or international organisation;

23) an identification document of an asylum seeker and has not received a decision of the Office to grant the status of a refugee or alternative status or to refuse to grant it within six months after submitting a submission regarding granting the status of a refugee or alternative status, and it has not happened due to his or her fault. The right to employment shall remain until the moment when the final decision to grant the status of a refugee or alternative status or to refuse to grant it has entered into effect and is no longer disputable;

24) a temporary residence permit as a person who has purchased interest-free government securities in accordance with Section 23, Paragraph one, Clause 28 of this Law, or as a family member of such person;

25) a temporary residence permit as a student in an education institution accredited in the Republic of Latvia in a full time master's or doctoral study programme if there is no study break;

26) a temporary residence permit as a family member of such foreigner who has been granted the right to employment with a specific employer or the right to conduct commercial activities;

27) a visa or a temporary residence permit as a researcher;

28) a temporary residence permit in relation to youth holiday work and whose entry and stay in the Republic of Latvia complies with international laws and regulations binding upon the Republic of Latvia.

(5<sup>1</sup>) A foreigner who has received a long-stay visa or a temporary residence permit in relation to full time studies in an educational institution accredited in the Republic of Latvia or in relation to student exchange has the right to employment of up to 20 hours per week or 40 hours per week during the break with any employer, except the foreigner who has the right to employment in accordance with Paragraph five, Clause 25 of this Section.

(6) The procedures for granting and revoking the right to employment to a foreigner shall be determined by the Cabinet.

(7) The Cabinet shall determine the list of those specialities (professions) in which a significant lack of labour force is forecast and in which foreigners may be invited to the Republic of Latvia for employment purposes. The following conditions of admission may be applied to the foreigner invited in the abovementioned speciality (profession):

1) if the European Union Blue Card is requested, the work remuneration shall conform to the average monthly gross work remuneration in the Republic of Latvia in the previous year, applying the coefficient 1.2;

2) in other cases, if, in accordance with the laws and regulations regarding the procedures for employing foreigners, prior to inviting a foreigner it is necessary to register a vacancy at the State Employment Agency, the respective workplace must be vacant for not less than 10 working days.

(8) The Cabinet shall determine the procedures by which professional experience may be recognised as valid for receiving the European Union Blue Card in the relevant speciality or in the relevant field.

[5 December 2013; 29 May 2014; 9 June 2016; 2 February 2017; 21 June 2018]

## **Section 9.<sup>1</sup>**

An inviter shall take responsibility for the conformity of the purpose of the entry and stay of the invited foreigner with the purpose laid down in the documents submitted for requesting a visa or residence permit and for his or her exit from the State on specified time, and shall immediately, but not later than within three working days, inform the Office or the

State Border Guard in writing if the aforementioned conditions are not met and also, where necessary, shall ensure coverage of the expenditures related to the health care, stay in the Republic of Latvia and return to the country of residence of the foreigner.

[22 April 2010; 6 June 2019]

## Chapter II Visas

### Section 10.

(1) Having regard to the purpose of entry, the following may be issued to a foreigner:

- 1) a uniform visa;
- 2) a visa with limited territorial validity;
- 3) an airport transit visa;
- 4) a long-stay visa.

(2) The visas referred to in Paragraph one of this Section may be intended for a single, double or multiple entry.

(3) The visas referred to in Paragraph one, Clauses 1, 2 and 3 of this Section shall be issued in accordance with the procedures laid down in Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).

(4) The visas referred to in Paragraph one, Clause 4 of this Section shall be issued in accordance with the procedures laid down in this Law.

[20 December 2007; 22 April 2010]

### Section 11.

(1) [9 June 2016]

(2) A long-stay visa can be issued if the issuing thereof corresponds to international legal norms, State interests of Latvia, is related to *force majeure*, reasons of humanitarian nature, substantial personal reasons or employment, or if a foreigner enters in relation to the pupil or student exchange of an educational institution accredited in the Republic of Latvia and a foreign educational institution, or as a volunteer, and if the estimated duration of the stay of the foreigner exceeds the period of time for which a visa can be issued in accordance with Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009, establishing a Community Code on Visas (Visa Code).

(3) A foreigner whose purpose of entry is establishing employment legal relationships with an employer for performing seasonal work shall receive a long-stay visa for a period of time of up to six months over a 12-month period. If the long-stay visa has been issued for a period of time which does not exceed six months over a 12-month period, but the foreigner wishes to continue employment legal relationships of the seasonal work with the same employer or wishes to conclude a new seasonal work contract with another employer, he or she is entitled, without leaving the Republic of Latvia, to request a new long-stay visa, if the maximum period of stay specified in this Paragraph is not exceeded and a new visa application is submitted not later than three working days prior to expiry of the term of validity of the previous visa.

(4) To a foreigner whose purpose for the entry is employment, except for the case referred to in Paragraph three of this Section, a long-stay visa may be issued for a period not exceeding one year. If after expiry of the term of validity of the visa, the foreigner wishes to continue to stay in the Republic of Latvia, he or she is entitled to, without leaving the Republic of Latvia, request a temporary residence permit within the term of validity of the long-stay visa.

[20 December 2007; 22 April 2010; 5 December 2013; 9 June 2016; 2 February 2017; 21 June 2018; 6 June 2019]

### Section 12.

(1) A foreigner, in accordance with the procedures laid down in this Law, has the right to request a visa if the following conditions exist concurrently:

- 1) he or she has a valid travel document;
- 2) he or she has the financial resources necessary to reside in the Republic of Latvia or in another Schengen Agreement country and return to the country of residence or exit to a third country;

3) he or she, in accordance with the procedures stipulated by the Cabinet, submits documents substantiating the purpose of entry and stay and the place of stay, or he or she has an invitation or written request. The invitation shall be mandatory if a natural or legal person is to be considered as an employer in accordance with the law On State Social Insurance and he or she has intended to employ a foreigner by entering into an employment contract or a contract for work performance;

4) he or she has a valid health insurance policy, which guarantees the covering of expenses related to health care during the intended time period of stay in the Republic of Latvia or in Schengen Agreement countries, including the conveyance of the foreigner back to the country of residence in the case of his or her serious illness. The Cabinet shall determine the cases when a visa may be issued to a foreigner without a health insurance policy.

(2) [22 April 2010]

(3) The documents necessary for approving the invitation or requesting a visa stipulated by the Cabinet may be submitted in the Latvian, English, French, Russian or German language. The inviter shall submit the application and explanations necessary for the approval of the invitation only in the Latvian language.

[24 November 2005; 20 December 2007; 22 April 2010; 9 June 2016]

### **Section 13.**

(1) The Cabinet shall determine the procedures for approval of invitations, as well as the procedures for drawing up of written requests.

(2) Visas, in conformity with competence, shall be issued by the officials of the Office, the State Border Guard, representations, or the Consular Department, or diplomatic and consular representations of other Member States in accordance with international agreements binding to the Republic of Latvia. A visa shall, based on their competence, be extended by the officials of the Consular Department or diplomatic and consular representations of other Member States in accordance with international agreements binding to the Republic of Latvia.

(2<sup>1</sup>) If a visa is issued by the official of a representation, the following conditions shall be taken into account:

1) the documents for requesting a visa are submitted to a representation within the competence of which is the territory where the permanent place of residence of the submitter of the application is located;

2) a foreigner, who lawfully, but not permanently, stays in the territory of another country, may submit the documents for requesting a visa to such representation within the competence of which is the territory where the place of stay of the submitter of the application is located. A representation shall accept the abovementioned documents only in such case, if the submitter of the application is able to substantiate sufficiently the necessity to submit the documents to the relevant representation.

(2<sup>2</sup>) The co-operation principles specified in Articles 17, 43 and 44 of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009, establishing a Community Code on Visas (Visa Code) shall be applied if a representation co-operates with outsourcing service providers in relation to the acceptance of long-stay visa applications. A relevant delegation contract shall be concluded with an outsourcing service provider in order to ensure the co-operation.

(3) The Cabinet shall determine the border crossing points where a visa may be issued in accordance with the Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).

(4) The Cabinet shall determine the procedures for the issue, registration, extension, annulment and revocation of visas, and also the period of validity of visas and the procedures for keeping and destroying the visa documents and data.

(5) The territorial competence of representations for requesting of visas shall be determined by the Cabinet. The competence of diplomatic and consular representations of other Member States for the requesting of visas shall be determined by international agreements binding to the Republic of Latvia.

[20 December 2007; 22 April 2010; 26 May 2011; 5 December 2013; 21 June 2018]

### **Section 14.**

Officials of the authorities referred to in Section 13, Paragraph two of this Law have the right to interview a foreigner and his or her inviter and request explanations and additional documents justifying the purpose of entry and stay, and the veracity of information provided by the foreigner, as well as to verify the information provided by the foreigner or his or her inviter in order to decide whether to approve a visa, to refuse to approve an invitation, to revoke an approved invitation, to issue or extend a visa, to refuse to issue or extend a visa, to revoke an issued visa or to annul a visa.

[22 April 2010; 26 May 2011]

## **Section 15.**

The decision to issue a long-stay visa shall be taken within 15 days after submission of all the documents specified by the Cabinet. If additional information or inspection is necessary for the issue of a long-stay visa, the decision shall be taken within 60 days.

[22 April 2010]

### **Section 15.<sup>1</sup>**

(1) The approval of invitation shall be refused or approved invitation shall be revoked if:

- 1) the reason referred to in Section 16, Paragraph one, Clauses 3, 6, 7, 9, 13, 15, 16, 17, 18, 19 or 20 of this Law has been established;
- 2) the inviter has not submitted all the documents laid down in the Cabinet regulations necessary for the approval of an invitation, or refuses to provide the requested explanations which are related to the approval of the invitation and entry and stay of the foreigner to be invited in the Republic of Latvia;
- 3) it has been found that the inviter has provided false information;
- 4) it has been found that the invited foreigner does not have a travel document recognised in the Republic of Latvia;
- 5) there is a reason to believe that the foreigner presents the risk of illegal immigration;
- 6) the inviter has lost the right to invite a foreigner provided for in this Law;
- 7) the equity capital of the commercial company of the inviter is not paid in accordance with the Commercial Law;
- 8) it has been established that during the previous year the inviter was held liable for violations in relation to employment of workers or payment of taxes;
- 9) the reason for inviting the foreigner is employment according to an employment contract and the employer has not registered the vacancy at the State Employment Agency or the workplace has been registered, but after registration thereof it has been vacant for a shorter period of time than stipulated in the laws and regulations regarding the procedures for employing foreigners, or the qualification of the invited foreigner or employment conditions do not conform to the requirements laid down in the application for the registered vacancy;
- 10) it is established that the Republic of Latvia is not the country responsible for the examination of a visa application.

(2) If it is established that an inviter has provided false information that he or she has been registered as a taxpayer or regarding tax debts which are administered by the State Revenue Service, the Office is entitled to take the decision on a six-month prohibition for such person to invite a foreigner.

(3) If it is established that an inviter had violated the requirements of the laws and regulations related to the employment of foreigners during the last year, the Office is entitled to take the decision on a one-year prohibition for such person to invite a foreigner.

(4) An inviter has the right to contest the decision referred to in Paragraph one, two or three of this Section within 30 days after entering into effect thereof by submitting a relevant application to the Head of the Office.

(4<sup>1</sup>) A decision on the contested administrative act may be appealed to the District Administrative Court in accordance with the procedures laid down in law. The court ruling shall be final and cannot be appealed.

(4<sup>2</sup>) Contesting and appeal of the decision referred to in Paragraph one, two or three of this Section shall not suspend operation thereof.

(5) The Head of the Office or his or her authorised official may permit to approve an invitation in the cases referred to in this Section or reduce the prohibition time period laid down in Paragraph two or three of this Section, if the entry and stay of the invited foreigner in the Republic of Latvia complies with the norms of international law, the State interests of Latvia or is related to force majeure or reasons of a humanitarian nature.

[22 April 2010; 26 May 2011; 5 December 2013; 2 February 2017]

## **Section 16.**

(1) The issue of a long-stay visa shall be refused if:

- 1) the foreigner has not submitted all the documents necessary for requesting a visa stipulated by the Cabinet or

the submitted documents have been obtained unlawfully or have been forged, or have been tampered with, or the foreigner refuses to provide the required explanations related to the request for a visa and planned stay in the Republic of Latvia or another Schengen Agreement country;

2) the foreigner has provided false information;

3) the actual purpose of entry of the foreigner does not conform to the purpose laid down in the documents;

4) the information provided by the foreigner does not show evidence of an enduring connection with his or her country of residence and there is a reason to believe that the foreigner presents the risk of illegal immigration;

5) the foreigner is unable to prove that he or she has the necessary financial resources to stay in the Republic of Latvia or another Schengen Agreement country and after that to exit to another country which he or she has the right to enter;

6) the foreigner is included in the list;

7) the inviter withdraws the invitation or written request in writing;

8) [5 December 2013];

9) the foreigner by a judgment of a court has been found guilty of committing such a criminal offence in the Republic of Latvia or outside it, for which the punishment provided for by the laws of the Republic of Latvia is deprivation of liberty for a time period of at least one year. This condition shall not apply if the conviction has been extinguished or set aside in accordance with procedures laid down in law, but with regard to criminal offences committed in foreign countries - no less than five years have elapsed after the serving of the sentence of deprivation of liberty;

10) the foreigner is unable to prove that he or she is legally staying in the country in which he or she is present when requesting a visa;

11) the foreigner or another person using threats or promises has tried to influence an official's decision on the issuing of a visa;

12) the foreigner has specified a purpose of entry which is related to activities which may only be performed by a Latvian citizen or a non-citizen of Latvia or for the performance of which in the Republic of Latvia a permit is necessary, but the foreigner has not received such permit. This condition shall not apply if, in accordance with laws and regulations, it is possible to receive such permit only by staying in the Republic of Latvia;

13) the period of stay specified in accordance with Section 5, Paragraph two or Section 11, Paragraph three of this Law has expired;

14) it has been determined that the inviter has deceased or is unable to fulfil that laid down in Section 9.<sup>1</sup> of this Law;

15) competent State institutions have provided information based on which the foreigner is to be prohibited from entering and staying in the Republic of Latvia;

16) it has been established that the prohibition to enter the Schengen Area has been imposed on the foreigner;

17) it has been established that the foreigner, while staying in the Republic of Latvia, has committed an administrative violation during the last five years counting from the day when documents for requesting a visa were submitted and has not paid the fine imposed within the time period laid down in the laws and regulations, except when the operation of the administrative act is suspended or the court ruling on the payment of the fine has not entered into effect;

18) [5 December 2013 / See Paragraph 23 of Transitional Provisions];

19) the foreigner has been removed from the Republic of Latvia during the last five years and he or she or his or her inviter has not covered the expenses related to the execution of a voluntary return decision or removal of a foreigner;

20) it has been established that during the last year the foreigner has repeatedly violated regulations regarding entry or stay in the Republic of Latvia or another Schengen Agreement country or has used a previously issued visa in a way not corresponding to the declared purpose of entry;

21) the foreigner is a person who has been registered in the Commercial Register as a member of a partnership having the right to represent the partnership, administrator or liquidator, a member of the board, a member of the council, a proctor, if the equity capital of the relevant capital company has not been paid in accordance with the Commercial Law;

22) the foreigner is a person who has been registered in the Commercial Register as a member of a partnership having the right to represent the partnership, administrator, liquidator, a member of the board, a member of the council,

a proctor or a person authorised to represent a merchant (a foreign merchant) in activities which are related to a branch, or an individual merchant, or a self-employed person and within the previous year violations which are related to employment of foreigners and payment of taxes have been committed;

23) the foreigner has been employed during the last year, but he or she did not have the right to employment;

24) the inviter who invites the foreigner for the purposes of seasonal work has declared insolvency of the undertaking or insolvency proceedings of the undertaking have been initiated, or the undertaking has been liquidated or no economic activity is conducted.

(2) The issued long-stay visa shall be annulled if the provisions referred to in Paragraph one of this Section had existed at the time of the issue of the visa or if technical errors or inaccuracies have been established after the issue of the visa or made when issuing the visa.

(3) A long-stay visa or the unexpired period of validity thereof shall be revoked, if the conditions referred to in Paragraph one of this Section have come into effect after the issue of the visa or another visa has been issued to a foreigner, or it has been requested by the foreigner or the inviter, or the conditions that served as basis for issuing the visa referred to in Section 11, Paragraph two of this Law have not come into effect.

(4) The Head of the Office, Chief of the State Border Guard, Director of the Consular Department or their authorised officials may take the decision to issue a visa to a foreigner under the circumstances of the conditions referred to in Paragraph one of this Section, if it complies with the norms of international law, the State interests of Latvia or is related to force majeure or reasons of humanitarian nature.

(5) [5 December 2013]

[22 April 2004; 24 November 2005; 20 December 2007; 22 April 2010; 26 May 2011; 5 December 2013; 29 May 2014; 9 June 2016; 2 February 2017; 21 June 2018]

## **Section 17.**

(1) The decision to issue or extend a visa, to refuse to issue or extend a visa, to annul or revoke a visa shall be taken by officials of the authorities referred to in Section 13, Paragraph two of this Law. When taking the decision to issue or extend a visa, to refuse to issue or extend a visa, to annul or revoke a visa, within the scope of the applicable norms of law, an official shall also take into account the principle of protection of the State's interests - to promote the protection of State security interests.

(2) The decision to issue or extend the visa referred to in Section 10, Paragraph one, Clauses 1, 2 and 3 of this Law, to refuse to issue or extend such visa, to annul or revoke a visa shall be drafted in accordance with Regulation No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code). The decision to refuse to issue or to extend a visa, as well as to annul or cancel a visa shall enter into effect at the time of taking thereof.

(2<sup>1</sup>) The decision to refuse to issue or extend the visa referred to in Section 10, Paragraph one, Clause 4 of this Law or the decision to annul or revoke such visa shall be drawn up, using the form the sample of which is determined by the Cabinet.

(3) A foreigner has the right to contest the decision to refuse, annul or revoke a visa within 30 days after the date of notification thereof, by submitting a relevant application and other documents in Latvian, English or Russian:

1) to the Director of the Consular Department, if the decision was taken by an official of a representation or an official of the Consular Department;

2) to the Minister for Foreign Affairs, if the decision was taken by the Head of the Consular Department;

3) to the Head of the Office, if the decision was taken by an official of the Office;

4) to the Chief of the State Border Guard if the decision was taken by an official of the State Border Guard.

(4) A foreigner may appeal the decision on the contested administrative act to the District Administrative Court in accordance with the procedures laid down in law. The court ruling shall be final and cannot be appealed.

(5) Contesting and appeal of a decision shall not suspend operation thereof.

(6) Submission of an application to the court shall not give the rights to a foreigner to enter and stay in the Republic of Latvia.

(7) The District Administrative Court, when taking the ruling on the case referred to in Paragraph four of this Section, shall examine the conformity of the decision referred to in Paragraphs two and three of this Section with laws and regulations.

(8) The court may examine a case which has been initiated on the basis of the application on the decision referred to in Paragraph three of this Section in the written procedure, if it recognises that the evidence existing in the case is sufficient for hearing the case. Examination of the case in the written procedure shall not require a consent from the participants of the administrative proceedings.

(9) [5 December 2013]

(10) [5 December 2013]

[26 May 2011; 5 December 2013; 2 February 2017]

## **Chapter III**

### **Refusal for a Foreigner to Enter the Republic of Latvia**

#### **Section 18.**

(1) An official of the State Border Guard shall take and draw up the decision on the refusal to enter the Republic of Latvia in accordance with Regulation No 2016/399 of the European Parliament and of the Council of 9 March 2016.

(2) The officials of the State Border Guard who are entitled to take the decision on refusal for a foreigner to enter the Republic of Latvia shall be appointed by the Chief of the State Border Guard.

(3) The Chief of the State Border Guard or an official authorised by him or her may, taking into account the conditions of Article 6(5)(c) of Regulation No 2016/399 of the Parliament and of the Council of 9 March 2016, permit the entry into the Republic of Latvia of a foreigner who does not conform to the conditions of entry.

