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Text consolidated by Tulkošanas un terminoloģijas centrs (Translation and Terminology Centre) with amending regulations of:

15 August 2000 (No. 281);

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

Republic of Latvia

Cabinet

Regulation No. 116

Adopted 28 March 2000

Procedures for the Employment of Aliens and Stateless Persons in Latvia

Issued pursuant to Section 14,
Clause 3 of the Law
On the Structure of the Cabinet

1. These Regulations determine the procedures for permitting the employment in Latvia of aliens and stateless persons (hereinafter - guest workers) who do not have a permanent residence permit, irrespective of the basis of their legal entry and residence (temporary residence permit, special visa).

2. A natural or a legal person is entitled to employ a guest worker on the basis of an employment contract or a work-performance contract or in some other way that gives a right to remuneration, if the guest worker has received a work permit (Annex 1).

3. A person who wishes to employ a guest worker - an employer (commissioning party) - shall have approved an invitation of the employer (commissioning party) (hereinafter - a work invitation) (Annex 2) at a branch of the State Employment Service according to the place of the performance of the intended work or the place of registration of the employer (commissioning party) (hereinafter - local office of the Service) for each guest worker.

4. In order to approve a work invitation, an employer (commissioning party) shall submit to a local office of the Service the following documents:

4.1. a submission in which the necessity to employ a guest worker is substantiated;

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4.2. a work invitation (one original) for each guest worker who wishes to work in Latvia;

4.3. a notarised copy of a legalised document certifying the profession, speciality and qualifications of the guest worker;

4.4. a copy of an employment contract or a copy of a harmonised draft of a work-performance contract;

4.5. a copy of the certificate of registration, articles of association or by-laws of the employer (commissioning party) or other document certifying its legal status;

4.6. a certificate issued by the State Revenue Service to the effect that the employer (commissioning party) does not have such tax payment debts as are administered by the State Revenue Service; and

4.7. a notarised copy of a permit (licence), if the employer (commissioning party) employs the guest worker in such work as requires a permit (licence) for its performance.

5. If it is intended that a guest worker will work in Latvia in accordance with a work-performance contract, a commissioning party shall submit a copy of the draft work-performance contract, and a copy of the certificate of registration, articles of association or by-laws of the commissioning party or other document certifying its legal status to the director of the State Employment Service in order that the number of the persons employed, positions, professions, and the location of and term for performance of the work set out in the draft work-performance contract be harmonised, prior to the approval of the work invitation.

6. The director of the State Employment Service shall examine the documents referred to in Paragraph 5 of these Regulations and take a decision regarding harmonisation of the work-performance contract or refusal to harmonise the work-performance contract within five working days from the day of submission.

7. If the State Employment Service can recommend an unemployed person, who has been registered with a local office of the Service and who has the relevant qualifications, to a commissioning party as a candidate for the performance of the relevant work, and if the place of employment specified by the commissioning party in accordance with Section 11 of the Law On Employment is considered to be accessible to the unemployed person, the director of the State Employment Service shall refuse to harmonise the work-performance contract.

8. Within 10 working days from the day of submission, a local office of the Service shall examine the documents referred to in Paragraph 4 of these Regulations and:

8.1. shall approve the work invitation, make an entry on it regarding the payment to be made for the issue of a work permit or regarding exemption from a fee. The approved work invitation shall be forwarded to an employer (commissioning party), attaching a copy of the receipt for the fee prescribed for the issue of a work permit (if the employer (commissioning party) in accordance with Paragraph 13 of these Regulations has not been exempted from a fee for the issue of a work permit); or

8.2. shall not approve a work invitation and shall notify in writing an employer (commissioning party) thereof, setting out the reasons for not approving the invitation, if:

8.2.1. the employer (commissioning party) has rejected more than two applicants of relevant qualifications for the relevant vacancy directed by the local office of the Service; or

8.2.2. the work invitation regarding the work of a guest worker has been simultaneously drawn up with several employers (commissioning parties) and the working time provided for exceeds normal working hours.

9. A local office of the Service shall approve a work invitation only if the following conditions are observed:

9.1. the guest worker is applying for employment or a position which corresponds to his or her professional education and qualifications and this is certified by the documents referred to in Subparagraph 4.3 of these Regulations;

9.2. the employer (commissioning party) has registered the vacant work position or opening for a specialist with the local office of the Service and it is vacant for more than a month after registration (prior to the submission of all of the documents referred to in Paragraph 4 of these Regulations); and

9.3. no unemployed person whose qualifications correspond to the speciality of the vacant position for which the guest worker is applying is registered with the local office of the Service.