[20 December 2007; 26 May 2011; 2 February 2017]

#### **Section 19.**

[24 November 2005]

#### **Section 20.**

(1) A foreigner has the right to contest before the representation the decision on refusal to enter the Republic of Latvia within 30 days after taking of the decision.

(2) The submission referred to in Paragraph one of this Section shall be examined by the Chief of the State Border Guard or an official authorised by him or her.

(3) A decision on the contested administrative act may be appealed to the District Administrative Court in accordance with the procedures laid down in law. The court ruling shall be final and cannot be appealed.

(4) Contesting and appeal of the decision referred to in Paragraph one of this Section shall not suspend operation thereof.

[5 December 2013]

#### **Section 21.**

(1) A carrier shall ascertain that the foreigner he or she is carrying has the necessary documents for entry into the Republic of Latvia, which conform to the requirements of Section 4, Paragraph one, Clause 1, Sub-clauses "b", "c", "d" and "e" and Clause 2 of this Law.

(2) Upon a request of an official of the State Border Guard, a carrier who has transported a foreigner into the Republic of Latvia shall transport the foreigner back to the country from which he or she is carried or to the country which has issued a travel document or to any other country in which the entry of the foreigner is guaranteed if:

1) a decision has been taken to refuse entry for the foreigner into the Republic of Latvia;

2) the next carrier who must deliver the foreigner crossing in transit the territory of the Republic of Latvia to the country of destination or to the next country refuses to do so; or

3) entry for the foreigner who crosses the territory of the Republic of Latvia in transit has been refused by the country of destination or the next country, and it sends him or her back to the Republic of Latvia.

(3) Expenses related to the detaining, holding under guard and removal of a foreigner shall be covered by the carrier. The procedures for determining and recovering of expenses shall be determined by the Cabinet.

[24 November 2005; 26 May 2011; 5 December 2013; 6 June 2019]



## Chapter IV Residence Permits

### Section 22.

(1) The following may be issued to a foreigner:

- 1) a temporary residence permit;
- 2) a permanent residence permit.

(2) A temporary residence permit, the period of validity of which exceeds one year, shall be registered annually. A time limit for registration shall not be determined to a temporary residence permit which has been issued in accordance with Section 23, Paragraph one, Clause 31 of this Law or the unexpired period of validity of which does not exceed one year and three months. A permanent residence permit shall be registered once every five years.

(3) A sponsorship shall be approved and temporary residence and permanent residence permits shall be issued, registered and annulled by the Office in accordance with procedures stipulated by the Cabinet.

(4) The documents specified by the Cabinet for the approval of a sponsorship or requesting a residence permit may be submitted in the Latvian, English, French, Russian or German language. The inviter shall submit the application and explanations necessary for the approval of a sponsorship only in the Latvian language.

*[24 November 2005; 8 May 2014; 9 June 2016; 2 February 2017]*

### Section 22.<sup>1</sup>

(1) The approval of a sponsorship shall be refused or an approved sponsorship shall be revoked if:

1) the inviter has not submitted all the documents laid down in the Cabinet regulations regarding the procedures for the approval of the sponsorship or the submitted documents have been obtained unlawfully or have been forged, or have been tampered with, or an inviter refuses to provide the explanations requested which are related to approval of the sponsorship and entry and stay of the foreigner to be invited in the Republic of Latvia;

2) the invited foreigner has been included in the list;

3) it has been determined that the inviter has provided false information;

4) competent State institutions have provided information based on which the entry is to be refused to the foreigner;

5) it has been determined that the invited foreigner does not have a travel document recognised in the Republic of Latvia;

6) there is a reason to believe that the foreigner presents the risk of illegal immigration;

7) it has been found that the prohibition to enter the Schengen Area has been imposed on the invited foreigner;

8) the inviter has withdrawn the sponsorship in writing;

9) the inviter has lost the right to stay in the Republic of Latvia;

10) the inviter has lost the right to invite a foreigner determined by this Law;

11) it has been found that the foreigner, while residing in the Republic of Latvia, has committed an administrative violation during the last five years counting from the day when documents for approval of the sponsorship were submitted and has not paid the fine imposed within the time period laid down in the laws and regulations, except when the operation of the administrative act is suspended or the court ruling on the payment of the fine has not entered into effect;

12) the equity capital of the commercial company of the inviter is not paid in accordance with the Commercial Law;

13) the reason for inviting the foreigner is employment according to an employment contract and the employer has not registered the vacancy at the State Employment Agency or the workplace has been registered, but after registration thereof it has been vacant for a shorter period of time than stipulated in the laws and regulations regarding the procedures for employing foreigners, or the qualification of the invited foreigner or employment conditions do not conform to the requirements laid down in the application for the registered vacancy;

14) there is a reason to believe that the actual purpose for the foreigner to be requesting a residence permit does not conform to the purpose indicated in the documents submitted.

(2) If it is established that an inviter has provided false information that he or she has been registered as a taxpayer or regarding tax debts which are administered by the State Revenue Service, the Office is entitled to take the decision on a one-year prohibition for such person to invite a foreigner.

(3) If it is determined that an inviter had violated the requirements of the laws and regulations related to the employment of foreigners during the last year, the Office is entitled to take a decision on a one-year prohibition for such person to invite a foreigner.

(4) An inviter has the right to contest the decision referred to in Paragraph one, two or three of this Section within 30 days after entering into effect thereof by submitting a relevant application to the Head of the Office.

(4<sup>1</sup>) A decision on the contested administrative act may be appealed to the District Administrative Court in accordance with the procedures laid down in law. The court ruling shall be final and cannot be appealed.

(4<sup>2</sup>) Contesting and appeal of the decision referred to in Paragraph one, two or three of this Section shall not suspend operation thereof.

(5) The Head of the Office or his or her authorised official may permit to approve a sponsorship in the cases referred to in this Section or reduce the prohibition time period laid down in Paragraph two or three of this Section, if the entry and stay of the invited foreigner in the Republic of Latvia conforms to the norms of international law, the State interests of Latvia or is related to force majeure or reasons of a humanitarian nature.

*[22 April 2010; 26 May 2011; 5 December 2013; 9 June 2016; 2 February 2017]*

### **Section 23.**

(1) A foreigner has the right to request a temporary residence permit in accordance with the procedures laid down in this Law:

1) once in a calendar year for a period which does not exceed six months, if he or she is a relative of a Latvian citizen or of a non-citizen of Latvia or of a foreigner who has received a permanent residence permit, up to the third degree in direct line or third degree in a collateral line, or also affinity to the third degree;

2) for a period which does not exceed five years, if he or she is an individual merchant registered in the Commercial Register;

3) for the period of authorisation, but not longer than for five years, if he or she has been registered in the Commercial Register as a member of the board or a member of the council, proctor, administrator, liquidator or a member of a partnership having the right to represent the partnership, or a person who is authorised to represent a merchant (foreign merchant) in activities related to a branch, if the commercial company or the branch of the foreign merchant has been registered in the Commercial Register for at least one year prior to requesting a residence permit, it is performing active economic activity and its activity provides economic benefit for the Republic of Latvia. This condition shall be applied in relation to an official of the limited liability company registered in the Commercial Register, if the equity capital of the limited liability company is at least EUR 2800;

4) for a period not exceeding a year if he or she is a self-employed person;

5) [24 November 2005];

6) for the period of employment, but not longer than five years. If a European Union Blue Card is being requested for a period of time, which does not exceed one year, it shall be issued accordingly for a period of time, which exceeds the time period of the employment contract by three months;

6<sup>1</sup>) for a period of up to three years if the foreigner requests a temporary residence permit as an intra-corporate transferee to be employed in the position of a manager or specialist;

6<sup>2</sup>) for a period of up to one year if the foreigner requests a temporary residence permit as an employee-trainee within the framework of an intra-corporate transfer;

7) [6 April 2006];

8) for a period not exceeding two years if the foreigner is a representative of a representation of a foreign merchant and the foreign merchant has been registered abroad at least for five years prior to submitting the application on a residence permit, has employed more than 50 employees over the past year, net turnover thereof exceeds EUR 10 million and it has no tax debts. Upon expiry of the term referred to in this Paragraph, in subsequent two years the foreigner is not entitled to request a temporary residence permit for the purpose specified in this Paragraph;

8<sup>1</sup>) for a period which does not exceed four years if the foreigner is a representative of a representation of a foreign airline registered in the Republic of Latvia;

9) for the period provided for by the scientific co-operation agreement entered into between scientific institutions included in the register of scientific institutions, but not longer than for five years;

10) for the period of studies of a pupil in an educational institution accredited in the Republic of Latvia, except for the cases referred to in Section 23, Paragraph one, Clause 10.<sup>1</sup> of this Law;

10<sup>1</sup>) for the period which exceeds the study period of a full time student at a higher education institution or college accredited in the Republic of Latvia by four months;

11) for the period indicated in the contract for treatment in an inpatient medical treatment institution;

12) for the period referred to in Sections 25, 26, 30 and 31 of this Law;

13) for the period for which, in accordance with procedures laid down in the Asylum Law, he or she is granted alternative status;

14) for the period which is necessary for the implementation of such international agreements or projects in which the Republic of Latvia, State institution of direct administration or a derived public person is participating;

15) for the period which is necessary for the provision of assistance to State or local government authorities of the Republic of Latvia, but not longer than one year;

16) for the period which is necessary for the performance of religious activities, but not longer than a year;

17) for the period for which guardianship or trusteeship is established over him or her or he or she has been appointed as a guardian or trustee for a citizen of Latvia or a non-citizen of Latvia. If the trusteeship has been established, a residence permit shall be issued for a period not exceeding five years;

18) for a period not exceeding five years if the foreigner has joined a cloister registered in accordance with the procedures laid down in laws and regulations;

19) for a period not exceeding one year if the stay in the Republic of Latvia is related to the pupil or student exchange or performance of another task;

19<sup>1</sup>) for a period not exceeding one year if a foreigner requests a temporary residence permit in the status of a trainee who has acquired higher education not more than two years prior to the date of submitting the application for a residence permit and the acquired higher education conforms to the intended field of traineeship;

20) for the period until the day of the entering into effect of a court judgment regarding divorce and the specification of the children's place of domicile, or until the day when a sworn notary has prepared a certificate of divorce, but not longer than one year if the marriage is dissolved and there are children in the marriage who are Latvian citizens or non-citizens of Latvia;

21) for a period not exceeding one year if it is necessary for pre-trial investigation institutions or a court that the foreigner resides in the Republic of Latvia until a criminal case investigation is finished or examined in a court;

22) for a period not exceeding five years if he or she has lost European Union long-term resident status in the Republic of Latvia when exiting to another country and requests a residence permit not later than three years after exiting;

23) for a period not exceeding five years if he or she has a valid residence permit of a long-term resident of the European Union issued by another Member State of the European Union and there are no grounds to request a temporary residence permit in accordance with any other provision of this Paragraph;

24) for the period for which temporary protection has been granted to him or her in accordance with the Asylum Law;

25) for a period not exceeding five years, if a foreigner has not fulfilled the condition of Section 24, Paragraph five of this Law and he or she has the right to request a permanent residence permit in accordance with:

a) Section 24, Paragraph one, Clauses 2, 3 and 6 or Section 25, Paragraph two of this Law;

b) Section 24, Paragraph one, Clause 7 of this Law (if a foreigner stays in the Republic of Latvia with a residence permit which has been issued in accordance with Section 23, Paragraph three of this Law);

c) Section 28, Paragraph two of this Law;

26) for a period not exceeding five years, if a foreigner may enter and stay in the Republic of Latvia according to the procedures laid down in international treaties binding on the Republic of Latvia regarding abolition of visa requirement, he or she has sufficient means of subsistence and he or she has reached pensionable age determined in the Republic

of Latvia;

27) for a period not exceeding five years if the status of a stateless person has been granted to a foreigner in the Republic of Latvia. This condition shall not apply to a foreigner to whom prior to the granting of the status of a stateless person in the Republic of Latvia a residence permit has been issued in accordance with another purpose of entry;

28) for a period not exceeding five years if he or she has invested in the equity capital of the capital company, increasing it, or has invested in the equity capital of the capital company, founding a new capital company, and, upon requesting the first temporary residence permit, has paid EUR 10 000 into the State budget and also the investment is at least:

a) EUR 50,000 and it has been invested in a capital company which employs not more than 50 employees and the annual turnover or annual balance thereof does not exceed EUR 10 million. In relation to investment in the equity capital of the capital company a temporary residence permit shall be issued to not more than 10 foreigners if each of them has made the investment specified in this Clause and has paid EUR 10 000 into the State budget;

b) EUR 100 000 and it has been performed in a capital company, which employs more than 50 employees and the annual turnover or annual balance of which exceeds EUR 10 million;

c) EUR 100 000 and it has been invested in the equity capital of the capital company which together with one or more subsidiary undertakings registered in the Republic of Latvia employ more than 50 employees and the total annual turnover or annual balance of which exceeds EUR 10 million;

29) for a period not exceeding five years, if he or she has acquired in Riga or Jūrmala, or Ādaži, Babīte, Baldone, Carnikava, Garkalne, Ikšķile, Ķekava, Mārupe, Olaine, Ropaži, Salaspils, Saulkrasti or Stopiņi municipality and he or she owns one functionally linked and built-up immovable property (except the case the immovable property is a vacant land) the value of which is not less than EUR 250 000, or outside the abovementioned administrative territories - not more than two immovable properties (except where the immovable property is a vacant land) and each of them is a functionally linked and built-up immovable property the total value of which is at least EUR 250 000, if the following conditions exist concurrently:

a) he or she does not have payment debts of immovable property tax;

b) the total value of immovable properties was paid for by a non-cash settlement;

c) the immovable property has been acquired from a legal person registered in the Republic of Latvia or a European Union Member State, European Economic Area State or the Swiss Confederation which is a taxpayer in the Republic of Latvia within the meaning of the laws and regulations governing the field of taxes of the Republic of Latvia, or from a natural person who is a citizen of Latvia, a non-citizen of Latvia, a citizen of the European Union or a foreigner who is staying in the Republic of Latvia with a valid residence permit issued in the Republic of Latvia;

d) the total cadastral value of immovable property at the time of acquisition thereof was not less than EUR 80 000. If a foreigner has acquired two immovable properties outside Riga or Jūrmala, or Ādaži, Babīte, Baldone, Carnikava, Garkalne, Ikšķile, Ķekava, Mārupe, Olaine, Ropaži, Salaspils, Saulkrasti or Stopiņi municipality, the cadastral value of each immovable property was not less than EUR 40 000 at the time of acquisition thereof. If the cadastral value is less than that specified in this Sub-clause, the value of immovable property may not be less than EUR 250 000 according to the market value of immovable property determined by a certified assessor of immovable property, or if a foreigner has acquired two immovable properties - the market value of each immovable property may not be less than EUR 125 000;

e) upon requesting the first temporary residence permit, he or she pays five per cent of the value of immovable property into the State budget;

f) the composition of the immovable property does not include land for agricultural use or forest land;

30) for a period not exceeding five years, if he or she has subordinated liabilities with a credit institution of the Republic of Latvia in the amount of not less than EUR 280 000 and the term of the transaction entered into with such credit institution is not less than five years and, upon requesting the first temporary residence permit, he or she pays EUR 25 000 into the State budget;

31) for a period not exceeding five years, if, in accordance with the laws and regulations determining release of State securities, he or she purchases interest-free State securities dedicated to a specific purpose with the nominal value EUR 250 000 and pays EUR 38 000 into the State budget. The Cabinet is entitled to decide on suspending emission of interest-free State securities dedicated to a specific purpose if, according to a report of the Minister for Finance, it poses danger to the maximum amount of national debt at the end of the year laid down in the law on the State budget for the current year;

32) for a period of nine months after the completion of a research project or studies if he or she has finalised co-operation within the scope of the research project in the Republic of Latvia or has acquired a full time master's or doctoral study programme and has acquired a State-recognised diploma of higher education regarding completion of this study programme, and has submitted a request for a residence permit not later than three months after the expiry

of the period of validity of a temporary residence permit issued in relation to studies or participation in a research project;

33) for a period not exceeding three years if he or she plans to implement activities in the Republic of Latvia which correspond to Section 1, Clause 5 of the Law on Aid for the Activities of Start-up Companies, and the following conditions are met after issuing of the temporary residence permit:

a) within three months after a decision to issue a temporary residence permit has been taken, the foreigner has been registered as a member of the board in a capital company which has been registered in the Commercial Register not longer than a year ago and within the scope of which he or she plans to implement the abovementioned activities;

b) within 12 months after issuing of the temporary residence permit, the foreigner has submitted information regarding an early stage venture capital investment received in the amount specified in Section 4, Clause 1 of the Law on Aid for the Activities of Start-up Companies, or has submitted a progress review on the activities implemented by the capital company within this period which attests that the capital company continues the development, production or improvement of the innovative product.

(2) The Cabinet shall issue regulations which provide for the criteria (taking into account the taxes paid, turnover, number of employees, profit etc.), in order to determine that a commercial company, a branch of a foreign merchant, an individual merchant or a self-employed person is performing active economic activity and provide economic benefit to the Republic of Latvia or a representation of a foreign merchant performs active activity, as a result of which the development of the economy of the Republic of Latvia is promoted, as well as, taking into account the economic and internal security interests of the Republic of Latvia, is entitled to determine restrictions for commercial activities of foreigners.

(3) In cases not provided for in this Law a temporary residence permit shall be issued for a time period of up to five years:

1) by the Minister for the Interior if it complies with the State interests of Latvia;

2) by the Head of the Office, if it complies with the norms of international law, or is related to reasons of a humanitarian nature.

(4) In the cases referred to in Paragraph one of this Section, the spouse of a foreigner, minor children (also those under guardianship) and persons under trusteeship of the foreigner or his or her spouse have the right to request a temporary residence permit for the duration of the temporary residence permit issued to the foreigner. If the child was a minor at the moment of requesting a residence permit, the conditions of Section 29 of this Law shall be applied to him or her after reaching legal age.

(4<sup>1</sup>) In the cases referred to in Paragraph one, Clauses 13 and 24 of this Section, within the meaning of the Asylum Law also a family member of a foreigner has the right to request a temporary residence permit for the period of validity of the residence permit issued to the foreigner.

(5) [22 April 2010]

(6) The person directing the proceedings has the right to request a temporary residence permit for the foreigner who is not a Union citizen and who has been recognised as a victim of trafficking in human beings, as well as minor children accompanied by him or her for a period, which is not less than six months.

(7) A foreigner, who, whilst staying illegally in the Republic of Latvia, has been illegally employed in particularly exploitative working conditions, as well as a minor foreigner, who, whilst staying illegally in the Republic of Latvia, has been illegally employed, has the right to request a temporary residence permit, if the foreigner has turned to the court with an application regarding recovery of the unpaid work remuneration from the employer. A temporary residence permit may be requested repeatedly, if the court proceeding for the collection of the unpaid work remuneration has not been completed or the unpaid work remuneration has not been received from the employer. The first and repeat temporary residence permit shall be issued for one year. Particularly exploitative working conditions are such working conditions and employment requirements, which cause very incommensurate differences between the working conditions and employment requirements of legally employed workers and the working conditions and employment requirements of such foreigner who is staying illegally in the Republic of Latvia, as well as differences due to gender discrimination or another type of discrimination, or differences that affect the protection of health and safety of the foreigner at work, as well as violates his or her dignity.

(7<sup>1</sup>) The temporary residence permit issued to a foreigner in accordance with Paragraph one, Clause 28, Sub-clause "a" of this Section shall be valid, if during the period of validity thereof the capital company in which the relevant foreigner has invested, in each accounting year according to the data indicated in tax returns, pays into the State budget and local government budgets tax payments the total amount of which is not less than EUR 40 000 (excluding from this total amount of paid taxes the amounts of those tax payments which have been reimbursed or are to be reimbursed from the State budget), but the total amount of tax payments paid into the State budget and local government budgets for the first incomplete accounting year since the temporary residence permit was issued on

average per month is not less than EUR 3300.

(7<sup>2</sup>) The temporary residence permit issued to a foreigner in accordance with Paragraph one, Clause 28, Sub-clause "b" of this Section shall be valid if during the period of validity thereof the capital company in which the relevant foreigner has invested, in each accounting year according to the data indicated in tax returns, pays into the State budget and local government budgets tax payments the total amount of which is not less than EUR 100 000 (excluding from this total amount of paid taxes the amounts of those tax payments which have been reimbursed or are to be reimbursed from the State budget), but the total amount of tax payments paid into the State budget and local government budgets for the first incomplete accounting year since the temporary residence permit was issued on average per month is not less than EUR 8300.

(7<sup>3</sup>) If a temporary residence permit has been issued or had been issued to a foreigner in accordance with Paragraph one, Clause 28, 29 or 30 of this Section, he or she has the right to request the temporary residence permit repeatedly if the conditions necessary for the issue thereof still exist and he or she pays EUR 5000 into the State budget upon receiving the temporary residence permit. If the temporary residence permit is requested repeatedly not later than within 90 days after the period of validity of the previous temporary residence permit has expired or in case of change of the investment object, the conditions laid down in this Section which pertain to requesting the first temporary residence permit shall be applied.

(7<sup>4</sup>) The temporary residence permit issued to a foreigner in accordance with Paragraph one, Clause 28, Sub-clause "c" of this Section shall be valid if during the period of validity thereof the capital company in which the relevant foreigner has invested, in each accounting year according to the data indicated in tax returns, pays into the State budget and local government budgets tax payments the total amount of which is not less than EUR 100 000 (excluding from this total amount the amounts of those tax payments which have been reimbursed or are to be reimbursed from the State budget), but the total amount of tax payments paid into the State budget and local government budgets for the first incomplete accounting year since the temporary residence permit was issued on average per month is not less than EUR 8300. Tax payments settled by subsidiary undertakings registered in the Republic of Latvia shall also be included in the total amount of tax payments.

(8) In the cases laid down in Paragraph one, Clauses 28, 29, 30 and 31 and also in the case laid down in Paragraph 7.<sup>3</sup> of this Section the payment made by a foreigner shall be transferred into the State basic budget expense account opened for the State basic budget programme "Economic Development Programme" in the Treasury and accounted as other own revenue of the institution. It shall be lump-sum payment and shall not be repaid, except the cases referred to in Cabinet regulations. The purposes for the use of such resources shall be determined in the law on the State budget for the current year, specifying the compensation of expenses for administering this budget programme as the priority purpose of use, but the procedures for using the resources shall be determined by the Cabinet. The relevant State budget programme shall be administered by the Ministry of Economics.

(9) The issuing of temporary residence permits to foreigners - third-country nationals - may be suspended for a certain period of time, but not longer than for a period of five years in accordance with Paragraph one, Clause 28, 29, 30 or 31 of this Section. The Cabinet, having evaluated the impact on national security or State economic development in relation to the number of third-country nationals in the State and concentration thereof in a certain territory of the State, shall issue regulations providing for what third-country nationals the issuing of the relevant temporary residence permits is to be suspended and the duration of this period.

(10) Until the day of coming into force of the Cabinet regulations referred to in Paragraph nine of this Section, the regulations which were in force until the day of coming into force of the abovementioned Cabinet regulations shall be applied in reviewing the documents submitted to request a temporary residence permit in accordance with Paragraph one, Clause 28, 29, 30 or 31 of this Section.

(11) Upon expiry of the term of the temporary residence permit issued in accordance with Paragraph one, Clause 6.<sup>1</sup> or 6.<sup>2</sup> of this Section, a foreigner is entitled to repeatedly request a temporary residence permit as an intra-corporate transferee, but not later than six months after expiry of the term of the previous temporary residence permit.

(12) The temporary residence permits specified in Paragraph one, Clause 33 of this Section for the implementation of the same activity shall not be issued to more than five foreigners. If all foreigners do not submit an application for the receipt of a temporary residence permit for the implementation of the same activity concurrently, the temporary residence permit shall be issued for a period of time which does not exceed the period of time for which it was issued to the first foreigner who received the temporary residence permit for implementation of the abovementioned activity.

(13) If a temporary residence permit has been issued to a foreigner in accordance with Paragraph one, Clause 33 of this Section, he or she may not be employed by another employer or an official registered in the Commercial Register at another capital company.

*[24 November 2005; 6 April 2006; 25 January 2007; 20 December 2007; 22 April 2010; 20 January 2011; 26 May 2011; 5 December 2013; 8 May 2014; 29 May 2014; 9 June 2016; 2 February 2017; 21 June 2018; 6 June 2019 / See Paragraph 49 of Transitional Provisions]*

## Section 24.

(1) The right to request a permanent residence permit, in accordance with the procedures laid down in this Law, shall be granted:

1) to the minor child of a Latvian citizen or non-citizen of Latvia, or of a foreigner who has received a permanent residence permit;

2) to the spouse of a Latvian citizen or non-citizen of Latvia, or of a foreigner who has received a permanent residence permit in accordance with Sections 25 and 26 of this Law, as well as the child of the spouse in accordance with Section 29 of this Law;

3) to the parents of a Latvian citizen or a non-citizen of Latvia and their spouses in accordance with Section 30 of this Law;

4) [20 December 2007];

5) [2 February 2017];

6) to a foreigner who was a citizen of Latvia on 17 June 1940 or one of his or her parents is a Latvian citizen, and who moves to Latvia for permanent residence in accordance with Section 31 of this Law;

7) to a foreigner who has continuously stayed in the Republic of Latvia with a temporary residence permit for at least five years prior to the end of the term of the last temporary residence permit;

8) to a foreigner living in the Republic of Latvia who prior to the acquisition of the citizenship of another country has been a Latvian citizen or a non-citizen of Latvia;

9) to a foreigner who, in accordance with the procedures laid down in the Asylum Law, has been granted the status of a refugee and to his or her family members within the meaning of the Asylum Law;

10) to a foreigner one of whose relatives is a Latvian or a Liiv in direct ascending line;

11) for a foreigner who in accordance with the Repatriation Law is a family member of a repatriate.

(2) In cases not laid down in this Law, a permanent residence permit shall be issued by the Minister for the Interior if it corresponds to the State interests of Latvia.

(3) The provisions of Paragraph one, Clause 7 of this Section shall not apply to a foreigner who has received a temporary residence permit for a period of studies in accordance with Section 23, Paragraph one, Clause 10 of this Law, as well as a foreigner who has received a temporary residence permit in accordance with Section 23, Paragraph six of this Law as a foreigner who is not a Union citizen and who has been recognised as a victim of trafficking in human beings, and to the minor children accompanied by him or her.

(4) A foreigner referred to in Paragraph one, Clause 8 of this Section shall submit the documents necessary for requesting a permanent residence permit within 30 days after coming into effect of a decision on loss of the status of the Latvian citizen or non-citizen of Latvia.

(5) A foreigner referred to in Paragraph one, Clauses 2, 3, 6 and 7 of this Section has the right to receive a permanent residence permit if he or she has acquired the official language. The level of knowledge of the official language, the procedures for the testing of knowledge of the official language and the exemptions in the completion of testing of knowledge of the official language, as well as such categories of persons which due to long-term or unpreventable health disorders are exempt from testing of knowledge of the official language and the procedures for the recognition of other relevant level of knowledge of the official language certifying documents, shall be determined by the Cabinet.

(5<sup>1</sup>) In respect of the testing of knowledge of the official language, a foreigner shall pay a State fee in the amount and according to the procedures stipulated by the Cabinet.

(6) [22 April 2010]

(7) In the cases referred to in Paragraph one, Clauses 2, 3 and 6 of this Section a foreigner may request a permanent residence permit, if he or she has been staying in the Republic of Latvia continuously with a temporary residence permit for at least five years prior to the end of the term of the last temporary residence permit.

(8) Stay in the Republic of Latvia shall be recognised as continuous, if during the specified time period the absence from the Republic of Latvia has not exceeded six consecutive months or altogether does not exceed one year. The absence shall be considered as justified, if the reason thereof has been the circumstances non-dependent on a person (illness of a foreigner or force majeure). The time of studies of a pupil or the time of full time studies of a student in the Republic of Latvia in the accredited educational institution, but not more than a half of the referred to time, as well as the time of the service abroad of a person in the diplomatic or consular service of Latvia (it shall apply also to a spouse

and a dependent child who is residing with him or her abroad) shall be included in the continuous time of residence.

[16 June 2005; 24 November 2005; 6 April 2006; 25 January 2007; 20 December 2007; 22 April 2010; 26 May 2011; 2 February 2017]

#### **Section 25.**

(1) A foreigner who is the spouse of a Latvian citizen or a non-citizen of Latvia is entitled to request:

- 1) when submitting documents for the first time - a temporary residence permit for one year;
- 2) when submitting documents for the second time - a temporary residence permit for four years;
- 3) when submitting documents for the third time - a permanent residence permit.

(2) If the marriage has ended in divorce, before the spouse of a Latvian citizen or a non-citizen of Latvia has received the permanent residence permit, the temporary residence permit shall be annulled, except where the court leaves the minor child - a Latvian citizen or a non-citizen of Latvia with the parent who is not a Latvian citizen or a non-citizen of Latvia. In such case the former spouse is entitled to receive a permanent residence permit.

[24 November 2005]

#### **Section 26.**

(1) A foreigner who is the spouse of a foreigner holding a permanent residence permit shall be entitled to request:

- 1) when submitting documents for the first time - a temporary residence permit for one year;
- 2) when submitting documents for the second time - a temporary residence permit for four years;
- 3) when submitting documents for the third time - a permanent residence permit.

(2) If the marriage has ended in divorce, before the spouse of the foreigner who has received a permanent residence permit receives the permanent residence permit, the temporary residence permit shall be annulled.

(3) In the cases referred to in Section 25, Paragraph one, Section 26, Paragraph one, Section 30, Paragraph one and Section 31, Paragraph two of this Law, a residence permit shall be issued on the condition that the marriage is monogamous, spouses will live together and they have a common household.

[24 November 2005]

#### **Section 27.**

A foreigner who has received a permanent residence permit in accordance with Section 25 or Section 26, Paragraph one, Clause 3 of this Law and whose marriage has ended in divorce shall acquire the right to invite the spouse - a foreigner - to reside in the Republic of Latvia in accordance with Section 26 of this Law not earlier than three years after receipt of a permanent residence permit.

#### **Section 28.**

(1) If the spouse of a foreigner holding a temporary residence permit who is a Latvian citizen, a non-citizen of Latvia or a foreigner who has received a permanent residence permit deceases, a new temporary residence permit shall not be issued to the foreigner and the existing temporary residence permit shall not be registered.

(2) If in the marriage referred to in Paragraph one of this Section there is a minor child - a Latvian citizen or a non-citizen of Latvia, the spouse is entitled to receive a permanent residence permit.

#### **Section 29.**

(1) For the period of the residence permit issued to the spouse of a Latvian citizen or a non-citizen of Latvia, or a spouse of a foreigner who has received a permanent residence permit, the child of the spouse is entitled to request a residence permit, except in the case where:

- 1) there are legal restrictions for the exit of a child from the country of residence;
- 2) a child has reached legal age at the time of requesting the first residence permit;
- 3) a child has entered into marriage or he or she has a separate household.

(2) The rights referred to in this Section shall also apply to other persons who are under the guardianship of the spouse.



[20 December 2007]

### **Section 30.**

(1) Parents of a Latvian citizen or a non-citizen of Latvia who have reached the pensionable age laid down in the Republic of Latvia are entitled to request:

- 1) when submitting documents for the first time - a temporary residence permit for one year;
- 2) when submitting documents for the second time - a temporary residence permit for four years;
- 3) when submitting documents for the third time - a permanent residence permit;
- 4) [6 April 2006].

(2) A temporary residence permit shall be issued on condition that the foreigner will not request a material benefit from the social assistance system of the Republic of Latvia.

(3) The conditions of Paragraph one of this Section shall apply to a spouse of a parent of a Latvian citizen or a non-citizen of Latvia regardless of his or her age.

[24 November 2005; 6 April 2006; 22 April 2010]

### **Section 31.**

(1) A foreigner who was a Latvian citizen on 17 June 1940 or if one of his or her parents is a Latvian citizen is entitled to request:

- 1) when submitting documents for the first time - a temporary residence permit for one year;
- 2) when submitting documents for the second time - a temporary residence permit for four years;
- 3) when submitting documents for the third time - a permanent residence permit;
- 4) [6 April 2006].

(2) The conditions laid down in Paragraphs one and three of this Section shall also apply to the spouse of the foreigner and their minor children unless one of the provisions of Section 29, Paragraph one, Clauses 1, 2 and 3 of this Law applies to them.

(3) A foreigner, one of the parents of which is a citizen of the Republic of Latvia, is entitled to continue residing in the Republic of Latvia in accordance with the conditions of Paragraph one of this Section also in the case, if the abovementioned parent has deceased.

[24 November 2005; 6 April 2006; 22 April 2010; 26 May 2011]

### **Section 32.**

(1) A foreigner shall submit documents for requesting a residence permit to a representation, which is not located in a Schengen Agreement country. If the foreigner has a valid residence permit in any of the Schengen Agreement countries, he or she has the right to submit documents to a representation, which is located in the Schengen Agreement country.

(2) The range of those persons who are entitled to submit documents to the Office in order to receive a residence permit shall be determined by the Cabinet.

(3) The Head of the Office or his or her authorised official may permit the submission of the documents necessary for requesting a residence permit to the Office if it complies with the norms of international law, the State interests of Latvia or is related to reasons of a humanitarian nature.

(4) Pupils of educational institutions and students during the term of validity of their residence permits are not entitled to request from the Office a residence permit in relation to another reason for stay. This provision shall not apply to foreigners who have acquired higher education in the Republic of Latvia and to whom a residence permit has been issued for acquiring such education.

(5) If the transfer of an intra-corporate transferee is related to employment in several Member States of the European Union and the first Member State of the European Union where the foreigner has been sent to is the Republic of Latvia and the intended period of stay in the Republic of Latvia is not shorter than the period of stay intended in another Member State of the European Union or the intended period of stay in the Republic of Latvia exceeds the intended period of stay in another Member State of the European Union, he or she shall submit the application for requesting a temporary residence permit in accordance with the provisions laid down in Paragraph one or two of this Section.

[24 November 2005; 6 April 2006; 26 February 2009; 22 April 2010; 26 May 2011; 21 June 2018]

### Section 33.

(1) The Office, after receipt of all the necessary documents for requesting or registering a residence permit, shall examine such documents and provide a reply:

1) regarding a temporary residence permit - within 30 days;

1<sup>1</sup>) regarding requesting a European Union Blue Card in accordance with Section 23, Paragraph one, Clause 6 of this Law or requesting a temporary residence permit to a family member of the holder of the European Union Blue Card in accordance with Section 23, Paragraph four of this Law - within 10 working days;

2) regarding a temporary residence permit, which has been requested in accordance with Section 23, Paragraph one, Clause 28, 29, 30 or 31 of this Law if it is requested by a foreigner who is a citizen of such country for the citizens of which an additional assessment is performed in issuing a residence permit, or for whom the status of a stateless person or refugee has been granted in a foreign country, as well as in the case if a residence permit is requested by a spouse of the relevant foreigner, minor children (also those under guardianship) and persons under trusteeship - within 90 days;

3) regarding a permanent residence permit - within 30 days;

4) [2 February 2017];

5) regarding a registration of a residence permit - within 30 days.

(1<sup>1</sup>) The Minister for the Interior after receipt of all the documents necessary for requesting a residence permit shall examine them and shall provide a reply:

1) if the temporary residence permit has been requested in accordance with Section 23, Paragraph three of this Law - within 60 days;

2) if the permanent residence permit has been requested in accordance with Section 24, Paragraph two of this Law - within 90 days.

(1<sup>2</sup>) The Office shall prepare a residence permit within 10 working days after a decision to grant the residence right has been taken. Upon request of a foreigner or in case where the period of the lawful stay of the foreigner in the Republic of Latvia is less than 10 working days, the residence permit shall be prepared within two working days.

(2) The documents necessary for requesting or registering a residence permit shall be specified by the Cabinet, also providing that in the cases referred to in Section 23, Paragraph one, Clauses 2, 3, 4, 6, 28, 29 and 30 of this Law a foreigner shall also submit the documents which attest the payment of taxes and duties laid down in laws and regulations.

(3) The documents for requesting or registering residence permits shall be submitted to the Office:

1) taking into account that, in accordance with the time periods laid down in Paragraphs 1.<sup>1</sup> and 1.<sup>2</sup> of this Section for providing a reply and preparing a residence permit, the foreigner does not exceed the lawful term of residence in the Republic of Latvia;

2) for requesting a residence permit for a child who has been born in the Republic of Latvia - not later than 90 days after his or her birth.

(4) If a foreigner is not entitled to stay in the Republic of Latvia during the time period laid down in Paragraphs 1.<sup>1</sup> and 1.<sup>2</sup> of this Section for examining the documents and preparing a residence permit, the Head of the Office or his or her authorised official may permit the submission of documents for the requesting of or registration of a residence permit if it complies with the State interests of Latvia or is related to *force majeure* or reasons of humanitarian nature and is justified with the relevant documents. In such cases, the decision shall be taken:

1) within five or 10 working days - depending on the time that the foreigner is entitled to stay in the Republic of Latvia, if a temporary residence permit is being requested or a residence permit is being registered;

2) within 10 working days - if a permanent residence permit is requested and a decision to issue the residence permit is taken by the Office;

3) in the time period laid down in Paragraph 1.<sup>1</sup> of this Section, if the decision to grant a residence is being taken by the Minister for the Interior.

(5) If a residence permit is requested later than 90 days after expiration of the term of validity of the previous residence permit, in the cases referred to in Sections 25, 26, 30 and 31 of this Law a residence permit shall be issued for the time period that is laid down in Paragraph one, Clause 1 of this Section.

(6) The officials of the institutions referred to in Section 3, Paragraph one of this Law have the right to conduct interviews with a foreigner and his or her inviter and to request explanations and additional documents which justify the purpose of entry and stay and the truthfulness of the information provided by the foreigner, as well as to examine the information provided by the foreigner or his or her inviter in order to take a decision to issue or register, or annul a residence permit.