10. The conditions referred to in Subparagraphs 4.6., 9.2. and 9.3. of these Regulations do not apply to guest workers applying for the following vacancies:

10.1. the teaching staff of State and local government educational institutions;

10.2. scientists of scientific institutions financed by the State budget;

10.3. heads of State and local government cultural institutions, composers, musicians, singers, choreographers, dancers, directors and actors of cinema, theatre and other artistic institutions, and clowns, conjurers and acrobats;

10.4. consultants (experts) in accordance with Paragraph 23 of these Regulations;

10.5. trainers of Latvian national teams;

10.6. members of the council or board of directors of undertakings (companies), managing directors, as well as persons who perform the operational management of undertakings (companies);

10.7. members of management bodies of public organisations; and

10.8. teachers of the private educational institution "Latvijas Starptautiskā skola".

[15 August 2000; 7 August 2001]

11. A local office of the Service shall prescribe a fee for the issue of a work permit to an employer (commissioning party) which shall be calculated, in accordance with the procedures prescribed by the Minister for Welfare, by applying the following formula:

Breġ.

$M = A_{min.} \times \dots \times T_M$, where

Bvid.

M - the fee for the issue of the work permit (in lati);
Amin. - the minimum monthly wage (salary) (in lati) prescribed by the State;
Breġ. - the registered unemployment level (%) in the relevant territory (city, district, parish) in which it is intended to employ the guest worker, in accordance with the Central Statistics Bureau official data of the previous month which are available on the day when payment for the issue of the work permit is calculated;
Bvid. - the average registered unemployment level (%) in the State in accordance with the Central Statistics Bureau official data of the previous month which are available on the day when payment for the issue of the work permit is calculated; and
TM - the intended term of employment (in months) in the contract of employment (work-performance contract).

12. A fee for the issue of a work permit for the employment of one guest worker may not be less than the minimum monthly wage (salary) prescribed by the State nor more than twenty times the minimum monthly wage (salary) prescribed by the State.

13. The following shall be exempted from payment of a fee for the issue of a work permit:

13.1. State and local government educational institutions - for the issue of a work permit to teaching staff;

13.2. scientific institutions financed by the State budget - for the issue of a work permit to scientists;

13.3. State and local government cultural institutions - for the issue of a work permit to heads of cultural institutions, composers, musicians, singers, choreographers, dancers, directors and actors of cinema, theatre and other art institutions, clowns, conjurers and acrobats;

13.4. the employers (commissioning parties) that employ the persons referred to in Paragraph 23 of these Regulations;

13.5. the employers who employ:

13.5.1. trainers of Latvian national teams;

13.5.2. members of the council or board of directors of undertakings (companies), managing directors, as well as persons who perform the operational management of undertakings (companies); and

13.5.3. members of management bodies of public organisations; and

13.6. the private educational institution "Latvijas Starptautiskā skola" in respect of the issuing of work permits for teachers.

[15 August 2000; 7 August 2001]

14. Upon receipt from the Department of Citizenship and Migration Affairs of information concerning the fact that a decision on the issue of a residence permit or a visa has been approved, an employer (commissioning party) shall pay a fee for the issue of a work permit to the employment special budget the funds of which are to be utilised in accordance with the Law On Compulsory Social Insurance against Unemployment.

15. An approved work invitation and a copy of a payment document which certifies that a relevant payment has been made (if the employer (commissioning party) in accordance with Paragraph 13 of these Regulations has not been exempted from a fee for the issue of a work permit) shall be submitted to the Department of Citizenship and Migration Affairs which, concurrently with issue of a residence permit or a visa, shall issue a work permit to guest workers.

16. A work permit shall set out the given name and surname, speciality or profession of a guest worker, the state from which the guest worker comes, the name, registration number and legal address of an employer (commissioning party), the location of performance of the work (address), the commencement and termination dates of the term for performance of the work.

17. A relevant official of the Department of Citizenship and Migration Affairs shall sign a work permit and certify it with the institutional seal.

18. A guest worker shall keep a work permit until the end of the term specified in the work permit and present it at the request of supervision and control institutions.

19. If the employment of a guest worker is terminated prior to the expiry of the term provided for in a contract, an employer (commissioning party) shall notify the Department of Citizenship and Migration Affairs thereof within the period of three working days.