[24 November 2005; 6 April 2006; 20 December 2007; 22 April 2010; 26 May 2011; 5 December 2013; 8 May 2014; 9 June 2016; 2 February 2017; 21 June 2018]

#### **Section 34.**

(1) The issue or registration of a residence permit shall be refused if:

1) the foreigner or his or her inviter has not submitted all the documents laid down in the Cabinet regulations that are necessary for requesting a residence permit, or refuses to provide the required explanations which are related to the receipt of a residence permit;

2) the foreigner or his or her inviter has provided false information or the submitted documents have been obtained unlawfully or have been forged, or have been tampered with;

3) the foreigner does not have the necessary financial resources for staying in the Republic of Latvia;

4) the foreigner has submitted the documents necessary for requesting a residence permit with a travel document not recognised or invalid in the Republic of Latvia, or he or she does not have a travel document;

5) the foreigner has such a health disorder or disease that endangers the safety of the public and the health of the members thereof, or there is a reason to believe that the foreigner may cause a threat to public health, except when the foreigner enters for medical treatment of the relevant health disorder or disease with the consent of the Ministry of Health. The Cabinet shall determine a health disorder and disease list. If the aforementioned health disorder or disease of the foreigner arose during the period of validity of the previous residence permit and he or she wishes to obtain a new residence permit, in addition to the necessary documents, a statement from a medical institution which certifies that the foreigner has taken all the necessary measures for the medical treatment of the relevant illness shall be submitted;

6) the foreigner has been illegally residing in the territory of the Republic of Latvia or another Schengen Agreement country during the last year, or a court judgment has established that he or she has helped another foreigner to illegally enter the territory of the Republic of Latvia or another Schengen Agreement country;

7) the foreigner has been included in the list or it has been found that the prohibition to enter the Schengen Area has been imposed on him or her;

8) the foreigner has been, by a court judgment, found guilty of committing such criminal offence in the Republic of Latvia or outside it for which the punishment - deprivation of liberty for a time period, which exceeds three years - is provided for by the law of the Republic of Latvia. This condition shall not be applied if the status of a stateless person has been granted to the foreigner in the Republic of Latvia, his or her stay in the Republic of Latvia is related to the provisions laid down in Section 23, Paragraph one, Clause 21, Paragraph three, Clause 1 or Section 24, Paragraph two of this Law, or the conviction has been extinguished or set aside in accordance with procedures laid down in the Criminal Law, but with regard to criminal offences committed in foreign countries - at least five years have elapsed after serving of the deprivation of liberty sentence;

9) the foreigner has received remuneration (compensation) for exit to another country for permanent residence therein irrespective of the fact whether the remuneration (compensation) has been provided by State or local government institutions of the Republic of Latvia or international (foreign) funds or authorities. This condition shall not apply to a foreigner who at the time of the receipt of the remuneration (compensation) was a minor, to a foreigner who has reimbursed the remuneration (compensation), as well as to a foreigner who requests a temporary residence permit, but the request is not based upon Section 25, 26, 30 or 31 of this Law. The procedures for reimbursing the remuneration (compensation) shall be determined by the Cabinet;

10) the inviter has lost the right to stay in the Republic of Latvia;

11) the foreigner has not complied with the deadline referred to in Section 24, Paragraph four of this Law, except if the foreigner can produce evidence that the deadline was missed due to a justifiable reason;

12) the foreigner has joined a foreign military service;

13) there is a reason to believe that the foreigner has entered into a marriage of convenience in order to receive a residence permit in the Republic of Latvia;

- 14) the foreigner is under the guardianship or trusteeship of such foreigner to whom entry into the Republic of Latvia is prohibited;
- 15) there is a reason to believe that the established adoption is fictitious and established in order for the foreigner to receive a residence permit in the Republic of Latvia;
- 16) [5 December 2013 / See Paragraph 23 of Transitional Provisions];
- 17) the inviter withdraws the sponsorship in writing;
- 18) the inviter has deceased or is unable to carry out that laid down in Section 9.<sup>1</sup> of this Law;
- 19) competent State institutions have provided information based on which the foreigner is to be prohibited from entering and staying in the Republic of Latvia;
- 20) the permanent residence permit has been requested in accordance with Section 24, Paragraph one, Clause 8 of this Law and there have been grounds to withdraw the status of a Latvian citizen or non-citizen of Latvia in accordance with the Law on Citizenship or the law 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;
- 21) there is a reason to believe that the foreigner presents the risk of illegal immigration;
- 22) the inviter is in pre-trial investigation or in a prison, except in the case where the residence permit is requested by the spouse of the inviter and there is a minor child in their family;
- 23) the residence permit is requested in accordance with Section 23, Paragraph one, Clause 1; Section 25, Paragraph one, Clause 2 or 3; Section 26, Paragraph one, Clause 2 or 3; Section 30, Paragraph one or Section 31 of this Law and the inviter resides outside the Republic of Latvia for a time period longer than six months during a year, except in the case where the inviter is a seafarer or fulfils military service in the National Armed Forces of the Republic of Latvia or civil service outside the Republic of Latvia or the residence permit is requested by the spouse of a Latvian citizen or a non-citizen of Latvia, or the spouse of a foreigner who has received a permanent residence permit and there is a child in their family;
- 24) the foreigner has stayed in the Republic of Latvia in accordance with Section 23, Paragraph one, Clause 2, 3 or 4 of this Law and taxes have not been paid for him or her in the last year or he or she has a tax debt exceeding EUR 150 as provided for in the laws and regulations governing the field of taxes; The condition regarding tax debt shall not be applied if the aforementioned circumstance has not been established while conducting a tax payment inspection or approving the sponsorship or if a certification has been received from the tax administration that the periods for making the relevant payments have been extended (postponed, divided) in accordance with the procedures laid down in the laws and regulations governing the field of taxes, and payments are made in accordance with the decision of the tax administration (payment schedule), or the fact that on the inspection date the decision by which the tax debt is found has not become effective or has been suspended;
- 25) the spouses do not meet the conditions of Section 26, Paragraph three of this Law or there are ground to believe that the marriage does not in fact exist;
- 26) [5 December 2013];
- 27) the residence permit has been requested in accordance with Section 23, Paragraph one, Clause 2, 3 or 4 of this Law, and a commercial company, a branch of the foreign merchant, an individual merchant or a self-employed person has not been active and has not provided economic benefit to the Republic of Latvia during the last year. This condition shall be applied also when a temporary residence permit is requested or registered in accordance with Section 23, Paragraph one, Clause 6 of this Law and the foreigner has, concurrently or within the last year, been a person registered in the Commercial Register as a member of the board or a member of the council, a proctor, an administrator, a liquidator or a member of a partnership having the right to represent the partnership, or a person who is authorised to represent a merchant (a foreign merchant) in activities related to a branch in the undertaking which is his or her employer;
- 28) the foreigner requests a residence permit in accordance with Section 23, Paragraph one, Clause 8 of this Law, and the representation of the foreign merchant, which is operating in the Republic of Latvia, has not been active during the last year, which would result in promoting the development of the economy of the Republic of Latvia;
- 29) the permanent residence permit has been requested in accordance with Section 24, Paragraph one of this Law and there was a basis for annulment of a previously issued temporary residence permit in accordance with Section 35, Paragraph one and two of this Law;
- 30) the foreigner requests a permanent residence permit in accordance with Section 24, Paragraph one, Clause 2, 3, 6 or 7 of this Law and it has been determined that he or she has not fulfilled the conditions of Section 24, Paragraph seven of this Law;

31) the foreigner has submitted documents for requesting a European Union Blue Card and:

a) has received the status of a refugee or alternative status, or temporary protection in the Republic of Latvia or has requested an asylum in the Republic of Latvia and the final decision has not been taken;

b) has requested a residence permit in accordance with Section 23, Paragraph one, Clause 9 of this Law;

c) the status of a long-term resident of the European Union has been granted to him or her in another European Union Member State;

d) he or she is entering in accordance with an international agreement, which regulates facilitated entry and stay of foreigners in relation with trade and investment;

e) he or she stays in another Member State of the European Union as a seasonal worker;

f) his or her removal from the State has been suspended;

g) he or she stays in the Republic of Latvia as a service provider;

32) there are grounds to believe that the real reason of the foreigner for applying for a residence permit does not conform to what has been indicated in the submitted documents;

33) the foreigner has been employed during the last year, but he or she did not have the right to employment or he or she has violated the conditions of the decision to grant the right of employment;

34) it has been established that the issuance of a residence permit does not conform to the conditions referred to in Section 23, 24, 25, 26, 27, 28, 29, 30 or 31 of this Law;

35) the legal person who invites an intra-corporate transferee has been established for the purpose of facilitating the entry of foreigners in the Republic of Latvia;

36) the foreigner has received a temporary residence permit in accordance with Section 23, Paragraph one, Clause 33 of this Law and the capital company has not fulfilled the conditions referred to in Section 23, Paragraph one, Clause 33, Sub-clause "a" or "b" of this Law;

37) the foreigner has received a temporary residence permit in accordance with Section 23, Paragraph one, Clause 33 of this Law and he or she does not comply with the provisions laid down in Section 23, Paragraph twelve or thirteen of this Law;

38) the foreigner has requested or received a temporary residence permit in accordance with Section 23, Paragraph one, Clause 2, 3, 6, 28 or 33 of this Law and the relevant individual merchant or capital company has a registered tax debt exceeding EUR 150 as provided for in the laws and regulations governing the field of taxes. This condition shall not be applied if the aforementioned circumstance has not been established while conducting a tax payment inspection or approving the sponsorship or if a certification has been received from the tax administration that the periods for making the relevant payments have been extended (postponed, divided) in accordance with the procedures prescribed by the laws and regulations governing the field of taxes and payments are made in accordance with the decision by the tax administration (payment schedule), or the fact that on the inspection date the decision by which the tax debt is determined has not become effective or has been suspended;

39) the foreigner requests or registers a temporary residence permit in the status of a student and has not attained sufficient progress in studies as evidenced by one or several of the following conditions, unless the circumstances non-dependent on the foreigner serve as grounds for the aforementioned:

a) during the last five years before submitting the application for a residence permit at least twice has been suspended from the study programme due to educational underachievement or non-fulfilment of the conditions contained in the study contract;

b) during the last five years before submitting the application for a residence permit at least twice has started studies in a study programme and has discontinued studies prior to successful completion of the study programme;

c) studies in one study programme exceed the study period specified in the study contract by more than one year if the study period does not exceed three years or exceed the study period specified in the study contract by more than two years if the study period is longer than three years.

(2) For a foreigner who requests a permanent residence permit in accordance with Section 24, Paragraph one, Clause 8 of this Law, this permit may be refused in the cases referred to in Paragraph one, Clauses 1, 2, 4, 7, 9, 11, 12, and 20 of this Section.

(3) For a foreigner who has requested a temporary residence permit and who has been granted the long-term resident status in another Member State of the European Union, or his or her family members, a temporary residence permit may be refused in the cases referred to in Paragraph one, Clauses 1, 2, 3, 4, 5, 7, 8, 10, 13, 14, 15, 17, 18, 19,

22, 23, and 25 of this Section or in cases where the foreigner creates a threat to national security or public order and safety.

(4) If it has been found that a foreigner, while staying in the Republic of Latvia, has committed an administrative violation during the last five years counting from the day when documents for requesting or registration of a residence permit were submitted and has not paid the fine imposed within the time period laid down in laws and regulations, a residence permit shall be issued only after the payment of the relevant fine, except when the operation of the administrative act is suspended or the court ruling on the payment of the fine has not entered into effect.

(5) If a foreigner who is requesting a temporary residence permit or is staying in the Republic of Latvia in accordance with Section 23, Paragraph one of this Law has been refused the issuance or registration of a temporary permit, the issuance or registration of a temporary residence permit shall be also refused to the family members of the foreigner referred to in Section 23, Paragraph four of this Law.

(6) A temporary residence permit shall not be issued to a foreigner who requests a temporary residence permit in the Republic of Latvia in accordance with Section 23, Paragraph one, Clause 28, 29, 30 or 31 of this Law, if the restrictions provided for in Cabinet regulations adopted in accordance with Section 23, Paragraph nine of this Law are applicable to him or her.

*[22 April 2004; 16 June 2005; 24 November 2005; 6 April 2006; 20 December 2007; 22 April 2010; 26 May 2011; 5 December 2013; 9 June 2016; 2 February 2017; 21 June 2018 / See Paragraph 46 of Transitional Provisions]*

### **Section 35.**

(1) A temporary residence permit shall be annulled if:

1) the foreigner or his or her inviter has provided false information or the documents submitted have been obtained unlawfully or have been forged;

2) the foreigner does not have the necessary financial resources for staying in the Republic of Latvia;

3) the foreigner has been included in the list or it has been found that the prohibition to enter the Schengen Area has been imposed on him or her;

4) the foreigner has been found guilty by judgment of a court of committing a criminal offence in the Republic of Latvia or outside it for which the law of the Republic of Latvia provides for a punishment - deprivation of liberty for a period exceeding two years, except when a temporary residence permit has been issued to the foreigner in the Republic of Latvia in accordance with Section 23, Paragraph one, Clause 21 of this Law;

5) the foreigner has joined a foreign military service;

6) there is a reason to believe, that the foreigner has entered into a marriage of convenience in order to receive a residence permit in the Republic of Latvia;

7) *[5 December 2013 / See Paragraph 23 of Transitional Provisions];*

8) the inviter withdraws the sponsorship in writing;

9) the inviter has lost the legal status or the right to stay in the Republic of Latvia;

10) the foreigner has not fulfilled all the conditions provided for by the decision to issue a residence permit;

11) the circumstances on the basis of which the foreigner has received the temporary residence permit no longer exist or they have changed. If a holder of a European Union Blue Card has become an unemployed person and the period of unemployment does not exceed three consecutive months, the European Union Blue Card shall be annulled only in such case where the Card holder has not notified the Office thereof or the period of unemployment has occurred repeatedly during the validity period of the European Union Blue Card;

12) *[24 November 2005];*

13) *[22 April 2010];*

14) a foreigner has left for permanent residence in another country;

15) *[5 December 2013];*

16) the foreigner has provided another foreigner staying illegally in the Republic of Latvia with a place of residence;

17) a court judgment has established that the foreigner has helped another foreigner to illegally enter into the Republic of Latvia;

18) the inviter resides outside the Republic of Latvia for a time period longer than six months during a year, except

where the inviter is a seafarer or fulfils military service in the National Armed Forces of the Republic of Latvia or civil service outside the Republic of Latvia or a residence permit is issued to the spouse of the inviter and there is a child in their family;

19) the foreigner resides in the Republic of Latvia in accordance with Section 23, Paragraph one, Clause 2, 3 or 4 of this Law and taxes have not been paid for him or her in the last year or he or she has a tax debt as provided for in the laws and regulations governing the field of taxes that exceeds EUR 150. The condition regarding tax debt shall not be applied if a certification has been received from the tax administration that the period for making the relevant payments has been extended (postponed, divided) in accordance with the procedures laid down in the laws and regulations governing the field of taxes, and payments are made in accordance with the decision of the tax administration (payment schedule), or the fact that on the inspection date the decision by which the tax debt is determined has not become effective or has been suspended;

20) the spouses do not meet the conditions of Section 26, Paragraph three of this Law or there are grounds to believe that the marriage does not in fact exist;

21) registration of the temporary residence permit has been refused or the foreigner has not submitted documents for the registration of a residence permit within three months from the day of registration of the residence permit laid down in this Law;

22) the person directing the proceedings has informed the institution which issued the temporary residence permit in writing that the foreigner who is not a Union citizen as well as the minor child accompanied by him or her, who is residing in the Republic of Latvia in accordance with Section 23, Paragraph six of this Law, no longer needs to reside in the Republic of Latvia in the status of a victim of trafficking in human beings;

23) competent State institutions have provided information based on which the foreigner is to be prohibited from staying in the territory of the Republic of Latvia or another Schengen country;

24) the foreigner has received a residence permit in accordance with Section 23, Paragraph one, Clause 2 of this Law as an individual merchant and he or she has not performed active economic activity and has not provided economic benefit for the Republic of Latvia during the last year;

25) the foreigner has received a residence permit in accordance with Section 23, Paragraph one, Clause 3 of this Law and a commercial company or a branch of a foreign merchant, in which he or she is employed, has not performed active economic activity and has not provided economic benefit for the Republic of Latvia during the last year. This condition shall be applied also in cases if the temporary residence permit has been issued in accordance with Section 23, Paragraph one, Clause 6 of this Law, and the foreigner has, concurrently or within the last year, been a person registered in the Commercial Register as a member of the board or a member of the council, a proctor, an administrator, a liquidator or a member of a partnership having the right to represent the partnership, or a person who is authorised to represent a merchant (a foreign merchant) in activities related to a branch in the undertaking which is his or her employer;

26) the foreigner has received a residence permit in accordance with Section 23, Paragraph one, Clause 8 of this Law, and the representation of the foreign merchant which is operating in the Republic of Latvia and in which the foreigner is employed has not been active during the last year;

27) there are grounds to believe that the real reason of the foreigner for applying for a residence permit does not conform to that indicated in the submitted documents;

28) the foreigner has been employed during the last year, but he or she did not have the right to employment or he or she has violated the conditions of the decision to grant the right of employment;

29) the foreigner has employed another foreigner who does not have the right to employment during the last year;

30) a foreigner who has received a temporary residence permit in accordance with Section 23, Paragraph one, Clause 2, 3, 4, 8, 28, 29, 30 or 31 of this Law has a tax (duty) debt administered by the State Revenue Service which in total exceeds EUR 150, except if the term for the payment of the relevant tax has been extended in accordance with the procedures laid down in Section 24, Paragraphs one and 1.<sup>3</sup> of the law On Taxes and Duties;

31) the foreigner has received the temporary residence permit in accordance with Section 23, Paragraph one, Clause 33 of this Law and the capital company has not fulfilled the conditions referred to in Section 23, Paragraph one, Clause 33, Sub-clause "a" or "b" of this Law;

32) the foreigner has received the temporary residence permit in accordance with Section 23, Paragraph one, Clause 33 of this Law and does not comply with the provisions laid down in Section 23, Paragraph twelve or thirteen of this Law;

33) the foreigner has received the temporary residence permit in accordance with Section 23, Paragraph one, Clause 2, 3, 6, 28 or 33 of this Law and the relevant individual merchant or capital company has a registered tax debt

exceeding EUR 150 as provided for in the laws and regulations governing the field of taxes. This condition shall not be applied if a certification has been received from the tax administration that the periods for making the relevant payments have been extended (postponed, divided) in accordance with the procedures laid down by the laws and regulations governing the field of taxes, and payments are made in accordance with the decision of the tax administration (payment schedule), or the fact that on the inspection date the decision by which the tax debt is determined has not become effective or has been suspended;

34) the foreigner who has received the temporary residence permit in the status of a student and has not attained sufficient progress in studies, and studies in one study programme exceed the study period specified in the study contract by more than one year if the study period does not exceed three years or exceed the study period specified in the study contract by more than two years if the study period is longer than three years, unless the circumstances non-dependent on the foreigner serve as grounds for the aforementioned.

(2) If the temporary residence permit of the foreigner has been annulled, the temporary residence permits of his or her spouse, minor children and persons under guardianship or trusteeship whose stay in the Republic of Latvia is associated with the stay in the Republic of Latvia of the abovementioned foreigner shall also be annulled.

(3) For a foreigner who has a long-term resident status in another Member State of the European Union and who has obtained a temporary residence permit, or his or her family members, a temporary residence permit may be annulled in the cases referred to in Paragraph one, Clauses 1, 2, 3, 4, 6, 8, 9, 11, 14, 15, 16, 17, 18, 20, and 21 of this Section or in cases where the foreigner has stayed continuously outside the territory of the European Union for 12 months, as well as where the foreigner creates a threat to national security or public order and safety.

*[24 November 2005; 6 April 2006; 25 January 2007; 20 December 2007; 22 April 2010; 26 May 2011; 5 December 2013; 9 June 2016; 2 February 2017; 21 June 2018 / See Paragraph 46 of Transitional Provisions]*

### **Section 36.**

(1) A permanent residence permit shall be annulled if:

- 1) the foreigner has provided false information;
- 2) the foreigner has been included in the list of those persons for whom entry in the Republic of Latvia is prohibited;
- 3) the foreigner has been found guilty of committing a serious or especially serious criminal offence in the Republic of Latvia by a court judgment;
- 4) the foreigner stays continuously outside the Republic of Latvia for more than 12 months, except where the absence has been declared in accordance with the procedures stipulated by the Cabinet and he or she has a documentarily certified justifiable reason (circumstances non-dependent on a person or acquisition of education);
- 5) the foreigner exits or has left for permanent residence in another country;
- 6) there is a reason to believe that the established adoption is fictitious and established in order for the foreigner to receive a residence permit in the Republic of Latvia;
- 7) the foreigner has lost the status of a refugee or repatriate or he or she has been deprived of the relevant status;
- 8) [26 May 2011];
- 9) [26 May 2011];
- 10) the foreigner is a member of the family of a person who has lost the status of a refugee or repatriate;
- 11) a permanent residence permit has been issued in accordance with Section 24, Paragraph one, Clause 8 of this Law and there have been grounds for the withdrawal of the status of a Latvian citizen or non-citizen of Latvia in accordance with the Law on Citizenship and the law 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;
- 12) status of the long-term resident of the European Union has been granted to the foreigner in the Republic of Latvia;
- 13) the foreigner has acquired Latvian citizenship;
- 14) the foreigner has failed to submit the documents for the registration of a residence permit within six months after the day of registration laid down for a permit.

(2) In the case referred to in Clause 10 of this Section a permanent residence permit may be annulled only if less than five years have elapsed since the date of its issue.

(3) A permanent residence permit which a foreigner has received in accordance with Section 24, Paragraph one,



Clause 8 of this Law may be annulled in the cases referred to in Paragraph one, Clause 1, 2, 4, 5, 11, 12, 13 or 14 of this Section.

(4) If a residence permit of a foreigner is annulled, the permanent residence permits of his or her minor children shall also be annulled, except when the other parent of a child is a citizen of Latvia, non-citizen of Latvia or a foreigner who has received a permanent residence permit in the Republic of Latvia, or a child has received a permanent residence permit independently from the parent for whom the permanent residence permit is annulled, or he or she is under extra-familial care. A permanent residence permit shall also be annulled for a person under guardianship or trusteeship who has received a permit for the residence in the Republic of Latvia with the abovementioned foreigner.

[24 November 2005; 6 April 2006; 20 December 2007; 22 April 2010; 26 May 2011; 5 December 2013; 2 February 2017]

### **Section 37.**

(1) In the cases referred to in Section 34, Paragraph one, Clause 8; Section 35, Clause 4, and Section 36, Paragraph one, Clause 3 of this Law, the decision to refuse to issue a residence permit to a foreigner who is the spouse of a Latvian citizen or a non-citizen of Latvia or the annulment thereof may be taken only in the interests of national and public safety.

(2) The conditions laid down in Paragraph one of this Section shall be applicable if the marriage has been established before the foreigner has committed a criminal offence regarding which he or she is being held criminally liable in accordance with the procedures laid down in law.

[22 April 2010]

### **Section 38.**

(1) Courts, State and local government institutions of the Republic of Latvia shall inform the Office within seven days if they possess information regarding the conditions referred to in Sections 34 and 35 or Section 36, Paragraph one of this Law.

(2) The Cabinet shall, at least once a year, assess the course and results of practical implementation of the provisions laid down in Section 23, Paragraph one, Clauses 3, 28, 29, 30, and 31 of this Law and the effect thereof on the State and local government budget and on national debt, as well as on the development of the society of Latvia and national economy, and shall submit a report to the *Saeima* thereon.

[22 April 2010; 8 May 2014]

### **Section 39.**

(1) An inviter has the obligation to inform the Office within three working days that the circumstances on the basis of which a foreigner has received a temporary residence permit do not exist any longer or they have changed.

(2) A foreigner has the obligation to inform the Office in writing of changes in the information provided in the request for a residence permit within three working days.

(3) A foreigner, who has a valid residence permit, after the receipt of a new travel document in the Republic of Latvia (instead of the previous travel document) has the obligation to submit it to the Office within 30 days for the receipt of a new residence permit or for the updating of information in the Population Register.

(4) A foreigner, who has a valid residence permit, after receipt of a new travel document outside the Republic of Latvia (instead of the previous travel document) has the obligation to submit it to the Office within 30 days after entry in the Republic of Latvia for the receipt of a new residence permit or for the updating of information in the Population Register.

[22 April 2010; 5 December 2013]

### **Section 39.<sup>1</sup>**

(1) If the decision to issue a temporary residence permit to a foreigner to whom a temporary residence permit has been issued in another Member State of the European Union in the status of a researcher or an intra-corporate transferee has been taken, the Office shall inform the Member State of the European Union which issued the previous temporary residence permit thereof.

(2) If a temporary residence permit is annulled to a foreigner who stays in the Republic of Latvia in the status of a researcher or an intra-corporate transferee and the Office has information at its disposal that a temporary residence permit has been issued in another Member State of the European Union to the foreigner, being a researcher or an intra-corporate transferee, the Office shall inform the relevant European Union Member State of this decision.

[2 February 2017; 21 June 2018]

#### **Section 40.**

(1) An inviter or a foreigner for whom in accordance with Cabinet regulations an invitation for requesting a residence permit is not necessary has the right to contest the decision to refuse to issue or register a residence permit to a foreigner or to annul it to the Head of the Office within 30 days after the day of the entering into effect of this decision.

(2) The persons referred to in Paragraph one of this Section have the right to appeal to a court in accordance with the procedures laid down in law the decision of the Head of the Office to refuse to issue or register a residence permit to a foreigner or to annul it.

(3) The submission of an application to a court shall not create a right for the foreigner to whom the issue or registration of a residence permit has been refused or whose residence permit has been annulled to stay in the Republic of Latvia, except in the cases laid down in Paragraph four of this Section.

(4) A foreigner to whom the issue or registration of a residence permit has been refused or whose residence permit has been annulled has the right to stay in the Republic of Latvia while the decision is being contested or appealed, if the refusal to issue the residence permit or the annulment of the residence permit has not been justified by Section 34, Paragraph one, Clause 13, Section 35, Paragraph one, Clause 6 of this Law or by his or her inclusion in the list of foreigners to whom entry into the Republic of Latvia is prohibited in accordance with Section 61, Paragraph one or two of this Law, and for him or her the following is refused or annulled:

1) a permanent residence permit which has been requested in accordance with Section 24, Paragraph one, Clause 1, 2 or 8 of this Law;

2) a temporary residence permit which has been requested in accordance with Section 23, Paragraph one, Clause 25, Section 25, Paragraph one, Clause 2 or Section 26, Paragraph one, Clause 2 of this Law.

(5) If a foreigner stays in the Republic of Latvia with a residence permit and the decision to extend the time period for the examination of documents submitted for requesting or registering a residence permit has been taken, he or she has the right to stay in the Republic of Latvia until the day when a document certifying the right of residence is issued in accordance with the decision taken to grant or register a residence permit, or until the day when the foreigner must leave the Republic of Latvia in accordance with the decision to annul a residence permit or the decision to refuse to grant a residence permit.

(5<sup>1</sup>) If a foreigner continues to stay in the Republic of Latvia in the case provided for in Paragraph four or five of this Section, the right to employment shall be retained to him or her in the same extent as it was initially granted upon issuing the residence permit whereon the decision taken has been contested or appealed or in relation to which a decision to extend the term for review of the submitted documents is taken. In such case the information regarding the right of a foreigner to employment shall be included in the decision which has been contested or appealed by the foreigner, or in the decision to extend the term for review of documents.

(6) The contestation or appeal of the decision to annul a residence permit shall not suspend the operation thereof. The decision to annul a residence permit is executed immediately after entering into effect thereof.

(7) If a foreigner who has a valid European Union Blue Card issued in the Republic of Latvia and who wishes to change his or her employer, or who has a valid European Union Blue Card issued in another Member State of the European Union has submitted documents for requesting a European Union Blue Card in the Republic of Latvia, the relevant foreigner and his or her family members have the right to stay in the Republic of Latvia until the day when the decision to grant the European Union Blue Card or residence permit or the decision to refuse to issue the European Union Blue Card or residence permit is taken.

[24 November 2005; 20 December 2007; 22 April 2010; 26 May 2011; 5 December 2013; 2 February 2017; 21 June 2018]

## **Chapter V Removal**

[26 May 2011]

#### **Section 41.**

(1) If it is found that a foreigner is staying illegally in the Republic of Latvia, the voluntary return decision shall be issued to him or her, except in the cases laid down in Section 42 of this Law.

(2) The voluntary return decision shall be issued by the Head of the Office or his or her authorised official in the following cases:

- 1) the illegal stay of the foreigner in the Republic of Latvia is found by an official of the Office;
- 2) the illegal stay of the foreigner in the Republic of Latvia is found by an official of the State Border Guard and any of the following circumstances exists:
  - a) a residence permit in the Republic of Latvia has been issued to the foreigner;
  - b) the foreigner has been residing in the Republic of Latvia for more than one year;
  - c) the spouse or relative up to the second degree in direct line of the foreigner is legally staying in the Republic of Latvia;
  - d) the foreigner has been a Latvian citizen or a non-citizen of Latvia;
  - e) the decision to refuse to grant the foreigner the status of a refugee or alternative status in the Republic of Latvia, the decision to leave the application for granting the status of a refugee or alternative status without consideration, the decision to suspend the review of the application for granting the status of a refugee or alternative status, or the decision to refuse to resume the review of the application for granting the status of a refugee or alternative status has been taken;
  - f) the foreigner has the right to request a residence permit in accordance with the procedures laid down in this Law;
  - g) the foreigner has served a sentence for a criminal offence committed in the Republic of Latvia, except for a criminal offence that is related to the illegal crossing of the State border, illegal relocation of a person across the State border or illegal stay in the State.

(3) If illegal stay of a foreigner in the Republic of Latvia is found by an official of the State Border Guard, the voluntary return decision shall be issued by the Chief of the State Border Guard or his or her authorised official, except in the cases laid down in Paragraph two, Clause 2 of this Section.

(4) If illegal stay of a foreigner in the Republic of Latvia is found when he or she is departing by crossing the external border and the voluntary return decision cannot be issued before the departure of an international route transport, an official of the State Border Guard shall inform the foreigner that the voluntary return decision shall be issued for him or her to which the decision to include in the list and the decision on the prohibition to enter the Schengen Area may be attached. In such case the Chief of the State Border Guard or his or her authorised official, or the Head of the Office or his or her authorised person, shall, within 10 days from the day when the foreigner departed, issue the voluntary return decision in accordance with the competence laid down in Section 41, Paragraphs two and three of this Law and the aforementioned voluntary return decision shall enter into effect on the day of issue thereof. The voluntary return decision shall be sent to the foreigner to the address indicated by him or her, explaining in a language that the foreigner understands or which he or she should justifiably understand, if necessary, using the services of an interpreter, the essence of the voluntary return decision, the decisions included therein to include in the list and on the prohibition to enter the Schengen Area, and the procedures for their contesting.

(5) If, when issuing the voluntary return decision, it is found that the foreigner has entered by violating the conditions for entering the Republic of Latvia, and no circumstances have existed in relation to him or her, which would allow him or her to reside in the Republic of Latvia, information regarding the foreigner, the nature of the violation, the decision to include the foreigner in the list and the decision on the prohibition to enter the Schengen Area, the procedures for contesting the voluntary return decision, the place and date of drafting thereof, the position, given name and surname of the official who issued the decision shall be indicated in the voluntary return decision.

*[5 December 2013; 2 February 2017]*

#### **Section 42.**

The removal order or the voluntary return decision shall not be issued, if:

- 1) the foreigner has a valid residence permit of another Member State of the European Union or another document, which gives him or her the right to stay there, and the foreigner is going without delay to the territory of the relevant Member State of the European Union;
- 2) the foreigner is accepted back by another Member State of the European Union in accordance with the conditions of an international agreement, which have become binding on the Republic of Latvia in the time period until 13 January 2009;
- 3) the Head of the Office or his or her authorised official has, on humanitarian grounds, taken the decision to allow the foreigner to stay in the Republic of Latvia for a specific time period, but for not more than a year;
- 4) the decision to refuse the foreigner the entry within the territory of the Member States of the European Union has been taken in accordance with Section 18 of this Law;
- 5) the foreigner who has been found in the border area and has illegally crossed the external border, and in relation

to whom circumstances do not exist which allow him or her to stay in the Republic of Latvia shall be taken back by the third country in accordance with an agreement concluded with the Republic of Latvia or treaty conditions;

6) an additional punishment has been imposed on the foreigner by a court judgment - removal from the Republic of Latvia;

7) the foreigner is subject to a return or an extradition process in accordance with international co-operation in the field of criminal law.

#### **Section 43.**

(1) The voluntary return decision shall specify a time period of seven to 30 days for the fulfilment of the obligation imposed therein. A foreigner has the right to fulfil such obligation earlier than laid down in the voluntary return decision.

(2) An official who issued the voluntary return decision, upon a request of the foreigner, has the right to extend the time period laid down in Paragraph one of this Section for a period not exceeding one year. When taking the decision to extend the laid down time period, the circumstances of the particular case shall be taken into account, particularly the length of stay of the foreigner, his or her family or social ties, whether the foreigner has a minor child who is attending an education institution in the Republic of Latvia. The foreigner shall be informed of the extension of the time period in writing.

(3) If, when applying for a residence permit, a foreigner has provided false information or the application for a residence permit is clearly unjustified, a time period of less than seven days within which the foreigner has to execute the voluntary return decision may be determined.

[5 December 2013]

#### **Section 44.**

(1) The Head of the Office or his or her authorised official or the Chief of the State Border Guard or his or her authorised official is entitled to include the decision to include the foreigner in the list and the decision on the prohibition to enter the Schengen Area in the voluntary return decision in compliance with the conditions of Section 61, Paragraph four or five of this Law.

(2) The decision to include in the list and a decision on the prohibition to enter the Schengen Area shall not be included in the voluntary return decision, if the foreigner in accordance with the laws and regulations governing the relevant field has been recognised as a victim of trafficking in human beings or has been involved in promoting illegal immigration and has co-operated with the relevant State institutions. The abovementioned condition shall not apply to a foreigner who poses a threat to the State security, public order or safety in accordance with the opinion of a competent institution.

(3) The institution which issued the voluntary return decision may revoke the decision on the prohibition to enter the Schengen Area included therein or reduce the time period laid down therein prohibiting entry, if the foreigner can prove that the voluntary return decision has been fully executed.

#### **Section 45.**

(1) A foreigner on whom the decision to issue a removal order or the voluntary return decision has been taken has the right to apply for aid provided by international organisations, associations or foundations, so that he or she could voluntarily return to his or her country of residence (hereinafter - the voluntary return programme).

(2) The Head of the Office or his or her authorised official or the Chief of the State Border Guard or his or her authorised official is entitled to revoke the removal order, if the foreigner for whom such order has been issued has applied for the voluntary return programme and the relevant international organisation, association or foundation has informed the institution which issued the order thereof. When revoking the removal order, the voluntary return decision will be issued to the foreigner.

(3) The provision of Paragraph two of this Section shall not be applied, if any of the following cases exists:

1) the foreigner in accordance with the opinion of a competent institution poses a threat to the State security, public order or safety;

2) the foreigner has previously used the voluntary return programme.

#### **Section 46.**

(1) If a foreigner is staying in the Republic of Latvia illegally, the Head of the Office or his or her authorised official or the Chief of the State Border Guard or his or her authorised official in accordance with the competence laid down in Section 41, Paragraphs two and three of this Law shall take the decision to issue a removal order if the conditions referred to in Section 51, Paragraph two of this Law exist.

(2) If the voluntary return decision has been issued to a foreigner, but the conditions referred to in Section 51, Paragraph two of this Law are found after the issue of the voluntary return decision, an official of the institution which issued the voluntary return decision shall take the decision to issue a removal order for the foreigner.

(3) When taking the decision to issue a removal order, the official shall include in this order the decision to include in the list and the decision on the prohibition to enter the Schengen Area and shall determine the period for the entry ban in accordance with Section 61, Paragraph four or five of this Law. The official may include the decision to include in the list and the decision on the prohibition to enter the Schengen Area in the removal order, if the removal order has been issued for a foreign minor.

(4) If, when taking the decision to issue a removal order, it is found that the foreigner has entered by violating the conditions for entry in the Republic of Latvia, and no circumstances existed, which allowed him or her to stay in the Republic of Latvia, the removal order shall indicate information regarding the foreigner, the nature of the violation, the decision to include the foreigner in the list and the decision on the prohibition to enter the Schengen Area, the procedures for contesting the removal order, the place and date of drafting thereof, the position, given name and surname of the official who took the decision to issue the removal order.

(5) If the Minister for the Interior or the Minister for Foreign Affairs has taken the decision to include a foreigner in the list based on Section 61, Paragraph one or two of this Law, and the foreigner is located in the Republic of Latvia, the Chief of the State Border Guard or his or her authorised official shall take the decision to issue a removal order for the foreigner within eight days from the day when the fact that the foreigner is located in the Republic of Latvia has been found.

#### **Section 47.**

A foreigner shall not be removed, if removal is in contradiction with the international obligations of the Republic of Latvia.

*[5 December 2013]*

#### **Section 48.**

(1) An official of the Office or of the State Border Guard shall acquaint a foreigner with the voluntary return decision or removal order, with the decision to include in the list, and the decision on the prohibition to enter the Schengen Area included therein in a language which he or she understands or which he or she should justifiably understand, if necessary, using the services of an interpreter, by explaining its nature and procedures for its contesting, as well as informing of the right of the foreigner to legal aid. Upon acquainting a foreigner who has been unlawfully employed in the Republic of Latvia with the voluntary return decision or removal order, he or she shall be informed of the right to submit a claim against the employer and to achieve that a judgment on the work remuneration unpaid by the employer is executed, as well as of the procedure for submitting a claim and recovery of remuneration and the possibility to request a temporary residence permit in accordance with Section 23, Paragraph seven of this Law.

(2) Upon request of a foreigner the institution which issued the relevant administrative act shall ensure the translation of the main components of the voluntary return decision or removal order (the establishment of facts, justification of the administrative act, legal obligation imposed on the addressee, an indication where and in what period of time the administrative deed may be contested or appealed). The relevant institution shall provide an oral or written translation for the foreigner in a language which he or she understands or which he or she should justifiably understand, if necessary, using the services of an interpreter.

(3) The institution, upon taking the decision to issue a removal order, shall without delay notify the Ombudsman thereof.

*[5 December 2013]*

#### **Section 49.**

The Head of the Office or Chief of the State Border Guard may revoke or suspend execution of the voluntary return decision or removal order, and the decisions included therein on the inclusion in the list and prohibition to enter the Schengen Area which have been taken by an official of the relevant institution if the circumstances which were the basis for the issue of the relevant administrative act have changed, including such circumstances have been found which are referred to in Section 47 of this Law, or on humanitarian grounds.

#### **Section 50.**

(1) A foreigner has the right, within seven days after entering into effect of the voluntary return decision or removal order, and the decisions included therein on the inclusion in the list and prohibition to enter the Schengen Area, to contest these to a higher authority in accordance with the procedures regarding subordination. The foreigner shall be acquainted with the decision taken on the contested voluntary return decision or the removal order in a language which he or she understands or which he or she should justifiably understand, if necessary, using the services of an interpreter, explaining the nature and the procedures for the contesting of the taken decision, as well as inform him or

her of the right of the foreigner to legal aid.

(2) [5 December 2013]

(3) [5 December 2013]

[5 December 2013]

### **Section 50.<sup>1</sup>**

(1) The decision of a higher authority on the issue of the voluntary return decision or the removal order, and the decisions included therein on the inclusion in the list and prohibition to enter the Schengen Area may be appealed to the District Administrative Court within seven days from the day when it has entered into effect. Submission of an application to the court shall not suspend the operation of the aforementioned decisions.

(2) A judgment of the District Administrative Court may be appealed by submitting a cassation complaint to the Department of Administrative Cases of the Supreme Court.

[5 December 2013; 9 June 2016]

### **Section 50.<sup>2</sup>**

(1) A foreigner has the right to legal aid provided by the State in the case and the amount laid down in the State Ensured Legal Aid Law if:

1) he or she does not have sufficient resources, he or she is residing in the Republic of Latvia and execution of the voluntary return decision or removal order issued for him or her is suspended;

2) he or she has been detained in the cases and in accordance with the procedures laid down in this Law, and is residing in the Republic of Latvia in specially equipped premises or an accommodation centre.

(2) In the case referred to in Paragraph one, Clause 1 of this Section, a foreigner shall, within the time period for the appeal of the decision on the contested voluntary return decision or removal order, submit to the institution which took the decision on the issue of the contested voluntary return decision or removal order, a filled-in application on the request of the State ensured legal aid and income. The sample form of the abovementioned application shall be stipulated by the Cabinet.

(3) The institution which took the decision on the issue of the contested voluntary return decision or removal order, upon receipt of the application on the request of the State ensured legal aid and income, shall, without delay, but not later than the following working day, forward it to the institution which is responsible for providing the State ensured legal aid. Copies of the decision on the issue of the contested voluntary return decision or removal order shall be attached to the application.

(4) Submission of the application on the request of the State ensured legal aid and income to the institution which took the decision on the issue of the contested voluntary return decision or removal order shall suspend the time period for its appeal until the day when the foreigner, on the basis of the decision on granting the State ensured legal aid, has received the first legal consultation or the decision to refuse to grant the State ensured legal aid has been taken.

(5) If in the case referred to in Paragraph one, Clause 2 of this Section a foreigner wishes to receive State ensured legal aid, the State Border Guard shall, without delay, but not later than on the following working day after the decision on the issue of the contested removal order has been taken, invite a provider of legal aid from the list prepared by the institution which is responsible for the provision of State ensured legal aid.