20. If the term of a work permit expires, a work permit shall be issued anew in accordance with general procedures, with approval of a new work invitation. If an employer (commissioning party) wishes to continue employment relations with the same guest worker, the employer (commissioning party) shall submit an application to a local office of the Service containing the grounds for the necessity to re-employ the same guest worker and the documents referred to in Subparagraph 4.4. of these Regulations, as well as other documents referred to in Paragraph 4 of these Regulations, if the information provided in the previously submitted documents has changed.

21. Each month, by the fifth of the month, the Department of Citizenship and Migration Affairs shall forward to the relevant local office of the Service:

21.1. copies of work permits issued to guest workers (for the previous month);

21.2. a list of those guest workers who have been refused a residence permit or a visa or regarding whom a residence permit or a visa has been cancelled in connection with their employment relations having been terminated; and

21.3. copies of receipts for fees paid for the issue of work permits (if the employer (commissioning party) in accordance with Paragraph 13 of these Regulations has not been exempted from a fee for the issue of a work permit).

22. A local institution of the Service shall register work permits issued to guest workers in the Register of Guest Workers, setting out therein the name, registration number and legal address of an employer (commissioning party), the given name and surname of a guest worker, the speciality or profession in which the guest worker will be employed, the commencement and termination dates of the term for performance of the work, the location of performance of the work and the state from which the guest worker comes.

23. With respect to a guest worker who resides in Latvia, in order to provide assistance to State and local government authorities and to implement such international agreements and projects as Latvia is a participating state, and whom the aforementioned authorities intend to employ as a consultant (expert), a local office of the Service shall:

23.1. approve a work invitation for the time period provided for by a draft contract if the relevant body submits to the local office of the Service certification that the guest worker has entered Latvia to provide the assistance referred to in this Paragraph and a copy of a draft contract; and

23.2. forward to an employer (a commissioning party) an approved work invitation, which is to be submitted to the Department of Citizenship and Migration Affairs for the receipt of a residence permit or a visa and a work permit.

24. The Department of Citizenship and Migration Affairs shall issue a work permit free of charge to an alien or a stateless person who has entered Latvia to reside with his or her spouse, who is a citizen or a non-citizen of Latvia, or an alien or a stateless person who has received a permanent residence permit and wishes to work, (irrespective of the profession and education of such alien or stateless person and the vacancies registered with a local office of the Service), in accordance with the term referred to in the residence permit.

25. In a case referred to in Paragraph 24 of these Regulations, an alien or a stateless person has the right to be employed by any employer in Latvia and the work permit shall set out only such term of a work permit as corresponds to the term of their residence permit.

26. The actual contractual employment or contractual work-performance relations of a guest worker with an employer (commissioning party), may not be a basis for the approval of a work invitation and the issue of a work permit.

27. The 17 February 1998 Cabinet Regulation No. 54, Procedures for the Employment of Aliens and Stateless Persons in the Republic of Latvia (*Latvijas Vēstnesis*, 1998, No. 44/45) is repealed.

28. These Regulations shall come into force on 1 April 2000.

Prime Minister

A. Šķēle

Minister for Welfare

R.Jurdžs

Work Permit

Date _____

No. _____

(place of issue)

Issued to _____

(state from which the alien or stateless person comes)

citizen/resident/stateless person (underline the necessary) _____

(given name, surname)

(personal identity number or date of birth and number of visa)

for employment in Latvia (underline the necessary):

- on the basis of an employment contract
- on the basis of a work-performance contract
- other reason _____

(please specify)

(name, registration number, legal address of employer (commissioning party), if the employer (commissioning party) is a legal person)

(name, surname, personal identity number, address of employer, if the employer is a natural person)

Work permit is valid for work at

(location of performance of work (address))

(specify profession/speciality)

for a period from _____ to _____

(date)

(date)

Official of the Department of Citizenship and
Migration Affairs _____

(position)

(signature and name)

Seal

Minister for Welfare

R. Jurdžs

Invitation of an Employer (Commissioning Party)

(name of employer (commissioning party), if the employer (commissioning party) is a legal person; given name, surname of employer, if the employer is a natural person)

(registration number of employer (commissioning party), if the employer (commissioning party) is a legal person; personal identity number of employer, if the employer is a natural person)

(legal address of employer (commissioning party), if the employer (commissioning party) is a legal person; address of employer, if the employer is a natural person, telephone number)

invites the following to enter Latvia

(given name, surname)

(place, date of birth)

(residential address)

(citizenship)

(profession or speciality)

Purpose and basis for entry (underline the necessary):

- an employment contract
- a work-performance contract
- other reason

(please specify)

(location of performance of work)

(term of performance of work)

Employer (commissioning party) _____
(signature and name)

Seal _____
(date)

Minister for Welfare

R. Jurdžs