(6) In the case referred to in Paragraph one, Clause 2 of this Section, the provider of legal aid shall be paid for the provision of State ensured legal aid by the institution which is responsible for the provision of State ensured legal aid in accordance with the laws and regulations determining the types, amount and payment amounts of State ensured legal aid and the expenses to be compensated in relation to the provision of legal aid, the amount and procedures for the payment thereof.

(7) If the Office or the State Border Guard has in its possession information that the foreigner to whom the State ensured legal aid has been granted has departed from the Republic of Latvia, the Office or the State Border Guard shall without delay inform the institution which is responsible for the provision of State ensured legal aid thereof.

[Section shall come into force on 7 September 2011 / See Paragraph 21 of Transitional Provisions]

### **Section 50.<sup>3</sup>**

(1) Removal of a foreigner shall be organised and executed by the State Border Guard.

(2) The procedures for the removal of a foreigner shall be determined by the Cabinet.

(3) The procedures by which the Republic of Latvia shall receive and provide aid to the Member States of the European Union and the Schengen Agreement countries in relation to removal by air, the aid amount, as well as the procedures, by which joint flights shall be organised between the Member States of the European Union and the Schengen Agreement States shall be determined by the Cabinet.

#### **Section 50.<sup>4</sup>**

Deadline for the prohibition to enter the Schengen Area shall be counted in accordance with Section 63, Paragraph four of this Law.

#### **Section 50.<sup>5</sup>**

(1) If a foreigner to whom the voluntary return decision or a removal order has been issued does not have a valid travel document and it cannot be obtained through diplomatic or consular services, a standard travel document shall be issued to him or her.

(2) The procedures for issuing a standard travel document shall be determined by the Cabinet.

[21 June 2018]

#### **Section 50.<sup>6</sup>**

(1) If the Office or the State Border Guard has determined that the voluntary return decision or a removal order issued by another Member State of the European Union for the foreigner is in effect, the Head of the Office or his or her authorised official or the Chief of the State Border Guard or his or her authorised official, after having assessed the circumstances of the case and contacted the Member State of the European Union, is entitled to take the decision to recognise the relevant voluntary return order or removal order in the following cases:

1) the voluntary return decision or removal order of another Member State of the European Union is based on a serious threat to the State security, public order or safety, and the foreigner has been convicted of an offence in the relevant Member State of the European Union, for which a punishment is provided - deprivation of liberty for at least one year;

2) the voluntary return decision or removal order of another Member State of the European Union is based on a serious threat to the State security, public order or safety, and there are grounds for considering that the foreigner has committed a criminal offence, or there is specific evidence of his or her intention to commit such offence in the territory of one of the European Union Member States;

3) the voluntary return decision or removal order by another Member State of the European Union is based on non-conformity with such laws and regulations, which determine the entry or stay of foreigners.

(2) If the State Border Guard is in possession of information that a foreigner on whom a voluntary return decision taken by another Member State of the European Union is in effect is planning to cross the territory of the Republic of Latvia in transit with the intention of fulfilling the voluntary return decision, the Chief of the State Border Guard or his or her authorised official, after having evaluated the circumstances of the case, is entitled to take the decision to recognise the abovementioned voluntary return decision.

(3) A foreigner has the right to appeal the decision to recognise the decision to issue the voluntary return decision or removal order of another Member State of the European Union by submitting a relevant application to the court. Submission of an application to the court shall not suspend operation of the decision.

(4) The State Border Guard shall inform the Member State of the European Union which took the decision to issue the voluntary return decision or removal order of the execution of the recognised voluntary return decision or removal order of another Member State of the European Union.

#### **Section 50.<sup>7</sup>**

(1) The removal process shall be observed by the Ombudsman.

(2) The observation of the removal process shall include:

1) visiting of the detained foreigners subject to removal at their place of accommodation in order to evaluate the conditions of accommodation and maintenance, also the provision of medical assistance and the satisfaction of other needs;

2) a questioning of the foreigner in order to determine his or her awareness of the progress of the removal process, his or her rights and the possibility for implementation thereof;

3) observation of return of the personal property of the detained person seized at the time of detention,

transportation from the accommodation centre of detained persons to the departure point, handing-over and registration of luggage, as well as participation in the actual implementation of the removal process in order to evaluate the compliance with the human rights of the foreigner to be removed.

(3) The Ombudsman is entitled to involve associations or foundations in the observation of removal process, the purpose of operation of which is related to the observation of the process. Upon involving associations or foundations in the observation of the removal process, the Ombudsman shall evaluate the competence of the association or foundation for performing the relevant activity and shall agree on the stage of the removal process referred to in Paragraph two of this Section, which the association or foundation shall be authorised to observe. The Ombudsman may involve one association or foundation in the observation of each stage of the removal process referred to in Paragraph two of this Section. The Ombudsman may not involve an association or foundation which has violated the condition referred to in Paragraph four of this Section in the observation of the removal process. The Ombudsman shall inform the State Border Guard of the associations and foundations which are authorised to observe the relevant stage of the removal process.

(4) The representatives of the Ombudsman, as well of associations and foundations involved in the observation of a removal process (hereinafter - the Observer) are prohibited from interfering with the removal process during the course of observing the removal process.

(5) If the Observer has information at the disposal thereof regarding circumstances which may influence the organisation or implementation of the removal process, as well as threaten personal safety or health, the Observer shall inform officials of the State Border Guard thereof.

(6) The Observer has the right:

1) to obtain information from the relevant State institution which is involved in the removal process of foreigners regarding organisation of the return process of the foreigner and the measures taken;

2) to invite specialists (for example, lawyers, medical practitioners, interpreters) for provision of the necessary consultations to the foreigner subject to removal;

3) to organise assistance for improving living conditions, pastoral care, as well as the provision of other support.

(7) When taking the measures referred to in Paragraph six of this Section, the Observer shall, without delay, inform the official of the State Border Guard who is implementing the removal process for the relevant foreigner of the planned activities in writing.

(8) After observation of a removal process is completed, the Observer shall prepare a report on deficiencies detected and recommendations for improving the removal process. The Ombudsman shall submit the compiled report on deficiencies detected and recommendations compiled for improving the removal process to the Ministry of the Interior for evaluation.

## **Section 50.<sup>8</sup>**

(1) Upon finding a minor foreigner who is not accompanied by a parent or his or her legal representative and whose stay in the Republic of Latvia is illegal, the Office and the State Border Guard shall, without delay, inform the State Police and the Orphan's and Custody Court and shall act in such a way as to ensure the child's rights and interests during the whole removal process in accordance with the laws and regulations governing the protection of the rights of the child.

(2) During the removal procedure the personal and property relations of a minor foreigner who is not accompanied by a parent or his or her legal representative shall be represented by the Orphan's and Custody Court or a guardian appointed thereby, or the head of a child care institution.

(3) If the identity and citizenship or country of residence of a minor foreigner who is not accompanied by a parent or his or her legal representative has been established, the State Border Guard with the intermediation of the Consular Department shall communicate with the diplomatic or consular representation of the relevant country, relevant competent institutions or non-governmental organisations which monitor the respect of the rights of children in this country, and implement other necessary measures in order to ensure execution of the voluntary return decision or removal order and the handing over of the minor foreigner who is not accompanied by a parent or his or her legal representative to a family member, legal representative of the parents, representative who monitors the respect of the rights of children in this country, or a representative of the institution which ensures placing of the child in a suitable accommodation institution.

## **Chapter VI Removal**

[26 May 2011]



## Chapter VII Detention

[21 June 2007]

### Section 51.

(1) An official of the State Border Guard has the right to detain a foreigner, except for a minor foreigner who has not reached the age of 14 years, if:

1) the removal procedure is applicable to him or her in accordance with Section 41, 46 or 50.<sup>6</sup> of this Law;

2) he or she is subject to the return to a third country or to another Member State of the European Union in accordance with a treaty or agreement, which provides for the readmission of such persons who are staying illegally in the territory of the relevant country.

(2) An official of the State Border Guard has the right to take the decision to detain a foreigner if there are grounds to believe that he or she will avoid the removal procedure or will impede the preparation thereof, or there is a risk of absconding of the foreigner, and it is substantiated by any of the following circumstances:

1) the foreigner is hiding his or her identity, provides false information or refuses to co-operate in other ways;

2) the foreigner has crossed the external border, avoiding border checks, as well as has used a forged travel document, forged visa or residence permit;

3) the foreigner cannot indicate a place where he or she will stay until the end of the relevant removal procedure and submit a written certification of the apartment or house owner regarding determination to ensure the accommodation to the foreigner, or cannot present the sum of money that would be sufficient for booking a hotel until his or her removal;

4) a competent State or foreign institution has provided information which provides grounds for considering that the foreigner threatens the State security, public order or safety;

5) the foreigner is involved in promoting illegal immigration;

6) the foreigner has been convicted of a criminal offence committed in the Republic of Latvia, for which the sentence intended is related to the deprivation of liberty for at least one year;

7) the foreigner has previously avoided a removal procedure in the Republic of Latvia or in another Member State of the European Union;

8) the foreigner has unjustifiably failed to execute the voluntary return decision;

9) the foreigner has unjustifiably failed to fulfil the specified obligation to register with the relevant unit of the State Border Guard;

10) the foreigner has previously arbitrarily left an accommodation centre for detained foreigners or detention premises;

11) the foreigner has entered the Republic of Latvia by ignoring the decision to include in the list or decision on the prohibition to enter the Schengen Area.

(3) An official of the State Border Guard, when deciding the case regarding detention of a foreigner, may, due to reasons of humanitarian nature, take the decision to apply one of the following alternative means of detention:

1) regular registration at the specified unit of the State Border Guard;

2) the handing over of a travel document and other personal identification documents at the disposal of the foreigner to an official of the State Border Guard.

(4) The decision of an official of the State Border Guard to impose the obligation referred to in Paragraph three of this Section shall indicate the information regarding the foreigner, the obligation imposed on him or her and the conditions for its execution, and a photograph of the foreigner shall be attached thereto.

(5) An official of the State Border Guard shall detain a foreigner in order to:

1) execute his or her removal. If an additional punishment has been imposed on the foreigner by a court judgment - removal from the Republic of Latvia -, he or she may be detained after the court judgment has been pronounced, if in the particular case the security measure - imprisonment - has not been applied to the foreigner;

2) ensure the removal procedure, which is provided for in Section 46, Paragraph five of this Law.

[26 May 2011; 5 December 2013]

#### **Section 52.**

(1) When detaining a foreigner, an official of the State Border Guard or State Police shall draw up the detention report.

(2) The detention report shall indicate the date and place of drawing up thereof, the position, given name and surname of the person who has drawn up the report, information regarding the detainee, time and motives of detention. The report shall be signed by the official who has drawn it up and the detainee. If the detainee refuses to sign the report, it shall be noted in the report.

#### **Section 53.**

In the cases referred to in Section 51 of this Law, the official of the State Police has the right to detain a foreigner for three hours until handing him or her over to the State Border Guard.

#### **Section 54.**

(1) In the cases referred to in Section 51 of this Law, an official of the State Border Guard has the right to detain a foreigner for a period not exceeding 10 days. The foreigner has the right to appeal the decision on detention to a court. The submission of an application to a court shall not suspend the operation of the decision.

(2) An official of the State Border Guard has the right to detain a foreigner for more than 10 days only based on a decision of a judge of a district (city) court (in conformity with the actual location of the detained foreigner) (hereinafter - the judge). Based on the application of an official of the State Border Guard, the judge shall take the decision to detain a foreigner for a time period of up to two months or to refuse the detention.

(3) If the foreigner cannot be removed within the time period indicated in the judge's decision, the judge, based on the submission of an official of the State Border Guard, shall take the decision to extend the detention period for up to two months or to refuse to extend the detention period.

(4) An official of the State Border Guard may submit an application to the court for the extension of the detention period repeatedly, however, the total detention period may not exceed six months, except in the case laid down in Paragraph seven of this Section.

(5) [26 May 2011]

(6) An official of the State Border Guard shall, without delay, inform the Consular Department, State Police and the Orphan's and Custody Court of the detention of such minor foreigner who is at the age of 14 to 18 years and is not accompanied by parents or his or her legal representative.

(7) The judge may take the decision to extend the detention period referred to in Paragraph four of this Section, not exceeding additional 12 months, if the foreigner refuses to co-operate or delays the receipt of the necessary documents from third countries.

[24 November 2005; 21 June 2007; 13 December 2007; 26 May 2011]

#### **Section 54.<sup>1</sup>**

(1) When taking the decision to detain, extend the detention period or to refuse to extend the detention period, the judge shall evaluate and take into consideration the circumstances established within the framework of the removal procedure, as well as whether the circumstances referred to in Section 51, Paragraph two of this Law, which were the basis for detention of the foreigner, are still in effect.

(2) When taking the decision to extend the detention period or to refuse to extend the detention period, the judge shall indicate the established facts, conclusions and arguments on the basis of which the relevant decision was taken.

[24 November 2005; 13 December 2007; 26 May 2011]

#### **Section 55.**

(1) The detention period shall be calculated in hours, days and months. When calculating the time period, the hour and day when it begins shall be taken in account. The detention period shall be calculated from the moment when the foreigner is delivered to the premises of the State Border Guard or State Police in order to draw up the detention report.

(2) An official of the State Border Guard shall take a foreigner to the court not later than 48 hours before the expiry of the time period laid down in Section 54, Paragraph one of this Law or not later than 48 hours before the expiry of the time period laid down in the decision to detain a foreigner and, if necessary, invite an interpreter.

(3) The judge shall immediately examine the materials submitted [the submission of the official of the State Border Guard, detention report, removal orders of the foreigner (if any issued) and documents laying down the measures taken for ensuring the removal of the foreigner], hear the information provided by the official of the State Border Guard and explanations of the foreigner or his or her representative.

(4) The judge sitting alone shall take the decision to detain a foreigner, to extend the detention period or to refuse to detain a foreigner or extend the detention period, and indicate therein the name of the relevant court, his or her own given name, surname, date of examination of the materials, information regarding the detainee, reasons for the decision, the law or regulation which is the basis for the decision and his or her ruling.

(5) A copy of the judge's decision shall be sent to the foreigner and the State Border Guard within 24 hours from the receipt of the application of the State Border Guard.

(6) The judge's decision may be appealed by the foreigner or the Chief of the Border Guard or his or her authorised official within 48 hours from the moment of receipt of the a copy of the decision.

(7) A district (city) court shall examine the complaint without delay and take a decision based on the merits. A decision taken by a regional court in the relevant case cannot be appealed. A copy of the decision shall be sent to the foreigner and the State Border Guard within 24 hours from the moment of the taking of the decision.

(8) Contesting or appeal of detention, or submission of a complaint alone cannot be the basis for the release of the detainee.

(9) Suspending of the operation of the voluntary return decision or the removal order due to contesting or appeal thereof may not be the grounds for release of the detained foreigner.

*[24 November 2005; 22 April 2010; 5 December 2013]*

#### **Section 56.**

(1) The detainee in defence of his or her legitimate interests has the right to appeal the detention to a district (city) court, contact the consular institution of his or her country and receive legal assistance. A foreigner shall be acquainted with these rights at the moment of detention.

(2) The detainee has the right to become acquainted with the materials related to his or her detention personally or assisted by his or her representative.

(3) The detainee shall be ensured the right to communicate in a language, which the foreigner understands or which he or she should justifiably understand, if necessary, using the services of an interpreter.

*[24 November 2005; 26 May 2011]*

#### **Section 57.**

(1) An official of the State Border Guard or State Police shall establish the identity of the detainee, take his or her fingerprints and his or her photograph, inspect the foreigner and his or her property, as well as, if necessary, ensure a medical examination of the foreigner and draw up a report thereon. The aforementioned activities with a minor foreigner who is at the age of 14 to 18 years shall be performed by an official of the State Border Guard or State Police trained for work with minors. The detainee has the obligation to co-operate with the State Border Guard and State Police in establishing his or her identity.

(2) The detainee shall be inspected by an official of the State Border Guard or State Police. The abovementioned official must be of the same sex as the detained foreigner.

(3) Property shall be inspected in the presence of the detainee. In urgent cases property may be inspected in the presence of two invited persons without the detained foreigner.

(4) The State Border Guard has the right to specify and organise expert-examinations and inspections of documents, objects, language, medical and other expert-examinations and inspections in order to identify the detained foreigner and his or her country of citizenship.

*[24 November 2005; 21 June 2007; 22 April 2010; 26 May 2011]*

#### **Section 58.**

(1) An official of the State Border Guard or State Police has the right to seize the property and personal identification and travel documents of the detained foreigner by drawing up a report thereon or making a relevant record in the report on inspection of the property of a detainee.

(2) The documents referred to in Paragraph one of this Section shall be seized until the removal of the foreigner.

## **Section 59.**

(1) A detained foreigner shall be placed in the State Border Guard temporary holding room or accommodation centre separately from the persons detained according to criminal procedural procedures or imprisoned persons.

(1<sup>1</sup>) Based on a detention protocol drawn up in accordance with the procedures laid down in Section 52 of this Law, a State Border Guard official may accommodate a detained foreigner in specially designed and equipped premises of the State Police (hereinafter - the temporary place of detention) if there is a likelihood of escape or the foreigner poses a threat to national security or public order and safety. Living arrangements of the temporary place of detention shall be ensured to the detained foreigner, and he or she shall be subject to the internal procedure regulations of the temporary place of detention.

(1<sup>2</sup>) Such foreigner shall not be accommodated in a temporary place of detention who is a vulnerable person - a minor, a person with a disability, a person at the age of which a retirement pension is granted in the Republic of Latvia, a pregnant female, one of the parents who accompanies a minor child (children) and a person who is a victim of a serious psychological, physical or sexual violence.

(2) An accommodation centre is a structural unit of the State Border Guard. The Cabinet shall determine the requirements for arranging and equipping the accommodation centre.

(3) The residence norms of foreigners placed in the State Border Guard temporary place of detention or accommodation centre shall be determined by the Cabinet.

(3<sup>1</sup>) The amount of health care services guaranteed to a foreigner accommodated in an accommodation centre and the procedures for the receipt thereof shall be determined by the Cabinet.

(4) The internal procedure regulations of an accommodation centre shall be governed by the Cabinet.

(5) Expenses which are associated with the maintenance of a foreigner shall be covered from the State budget.

[21 June 2007; 9 June 2016; 2 February 2017]

## **Section 59.<sup>1</sup>**

(1) A State Police official shall place a detained foreigner in an accommodation centre based upon a detention protocol drawn up in accordance with the procedures laid down in Section 52 of this Law.

(2) Upon placing a detained foreigner in an accommodation centre, his or her health shall be examined and sanitary treatment shall be performed. The procedures for the health examination and sanitary treatment of the detained foreigner, as well as the procedures for documenting the results thereof shall be determined by the Cabinet.

(3) A detained foreigner shall be accommodated in an accommodation centre taking into account general human rights principles and internal security, as well as personal characteristics and psychological compatibility:

1) detained males and females shall be placed separately;

2) detained minor foreigners shall be accommodated together with detained parents or his or her legal representative;

3) a detained foreigner who has a health disorder shall be placed in premises specially equipped for such purposes in accordance with the instructions of medical personnel;

4) a detained foreigner who has violated the internal procedures regulations of an accommodation centre or in relation to whom there are grounds to believe that he or she may violate them, shall be placed in premises specially equipped for such purposes;

5) a detained foreigner who may cause a threat to the safety of persons in the accommodation centre shall be placed separately in premises specially equipped for such purposes.

(4) On the basis of request of a detained foreigner, in order to preserve family unity, members of a family shall be accommodated together.

(5) If a detained foreigner has a child who has not been detained, on the basis of a request of the detained foreigner, in order to preserve family unity, the child may be placed in the accommodation centre together with the detained foreigner. In the accommodation centre, the child of the detained foreigner has the same rights and obligations as the detained foreigner.

[21 June 2007]

## **Section 59.<sup>2</sup>**

(1) After accommodation in an accommodation centre, the detained foreigner shall be acquainted in a language understandable to him or her (if necessary, using the services of an interpreter) with his or her rights and obligations, and also with the internal procedures regulations of the accommodation centre.

(2) In an accommodation centre, a detained foreigner has the right:

- 1) to communicate with the consulate of his or her country;
- 2) to inform family members, relatives or other persons of his or her whereabouts;
- 3) with his or her own means, to receive legal assistance;
- 4) to meet with family members or relatives, as well as with representatives of international and non-government human rights organisations;
- 5) to submit complaints and submissions;
- 6) to receive food and material support for household needs in accordance with specified maintenance standards;
- 7) to receive emergency medical assistance, as well as guaranteed health care services in the amount and according to the procedures laid down in laws and regulations;
- 8) with his or her own means, to receive health care services and medicines which have been prescribed by medical personnel;
- 9) to keep with him or her amounts of money which do not exceed one half of the minimum monthly wage stipulated by the State;
- 10) to use common premises;
- 11) to use the equipment provided for detained foreigners;
- 12) to receive consignments and parcels;
- 13) to store food products in the place specially provided for them;
- 14) to store with him or her property which is not included in the list of articles which it is prohibited to store in an accommodation centre.

(3) In an accommodation centre, a detained foreigner has the obligation:

- 1) to comply with the lawful requirements of an official of the State Border Guard, including necessary health examinations;
- 2) to follow the internal procedures regulations of the accommodation centre;
- 3) to treat with care the property of the accommodation centre;
- 4) to maintain in order the accommodation premises and common premises, as well as to uphold personal hygiene.

(4) The Cabinet shall determine the list of articles which a detained foreigner is prohibited from storing in an accommodation centre.

[21 June 2007]

### **Section 59.<sup>3</sup>**

A detained foreigner may be taken out of an accommodation centre under escort in the following cases:

- 1) in order to ensure the activities laid down in this Law;
- 2) in order to provide medical assistance;
- 3) in order to perform criminal procedural activities in accordance with the written request of the person directing criminal proceedings if such activities cannot be performed in the accommodation centre;
- 4) in other cases associated with humanitarian considerations, based upon the written permission of the head of the relevant territorial State Border Guard office.

[21 June 2007]

#### **Section 59.<sup>4</sup>**

A detained foreigner shall be released:

- 1) if the detention period has expired or the court has taken the decision to refuse to extend the detention period;
- 2) after removal;

3) based on the decision of an official of the State Border Guard on release of the detained foreigner if the circumstances which were the basis for his or her detention no longer exist or the documents required for the removal of the foreigner cannot be obtained.

[26 May 2011]

#### **Section 59.<sup>5</sup>**

(1) A detained minor foreigner who is at the age of 14 to 18 years and is not accompanied by parents or his or her legal representative shall be accommodated in the relevant State Border Guard structural unit until the end of the detention period.

(2) If the State Border Guard in co-operation with the Consular Department have not been able to ascertain the identity and citizenship or country of residence of the minor foreigner who is at the age of 14 to 18 years and is not accompanied by parents or his or her legal representative by the end of the detention period, the State Police shall ensure the accommodation of the minor foreigner in a child care institution.

(3) Expenses for the accommodation of such minor foreigner in a child care institution who is not accompanied by a parent or his or her legal representative shall be covered in accordance with the laws and regulations governing the field of social services and social assistance.

[21 June 2007; 26 May 2011]

#### **Section 59.<sup>6</sup>**

[26 May 2011]

#### **Section 59.<sup>7</sup>**

Officials of a competent State institution, representatives of foundations and associations, as well as international organisations may visit the accommodation centre or specially equipped room of detained foreigners in order to ascertain that it is used for ensuring the detention of foreigners, as well as to evaluate the accommodation and stay conditions of the detained foreigners. Officials of a competent State institution, representatives of foundations and associations, as well as international organisations shall co-ordinate their visit with the head of the accommodation centre or specially equipped room and shall conform to the internal procedure regulations of the accommodation centre or specially equipped room.

[5 December 2013]

#### **Section 60.**

If an official of the State Border Guard, when taking the decision to refuse entry into the Republic of Latvia to a foreigner, is unable to immediately return him or her back to the country he or she has arrived from, the State Border Guard official has the right to detain such foreigner until it is possible to do this, but not longer than for 48 hours.

[21 June 2007]

## **Chapter VIII**

### **List of those Foreigners for whom Entry into the Republic of Latvia is Prohibited**

#### **Section 61.**

(1) The Minister for the Interior shall take the decision to include a foreigner in the list, if any of the following circumstances exists:

1) competent State institutions have a reason to believe that the foreigner participates in anti-state or criminal organisations or is a member thereof;

2) competent State institutions have a reason to believe that the foreigner causes threats to national security or

public order and safety or, by entering Latvia, may hinder pre-trial investigations or the work of law enforcement institutions in discovering a criminal offence;

3) competent State institutions have a reason to believe that the foreigner has committed or is planning to commit a serious or extremely serious crime;

4) the foreigner has committed a crime against humanity, an international or war crime or has participated in mass repression if such has been determined by a court judgement;

5) competent foreign authorities have provided information which prohibits the foreigner from entering and residing in the Republic of Latvia;

6) the entry and stay of the foreigner into the Republic of Latvia is not desirable for other reasons on the basis of an opinion delivered by competent State institutions;

7) the foreigner has been convicted of a criminal offence committed in the Republic of Latvia, for which deprivation of liberty for at least one year has been provided.

(2) If a foreigner is an undesirable person for the Republic of Latvia (*persona non grata*), a decision on his or her inclusion in the list shall be taken by the Minister for Foreign Affairs.

(3) If the decision to either refuse the issue of a visa, to annul or revoke a visa, or the foreigner has assisted another foreigner to submit documents for requesting a visa in order to unlawfully receive a visa, the Director of the Consular Department or a diplomatic official of the representation who is authorised to perform consular functions shall take the decision to include the foreigner in the list.

(4) The Head of the Office or his or her authorised person shall take the decision to include a foreigner in the list, if any of the following circumstances exists:

1) as regards the foreigner, the decision to annul or revoke a visa has been taken;

2) the decision to refuse the issue or registration of a residence permit has been taken in accordance with Section 34, Paragraph one, Clause 6, 13, 15, 16 or 19 of this Law or the decision to annul a residence permit has been taken in accordance with Section 35, Paragraph one, Clause 6, 7, 16, 17 or 20, or Section 36, Paragraph one, Clause 3 or 6 of this Law;

3) during the preceding year the foreigner has violated the procedures laid down in the laws and regulations for entry and stay of foreigners in the Republic of Latvia or in another Schengen Agreement country or customs regulations;

4) the foreigner has failed to execute a voluntary return decision within the specified period of time;

5) the foreigner has helped another foreigner to illegally enter the Republic of Latvia, and it has been established by a court judgment or by an injunction of the public prosecutor regarding punishment, or the decision to terminate criminal proceedings by conditionally releasing from criminal liability;

6) the foreigner has served a punishment for a criminal offence committed in the Republic of Latvia.

(5) The Chief of the State Border Guard or his or her authorised official shall take the decision to include the foreigner in the list, if any of the following circumstances exists:

1) as regards the foreigner, the decision to annul or revoke a visa has been taken;

2) during the preceding year the foreigner has illegally crossed external border or otherwise violated the procedures laid down in the laws and regulations for entry and stay of foreigners in the Republic of Latvia or in another Schengen Agreement country or customs regulations;

3) the foreigner has failed to execute a voluntary return decision within the specified period of time;

4) the decision to refuse entry in the territory of the Member States of the European Union has been taken in accordance with the provisions of Regulation No 2016/399 of the European Parliament and of the Council of 9 March 2016 and on the grounds that the foreigner presents a forged travel document, visa or residence permit;

5) the foreigner has been forcefully removed from the Republic of Latvia and expenses related to the removal, detention and keeping under guard have not been reimbursed into the State budget;

6) the foreigner has helped another foreigner to illegally enter or illegally reside in the Republic of Latvia and it has been determined by a court judgment or by an injunction of the public prosecutor regarding punishment, or the decision to terminate criminal proceedings by conditionally releasing from criminal liability;

7) the foreigner has served a punishment for a criminal offence committed in the Republic of Latvia, which is related to illegal crossing of the State border or illegal stay in the State.

(6) A foreigner on whom a decision has been taken in accordance with Paragraph one of this Section has the right, within one month after becoming acquainted with the decision, to appeal the decision to the Department of Administrative Cases of the Supreme Court of the Republic of Latvia. The submission of an application to the court shall not suspend the enforcement of the decision referred to Paragraph one of this Section. The applicant does not have the right to request the court to suspend the operation of such decision.

(7) The decision which has been taken in accordance with Paragraph two of this Section shall not be subject to appeal.

(8) If the decision referred to in Paragraph one of this Section has been taken on the basis of information acquired by national security institutions as a result of intelligence or counter-intelligence operations, it may be appealed to the Office of the Prosecutor General the decision of which is final.

(9) The decision which has been taken in accordance with Section 61, Paragraph three, four or five of this Law may be contested and appealed in accordance with the procedures laid down in the Administrative Procedure Law. This condition shall not apply to decisions taken in accordance with Sections 44 and 46 of this Law. The decision to include in the list a foreigner who is not in the Republic of Latvia shall be issued upon his or her request.

(10) Contesting or appeal of the decisions taken in accordance with Section 61, Paragraph three, four or five of this Law shall not suspend the operation thereof. Sections 50 and 50.<sup>1</sup> of this Law shall determine whether operation of the decisions taken in accordance with Sections 44 and 46 of this Law should or should not be suspended due to contesting or appeal of the decision.

[16 June 2005; 24 November 2005; 26 January 2006; 6 April 2006; 13 December 2007; 20 December 2007; 22 April 2010; 26 May 2011; 5 December 2013; 9 June 2016; 2 February 2017]

### **Section 61.<sup>1</sup>**

(1) Head of a competent State institution shall send the opinion on the existence of the conditions referred to in Section 61, Paragraph one of this Law to the Minister for the Interior for taking a decision.

(2) The decision to include a foreigner in the list in accordance with Section 61, Paragraph one of this Law shall contain the following information:

1) name and address of the institution;

2) addressee (given name, surname or other information, which assists in identifying the person);

3) the date and identifying number of the opinion on the existence of the conditions referred to in Section 61, Paragraph one of this Law;

4) references to the legal norms being applied;

5) the time period for which the foreigner is included in the list;

6) an indication regarding removal if the foreigner is located in the Republic of Latvia;

7) an indication where and in what time period this decision may be appealed.

(3) The decision to include in the list a foreigner who is not located in the Republic of Latvia shall be issued to him or her upon his or her request.

(4) The list shall be maintained and updated in accordance with the procedures determined by the Cabinet.

[16 June 2005; 22 April 2010; 5 December 2013]

### **Section 62.**

[26 January 2006]

### **Section 63.**

(1) When taking the decision to include a foreigner in the list in the cases referred to in Section 61, Paragraphs three, four and five of this Law, an entry ban for a time period from 30 days to three years shall be determined concurrently.

(2) [26 May 2011]

(3) When taking the decision to include a foreigner in the list in the cases referred to in Section 61, Paragraphs one and two of this Law, an entry ban for a specified or unspecified time period shall be determined concurrently.



(4) The time period of the entry ban shall be counted from the day when the foreigner has exited from the Republic of Latvia, but if he or she is outside the Republic of Latvia - from the day of taking of the decision. The time period of the entry ban determined in accordance with Section 44, Paragraph one and Section 46, Paragraph three of this Law shall be counted from the moment when the foreigner has fully executed the voluntary return decision or the removal of a foreigner has taken place.

(5) If an additional sentence - removal from the Republic of Latvia - has been imposed on a foreigner for committing a criminal offence, an official of the State Border Guard shall include the foreigner in the list, specifying the entry ban indicated in the court judgment.

(6) If in accordance with the provisions of the Law on Introduction of Sanctions Specified by International Organisations in the Republic of Latvia or Regulations of the Council of the European Union the travel restrictions shall be applied to a foreigner, an official of the Office shall include him or her in the list.

(7) The institution which took the decision to include a foreigner in the list, determining the period for entry ban which exceeds three years, shall review the decision taken every three years from the day when the relevant decision was taken and, if the necessity to include the foreigner in the list for the relevant period of time no longer exists, the decision to reduce the time period for prohibition or to revoke the entry ban shall be taken.

[22 April 2004; 24 November 2005; 13 December 2007; 20 December 2007; 22 April 2010; 26 May 2011; 5 December 2013; 9 June 2016; 21 June 2018]

#### **Section 64.**

(1) [5 December 2013]

(2) The officials referred to in Section 61, Paragraphs one, two and three of this Law shall, within three working days, inform the Office of the reduction of the term for which a foreigner has been included in the list or of the deletion of the foreigner from the list.

[22 April 2004; 24 November 2005; 20 December 2007; 5 December 2013; 9 June 2016]

#### **Section 65.**

The Office, State Border Guard, representations, the Consular Department and other competent authorities of the Republic of Latvia shall use the information included in the list.

## **Chapter VIII<sup>1</sup>**

### **Examination of the Application on the Decision of the Minister for the Interior to Include a Person in the List in Court**

[26 January 2006]

#### **Section 65.<sup>1</sup>**

(1) The Department of Administrative Cases of the Supreme Court Senate shall examine a case which has been initiated based on the application regarding the decision referred to in Section 61, Paragraph one of this Law within two months from the day the decision to accept the application and to initiate the case has been taken.

(2) Court shall examine the case as the court of first instance. The case shall be examined collegially in the oral procedure.

(3) Upon a decision of the court, the case may be examined in a closed court hearing in order to protect the official secret or other restricted access information which is associated with national security, and also the circumstances of the private life of persons, commercial or professional secret.

(4) If the court needs to examine information containing the official secret in order to objectively ascertain the circumstances, the case shall be prepared and examined by judges who have the special permit for access to official secret. The special permit is also necessary for the court recorder of the court hearing, and also the court interpreter and other court employees if they participate in the preparation or examination of the case.

[6 April 2006; 9 June 2016]

#### **Section 65.<sup>2</sup>**

(1) After the decision to accept the application and to initiate the case has been taken, the court shall determine the place and time of the court hearing and also the persons to be invited and summoned to the court.

(2) The applicant shall be invited to the court hearing if, during the examination of the case, he or she is lawfully residing in the Republic of Latvia.

(3) In respect of the defending party, the court may in addition invite a representative of the institution which submitted the opinion referred to in Section 61.<sup>1</sup>, Paragraph one of this Law.

(4) In examining a case, a court may invite the Office of the Prosecutor General so that it would provide an opinion within the scope of its competence.

(5) If the invited persons have failed to appear, the court may decide to examine the case without the presence of invited persons.

### **Section 65.<sup>3</sup>**

(1) The applicant has the obligation to submit the evidence at his or her disposal, which certify circumstances that are of significance for the trial of the case. The defendant has the obligation to justify the lawfulness of the appealed decision.

(2) If the court needs to examine evidence containing official secret for objective ascertaining of the circumstances of the case, participants in the case, and also, if necessary, other persons who have a special permit for access to official secrets shall participate in the examination of such evidence.

(3) If the representative of the applicant does not have a special permit for access to official secrets, the court shall appoint an advocate practising in Latvia to whom the special permit for access to official secrets has been issued as the representative of the applicant in this part of the proceedings. If the applicant does not approve such representation, the court shall examine the information associated with the official secret without the participation of the applicant and his or her representative.

(4) Minutes shall be taken of the court hearing. In the minutes of the court hearing a note on the time when the court commenced and finished examining evidence containing official secret shall be made, and also the examination of the relevant evidence shall be recorded.

(5) If the evidence containing official secret were examined in a court, the minutes of the court hearing shall be classified as the official secret object. An extract regarding that part of the court hearing in which the court did not examine evidence containing official secret shall be prepared from the minutes.

(6) Evidence containing official secret shall not be attached to the materials of the case.

(7) Information which may reveal the identity of a covert assistant may not be used in a court hearing.

[6 April 2006]

### **Section 65.<sup>4</sup>**

(1) The court judgment shall not reflect the information which is the official secret object, but shall indicate that the court has examined and evaluated such information.

(2) A court ruling is final and cannot be appealed, and shall come into effect at the moment of its taking.

(3) In examining a case and giving a ruling, a court shall not decide on the conformity of the classified information submitted by the official secret subject to the status of official secret object.

[6 April 2006]

### **Section 65.<sup>5</sup>**

In the issues associated with the examination of an application or case that are not governed by this Law, a court shall apply the provisions of the Administrative Procedure Law.

## **Chapter IX Expenses Related to Removal and Sending**

[21 June 2007]

### **Section 66.**

(1) Expenses related to the removal, detention and keeping under guard of a foreigner or transfer to the country which is taking him or her back shall be covered from the State budget.

(2) The expenses referred to in Paragraph one of this Section shall be recovered from the foreigner or his or her inviter or from employer, if employer has illegally employed the foreigner who is illegally staying in the Republic of Latvia.

[26 May 2011]

#### **Section 67.**

The procedures, by which expenses related to the removal, detention and keeping under guard of a foreigner or transfer to the country, which is taking him or her back, shall be determined by the Cabinet.

[26 May 2011]

#### **Section 68.**

(1) If the inviter has not covered the expenses related to the execution of the voluntary return decision or removal of a foreigner, he or she shall lose the right to invite foreigners within the following five years or until covering of the expenses.

(2) The provisions of Paragraph one of this Section shall not apply to the right of a natural person to invite relatives of the first degree and spouse.

## **Chapter IX<sup>1</sup>**

### **Administrative Violations in the Field of Immigration and Competence within the Administrative Violations Proceedings**

*[Chapter shall come into force on 1 July 2020 and shall be included in the wording of the Law as of 1 July 2020.  
See Paragraph 48 of Transitional Provisions]*

#### **Section 68.<sup>1</sup>**

*[Section shall come into force on 1 July 2020 and shall be included in the wording of the Law as of 1 July 2020.  
See Paragraph 48 of Transitional Provisions]*

#### **Section 68.<sup>2</sup>**

*[Section shall come into force on 1 July 2020 and shall be included in the wording of the Law as of 1 July 2020.  
See Paragraph 48 of Transitional Provisions]*

#### **Section 68.<sup>3</sup>**

*[Section shall come into force on 1 July 2020 and shall be included in the wording of the Law as of 1 July 2020.  
See Paragraph 48 of Transitional Provisions]*

#### **Section 68.<sup>4</sup>**

*[Section shall come into force on 1 July 2020 and shall be included in the wording of the Law as of 1 July 2020.  
See Paragraph 48 of Transitional Provisions]*

#### **Section 68.<sup>5</sup>**

*[Section shall come into force on 1 July 2020 and shall be included in the wording of the Law as of 1 July 2020.  
See Paragraph 48 of Transitional Provisions]*

#### **Section 68.<sup>6</sup>**

*[Section shall come into force on 1 July 2020 and shall be included in the wording of the Law as of 1 July 2020.  
See Paragraph 48 of Transitional Provisions]*

#### **Section 68.<sup>7</sup>**

*[Section shall come into force on 1 July 2020 and shall be included in the wording of the Law as of 1 July 2020.  
See Paragraph 48 of Transitional Provisions]*

## **Chapter X**

### **Final Provisions**

## Section 69.

[26 May 2011]

## Section 70.

If the free movement of workers during the transitional period, which is laid down in accordance with the Treaty between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, the Treaty between the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Republic of Bulgaria and Romania, concerning the accession of the Republic of Bulgaria and Romania to the European Union and the free movement of persons protocol of the Agreement between the European Community and the member States thereof and the Swiss Confederation, significantly threatens the Latvian labour market or in relation to Latvia restrictions are determined for the free movement of workers, the Cabinet, taking into account the provisions of the Treaty between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia, the Slovak Republic, concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union, the Treaty between the Kingdom of Belgium, the Czech Republic, the Kingdom of Denmark, the Federal Republic of Germany, the Republic of Estonia, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Grand Duchy of Luxembourg, the Republic of Hungary, the Republic of Malta, the Kingdom of the Netherlands, the Republic of Austria, the Republic of Poland, the Portuguese Republic, the Republic of Slovenia, the Slovak Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Republic of Bulgaria and Romania, concerning the accession of the Republic of Bulgaria and Romania to the European Union, the Agreement on the participation of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic in the European Economic Area and the free movement of persons protocol of the Agreement between the European Community and the member States thereof and the Swiss Confederation shall determine appropriate countermeasures.

[21 June 2007]

## Transitional Provisions

1. Documents for requesting a visa or residence permit that have been submitted until 30 April 2003 shall be examined in accordance with the law On Entry into and Residence in the Republic of Latvia of Foreigners and Stateless Persons.

2. The conditions referred to in Section 1, Clause 7; Section 23, Paragraph one, Clauses 2, 3, 5, 7, 8 and 19, and Section 24, Paragraph one, Clause 4 of this Law shall also be applied to undertakings (companies), branches, divisions or representations registered with the Enterprise Register until registration thereof in the Commercial Register within the term laid down in the Law on the Procedures for the Coming into Force of the Commercial Law.

3. Section 69 of this Law shall come into force on 1 May 2004.

[22 April 2004]

4. With the coming into force of this Law, the law On Entry into and Residence in the Republic of Latvia of Foreigners and Stateless Persons (*Latvijas Republikas Augstākās Padomes un Valdības Ziņotājs*, 1992, No. 27, 28;

*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1997, No. 3; 1998, No. 2, 12, 23; 1999, No 11; 2000, No. 23; 2002, No. 3, 10), is repealed.

5. Section 24, Paragraphs five and six of this Law shall come into force on 1 May 2004.

6. Until the day of the coming into force of the Cabinet regulations referred to in Section 4, Paragraph two, Clause 5 of this Law, but not later than until 1 May 2004, the Cabinet Regulation No. 206 of 22 April 2003, List of Countries whose Citizens (Subjects) do not Need a Visa or Residence Permit to Enter and Stay in the Republic of Latvia, shall be in force insofar as it is not in contradiction to this Law.

[8 July 2003]

7. Voluntary return decisions, decisions to issue a removal order or decisions to include a foreigner in the list, which have been taken on the basis of information provided by competent institutions and of which the foreigner has become informed until 30 April 2005, cannot be appealed, but the foreigner is entitled to request the relevant official to re-examines the decision on the merits. If the circumstances still exist which were the basis for the taking of the decision, the Minister for the Interior shall take a decision in conformity with the provisions of Section 61.<sup>1</sup>, Paragraph two of this Law.

[16 June 2005]

8. Up to the day of the coming into force of the Cabinet regulations provided for in Section 61.<sup>1</sup>, Paragraph four of this Law, but not later than by 1 August 2005, Cabinet Regulation No. 216 of 29 April 2003, Procedures for Utilisation, Maintenance and Updating of a List of Foreigners who are Prohibited to enter the Republic of Latvia, shall be in force.

[16 June 2005]

9. Until the day of coming into force of the Cabinet regulations provided for in Section 24, Paragraph five of this Law, but not later than until 1 July 2005, Cabinet Regulation No. 319 of 20 April 2004, Regulations Regarding Level of Knowledge of the Official Language and the Procedures for the Testing of Knowledge of the Official Language for Foreigners who are Entitled to Request a Permanent Residence Permit, shall be in force.

[16 June 2005]

10. The Cabinet shall issue the regulations referred to in Section 4, Paragraphs nine and ten of this Law by 1 March 2006.

[24 November 2005]

11. Until the day of coming into force of the Cabinet regulations referred to in Section 4, Paragraphs nine and ten of this Law, but not later than until 28 February 2006, the necessary and additional assessment of visas shall be performed for the citizens of those countries, which are laid down in Cabinet Regulation No. 183 of 15 April 2003, Procedures for Approval of Invitations.

[24 November 2005]

12. The Cabinet shall issue the regulations referred to in Section 33, Paragraph two, Section 34, Paragraph one, Clause 5, Section 35, Clause 13, Section 36, Paragraph one, Clause 4 and Section 69 of this Law by 1 March 2006.

[24 November 2005]

13. Until the day of coming into force of the Cabinet regulations referred to in Paragraph 12 of these Transitional Provisions, but not later than until 1 March 2006, Cabinet Regulation No. 213 of 29 April 2003, Regulations regarding Residence Permits, Cabinet Regulation No. 914 of 9 November 2004, Procedures for the Entry into and Residence in the Republic of Latvia of Citizens of European Union Member States and European Economic Area States and their Family Members, and Ministry of Health Order No. 122 of 21 May 2005, On the Health Disturbance and Diseases List, shall be applied insofar as they are not in contradiction with this Law.

[24 November 2005]

14. The Cabinet shall issue the regulations referred to in Section 4, Paragraph eight of this Law by 1 August 2006.

[6 April 2006]

15. Until the day of coming into force of the Cabinet regulations provided for in Section 6 and Section 12, Paragraph one, Clause 3 of this Law, but not later than until 1 April 2008 Cabinet Regulation No. 108 of 13 February 2007, Regulations Regarding the State Fee for Examination of the Necessary Documents for Requesting of Visa, Residence Permit or the Status of a Long-term Resident in the Republic of Latvia and for Services Related Thereto, and Cabinet Regulation No. 691 of 9 December 2003, Regulations for the Health Insurance of Aliens, shall be in force insofar as they are not in contradiction with this Law.

[20 December 2007]

16. A foreigner has the right to request a temporary residence permit in accordance with the procedures laid down in Section 23, Paragraph one, Clauses 28, 29 and 30 of this Law, if the contribution in equity capital of the capital company has been made in a specified amount, immovable property has been purchased in a specified value or financial investments made in a specified amount after 1 July 2010.

[22 April 2010]

17. A foreigner who has received a temporary residence permit until 30 June 2011, on the basis of Section 23, Paragraph one, Clauses 28 and 29 of this Law, shall be allowed to reside in the Republic of Latvia until expiry of the term for the issued temporary residence permit, except when the cadastral value or market value of the immovable property purchased by him or her does not conform to the value laid down in Section 23, Paragraph one, Clause 29, Sub-clause "d" of this Law (wording of 26 May 2011).

[26 May 2011; 8 May 2014]

18. Section 4.<sup>1</sup>, Paragraph four of this Law shall come into force on 1 July 2011.

[26 May 2011]

19. Until the day of coming into force of the Cabinet regulations referred to in Section 2.<sup>1</sup>, Paragraph two and Section 13, Paragraph three of this Law, but not longer than until 1 September 2011 Cabinet Regulation No. 243 of 29 March 2011, Procedures for the Entry into and Residence in the Republic of Latvia of Citizens of the European Union Member States, European Economic Area States and the Swiss Confederation, and their Family Members, and Cabinet Regulation No. 958 of 12 October 2010, Visa Regulations, shall be applied.

[26 May 2011]

20. Until the day of coming into force of the Cabinet regulations referred to in Section 21, Paragraph three and Section 67 of this Law, but not later than until 1 October 2011, Cabinet Regulation No. 504 of 9 September 2003, Procedures by which Expenses Related to the Expulsion, Detention and Keeping under Guard of an Alien shall be Determined and Recovered, shall be applied.

[26 May 2011]

21. Section 50.<sup>2</sup> of this Law shall come into force concurrently with the relevant amendments to the State Ensured Legal Aid Law.

[26 May 2011]

22. Until the day of coming into force of the Cabinet Regulations referred to in Section 9, Paragraph six of this Law, but not later than until 1 February 2014, Cabinet Regulation No. 553 of 21 June 2010, Regulations Regarding Work Permits for Foreigners, shall be applied.

[5 December 2013]

23. Amendments to this Law regarding deletion of Section 16, Paragraph one, Clause 18, Section 34, Paragraph one, Clause 16 and Section 35, Paragraph one, Clause 7 shall come into force on 1 July 2014.

[5 December 2013]

24. Until making of the relevant amendments to other laws and regulations of the Republic of Latvia the term "right to employment" shall conform to the term "work permit".

[5 December 2013]

25. A foreigner who until 31 December 2013 has received a temporary residence permit in accordance with Section 23, Paragraph one, Clause 28 of this Law (in the wording of 26 May 2011) and until 31 December 2014 submits documents for the registration thereof shall prove the conformity with the conditions of Section 23, Paragraph one, Clause 28 of this Law (in the wording of 26 May 2011). Upon submitting documents for the registration of a temporary residence permit, the foreigner shall prove that a capital company pays not less than EUR 40 000 into the State budget and local government budget in total during an economic year.

[5 December 2013]

26. For a foreigner who has the ownership rights to an immovable property that conforms to the requirements of Section 23, Paragraph one, Clause 29 of this Law (the wording of 26 May 2011 or 5 December 2013 accordingly) corroborated in the Land Register until 31 August 2014 and who is requesting the first or repeat temporary residence permit or registers a temporary residence permit, Section 23, Paragraph one, Clause 29 of this Law (the wording of 26

May 2011 or 5 December 2013 accordingly) shall be applied. Upon requesting a temporary residence permit repeatedly, the provisions laid down in Section 23, Paragraph one, Clause 29 of this Law (the wording of 26 May 2011), with an exception of the provisions laid down in Sub-clause "c", shall be applied to a foreigner who has received a temporary residence permit in accordance with Section 23, Paragraph one, Clause 29 of this Law (the wording of 22 April 2010). In the cases referred to in this Paragraph, upon requesting a temporary residence permit repeatedly for the first time, the payment of EUR 5000 into the State budget referred to in Section 23, Paragraph 7.<sup>3</sup> of this Law shall be made as a single payment at the moment of the receipt of the temporary residence permit or as instalments by paying the first instalment in the amount of EUR 1000 at the moment of the receipt of the temporary residence permit and further payments - each in the amount of EUR 1000 - every year upon registering the temporary residence permit.

*[8 May 2014; 9 June 2016; 22 November 2017 / See Paragraph 45 of Transitional Provisions]*

27. For a foreigner who is requesting a repeat temporary residence permit or registers a temporary residence permit that has been issued in accordance with Section 23, Paragraph one, Clause 30 of this Law (the wording of 22 April 2010 or 5 December 2013 accordingly), Section 23, Paragraph one, Clause 30 of this Law (the wording of 22 April 2010 or 5 December 2013 accordingly) shall be applied. In the case referred to in this Paragraph, upon requesting a temporary residence permit repeatedly for the first time, the payment of EUR 5000 into the State budget referred to in Section 23, Paragraph 7.<sup>3</sup> of this Law shall be made as a single payment at the moment of the receipt of the temporary residence permit or as instalments by paying the first instalment in the amount of EUR 1000 at the moment of the receipt of the temporary residence permit and further payments - each in the amount of EUR 1000 - every year upon registering the temporary residence permit.

*[29 May 2014; 9 June 2016; 22 November 2017 / See Paragraph 45 of Transitional Provisions]*

28. Amendment to this Law regarding supplementation of Section 9, Paragraph five with Clause 24 and supplementation of Paragraph one of Section 23 with Clause 31 shall come into force on 1 January 2015.

*[29 May 2014]*

29. A foreigner who has the ownership rights to an immovable property that conforms to the requirements of Section 23, Paragraph one, Clause 29 of this Law (the wording of 26 May 2011 or 5 December 2013 accordingly) corroborated in the Land Register until 31 August 2014 based on this may request the first temporary residence permit not later than until 30 December 2016.

*[9 June 2016]*

30. The provisions of this Law which were in force until 30 June 2016 shall be applicable upon reviewing the documents submitted until 30 June 2016 in accordance with Section 23, Paragraph one, Clause 28 of this Law for the purpose of requesting a temporary residence permit.

*[9 June 2016]*

31. If a foreigner has received a temporary residence permit in accordance with Section 23, Paragraph one, Clause 28, Sub-clause "a" of this Law (the wording of 29 May 2014) and more than three foreigners have invested in the relevant capital company which employs not more than 50 employees and the annual turnover or annual balance of which does not exceed EUR 10 million, and are staying in the Republic of Latvia on the basis of a valid temporary residence permit, in such case the foreigner who has received a temporary residence permit in accordance with Section 23, Paragraph one, Clause 28, Sub-clause "a" of this Law (the wording of 29 May 2014) upon requesting a temporary residence permit repeatedly in relation to investment into the relevant capital company or upon registering a temporary residence permit shall submit documents, attesting that the investment is equivalent to at least EUR 50 000 or EUR 10 000 have been paid into the State budget. In the case referred to in this Paragraph, upon requesting a temporary residence permit repeatedly for the first time, the payment of EUR 5000 into the State budget referred to in Section 23, Paragraph 7.<sup>3</sup> of this Law shall be made as a single payment at the moment of the receipt of the temporary residence permit or as instalments by paying the first instalment in the amount of EUR 1000 at the moment of the receipt of the temporary residence permit and further payments - each in the amount of EUR 1000 - every year upon registering the temporary residence permit.

*[9 June 2016; 22 November 2017 / See Paragraph 45 of Transitional Provisions]*

32. A temporary residence permit of a foreigner which has been issued in accordance with Section 23, Paragraph one, Clause 28, Sub-clause "b" of this Law (the wording of 29 May 2014) and registration documents for which have been submitted until 30 June 2017, shall be registered by applying the provisions of the Law which were in force until 30 June 2016.

*[9 June 2016]*

33. The provisions laid down in Section 23, Paragraph one, Clause 28 of this Law which were in force at the time of requesting the previous temporary residence permit shall be applied to a foreigner who has received the temporary residence permit in accordance with Section 23, Paragraph one, Clause 28 of this Law until 30 June 2016 and to whom

the provisions laid down in Paragraph 31 of these Transitional Provisions do not apply and who requests the temporary residence permit repeatedly. In the case referred to in this Paragraph, upon requesting a temporary residence permit repeatedly for the first time, the payment of EUR 5000 into the State budget referred to in Section 23, Paragraph 7.<sup>3</sup> of this Law shall be made as a single payment at the moment of the receipt of the temporary residence permit or as instalments by paying the first instalment in the amount of EUR 1000 at the moment of the receipt of the temporary residence permit and further payments - each in the amount of EUR 1000 - every year upon registering the temporary residence permit.

*[9 June 2016; 2 February 2017; 22 November 2017 / See Paragraph 45 of Transitional Provisions]*

34. *[2 February 2017]*

35. The amendments to Section 1, Paragraph one, Clause 2.<sup>1</sup> of this Law shall come into force on 1 September 2017.

*[2 February 2017 / The aforementioned amendments shall be included in the wording of the Law on 1 September 2017]*

36. The Cabinet shall issue the regulations referred to in Section 4, Paragraph eleven of this Law by 30 April 2017.

*[2 February 2017]*

37. Section 9, Paragraph seven of this Law shall come into force on 1 May 2017.

*[2 February 2017 / The aforementioned amendments shall be included in the wording of the Law on 1 May 2017]*

38. The Cabinet shall issue the regulations referred to in Section 9, Paragraph seven of this Law by 30 April 2017.

*[2 February 2017]*

39. The Cabinet shall issue the regulations referred to in Section 9, Paragraph eight of this Law by 31 August 2017.

*[2 February 2017]*

40. The requirement on tax payments provided for in Section 23, Paragraph 7.<sup>1</sup> or 7.<sup>2</sup> of this Law, except for the requirement on such tax payments which are to be made into State budget or local government budgets regarding the first incomplete accounting year since the temporary residence permit was issued, shall be applied to a capital company in the equity capital of which an investment has been made by a foreigner who has submitted documents to request a temporary residence permit in accordance with Section 23, Paragraph one, Clause 28 of this Law by 30 June 2016.

*[2 February 2017]*

41. Documents submitted until 30 April 2017 to request a temporary residence permit in accordance with Section 23, Paragraph one, Clause 8 of this Law shall be reviewed in accordance with the provisions laid down in Section 23, Paragraph one, Clause 8 of this Law in the wording of 1 July 2016.

*[2 February 2017]*

42. Documents submitted until the day of coming into force of this Law to request a temporary residence permit in accordance with the wording of Section 23, Paragraph one, Clause 31 of this Law which provided for a payment of EUR 25 000 into the State budget, shall be reviewed in accordance with the provisions laid down in Section 23, Paragraph one, Clause 31 of this Law in the wording of 1 July 2016.

*[2 February 2017]*

43. The amendments to this Law regarding supplementation of Section 23, Paragraph one with Clause 33 and Paragraphs twelve and thirteen, supplementation of Section 34, Paragraph one with Clauses 36, 37 and 38, supplementation of Section 35, Paragraph one with Clauses 31, 32 and 33 shall come into force on 1 May 2017.

*[2 February 2017 / The aforementioned amendments shall be included in the wording of the Law on 1 May 2017]*

44. Amendments to Section 33 of this Law which provide for determining a time period of 30 days for taking a decision in case a permanent residence permit is requested, a time period of 10 working days for taking a decision in case a European Union Blue Card is requested or in case a permanent residence permit is requested if the relevant request has been submitted by a foreigner who is not entitled to stay in the Republic of Latvia during the period of time specified in Section 33, Paragraphs one, 1.<sup>1</sup> and 1.<sup>2</sup> of this Law while documents are reviewed and the residence permit is prepared, shall come into force on 1 May 2017 and the documents which have been submitted until 30 April 2017 to request the European Union Blue Card or permanent residence permit, shall be reviewed in accordance with the provisions laid down in Section 33 of this Law in the wording of 1 July 2016.



[2 February 2017]

45. Amendments to this Law in relation to the new wording of the last sentence of Paragraph 26, the last sentence of Paragraph 31 and the last sentence of Paragraph 33 of Transitional Provisions shall come into force on 1 January 2018. The wording of Paragraphs 26, 27, 31 and 33 of Transitional Provisions effective on 31 December 2017 shall be applied to applications for a temporary residence permit received by the Office by 31 December 2017.

[22 November 2017]

46. The conditions of the second sentence of Section 34, Paragraph one, Clause 27 and the second sentence of Section 35, Paragraph one, Clause 25 of this Law shall be attributed to the applications for requesting or registering a temporary residence permit submitted after 1 January 2019.

[21 June 2018]

47. Upon examining an application for registering a temporary residence permit or a request for a new temporary residence permit to continue a started study programme on the basis of Section 23, Paragraph one, Clause 10.<sup>1</sup> of this Law, the conditions of Section 34, Paragraph one, Clause 39 of this Law shall not be applied to a foreigner who has received a temporary residence permit in accordance with Section 23, Paragraph one, Clause 10 of this Law (effective until the date of the entry into force of Section 23, Paragraph one, Clause 10.<sup>1</sup> of this Law) in the status of a student and who successfully continues studies in a higher education institution or college accredited in the Republic of Latvia.

[21 June 2018]

48. Amendments to this Law regarding the supplementation of Section 2.<sup>1</sup> and supplementation of the Law with Chapter IX<sup>1</sup> shall come into force concurrently with the Law on Administrative Liability.

[6 June 2019 / The abovementioned amendments shall be included in the wording of the Law on 1 July 2020.]

49. Amendments to Section 23, Paragraph one, Clause 33, Sub-clause "b" of this Law shall be applicable to already issued and valid temporary residence permits and those applications for a temporary residence permit which have been submitted until 30 June 2019.

[6 June 2019]

## **Informative Reference to European Union Directives**

[20 December 2007; 26 May 2011; 5 December 2013; 2 February 2017; 21 June 2018]

This Law contains legal norms arising from:

1) Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services;

2) Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the return of third country nationals;

3) Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985;

4) Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification;

5) Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents;

6) Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance);

7) Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to foreigners who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities;

8) [21 June 2018];

9) [21 June 2018];

10) Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on the common standards and procedures in Member States for returning illegally staying third-country nationals;

11) Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment;

12) Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals;

13) Directive 2011/98/EC of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State;

14) Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast);

15) Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers;

16) Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer;

17) Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing.

This Law shall come into force on 1 May 2003.

The Law has been adopted by the *Saeima* on 31 October 2002.

Acting for the President,  
Chairperson of the *Saeima* I. Ūdre

Rīga, 20 November 2002

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<sup>1</sup> The Parliament of the Republic of Latvia

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