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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*¹ has adopted
and the President has proclaimed the following Law:

Immigration Law

Chapter I General Provisions

Section 1.

The following terms are used in this Law:

- 1) **third-country national** – a person who is not a Latvian citizen or a non-citizen of Latvia;
- 2) **travel document** – a personal identification document which, in accordance with international agreements binding upon the Republic of Latvia, this Law and other regulatory enactments, grants the right to its holder to cross the State border of the Republic of Latvia;
- 3) **invitation** – a document in which an inviter undertakes the obligations specified in this Law in relation to the third-country national whom he or she has invited to reside in the Republic of Latvia (with a visa);
- 4) **return decision** – an administrative act in which a third-country national is ordered to leave the Republic of Latvia;
- 5) **sponsorship** – a document, in which the inviter undertakes the obligations specified in this Law in relation to the third-country national whom he or she has invited to reside in the Republic of Latvia (with a residence permit);
- 6) **country of residence** – the country of citizenship of a third-country national, the third-country national's previous country of permanent place of residence, or a country which has issued a residence permit to a third-country national ;
- 7) **carrier** – a merchant whose commercial activities are related to the carriage of persons by sea, air or road transport;
- 8) **norms of international law** – international agreements, international customary law and general principles of international law binding on the Republic of Latvia;

¹ The Parliament of the Republic of Latvia

9) **inviter** – a natural or legal person who invites a third-country national and assumes liability for his or her exit from the State at a specified time, as well as, if necessary, ensures the covering of expenses related to health care, residence in the Republic of Latvia and return to the third-country national's country of residence;

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

11) **visa** – a specific standard sticker in a travel document. It shall certify that a person has requested a permit to enter and reside in the Republic of Latvia or cross its territory in transit, and that the institution which has issued the visa in accordance with its competence does not see any obstacle to the fact that the person in the period of time indicated in the visa and the number of times indicated thereon enters and resides in the Republic of Latvia. The visa of itself does not give the right to enter the Republic of Latvia.

Section 2.

The purpose of this Law is to determine the procedures for the entry, residence, transit, exit and detention of third-country nationals, as well as the procedures by which third-country nationals 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 3.

(1) The entry and residence of third-country nationals in the Republic of Latvia shall be documented and controlled by the Office of Citizenship and Migration Affairs (hereinafter – Office), State Border Guard, diplomatic and consular missions of the Republic of Latvia (hereinafter – missions) and the Consular Department of the Ministry of Foreign Affairs (hereinafter – Consular Department) in accordance with their competence.

(2) Officials of the Office and State Border Guard authorised by the Minister for the Interior shall have the right to draw up an administrative violation report regarding violations of the procedures for the entry and residence of third-country nationals.

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

Section 4.

(1) A third-country national shall be 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 third-country national who utilises the documents as a travel document. In order to request a residence permit, it is necessary for each third-country national to have his or her own travel document,

d) its the term of validity exceeds the period of time of the planned residence in the Republic of Latvia by at least three months,

e) it does not contain any non-annotated corrections by the issuer of the document, mechanical corrections 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, and

f) it contains spaces for visas or necessary official annotations regarding the crossing of the State border. This condition shall not be in effect if in international agreements, which are binding on the Republic of Latvia, it is specified that there need not be such visas or annotations;

2) has a valid visa, residence permit or a European Community long-term resident residence permit in the Republic of Latvia;

3) has a valid health insurance policy, which guarantees the covering of expenses related to health care in the Republic of Latvia, including the conveying of the third-country national back to the country of residence in the case of his or her serious illness or death. The Cabinet shall determine the cases when a third-country national may enter and reside in the Republic of Latvia without a health insurance policy;

4) does not have any other obstacles prescribed by the law or other regulatory enactments for entry into the Republic of Latvia; and

5) has the necessary financial means in order to reside in the Republic of Latvia and return to the country of residence or to depart to a third country to 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.

(2) Paragraph one, Clause 2 of this section shall not apply to a third-country national who:

1) enters and resides according to the procedures prescribed by international treaties binding on the Republic of Latvia regarding the abrogation of the requirement for a visa;

2) uses a United Nations passport 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) is a cruise ship passenger if the cruise ship stays in port for less than 72 hours and the third-country national is not a citizen of a state referred to in Paragraph ten of this Section or a third-country national who has had stateless person or refugee status granted in a foreign state; and

7) is a crew member of an international route sea transport or aircraft, which enters and stays in the Republic of Latvia in accordance with the entry and residence regulations provided for in international agreements binding upon the Republic of Latvia.

(3) A third-country national who, pursuant to the provisions of this Law, has been included in the List of those third-country nationals for whom entry into the Republic of Latvia is prohibited, shall not be entitled to enter and reside in the Republic of Latvia.

(4) The procedures by which the travel documents of third-country nationals 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 utilised.

(6) The procedures for third-country nationals' health insurance, as well as the procedures by which a third-country national receives health care services in the Republic of Latvia shall be determined by the Cabinet.

(7) [21 June 2007]

(8) In issuing a visa or a residence permit to a third-country national who is citizen of a state included in the list referred to in Paragraph nine of this Section, or a third-country national who has had stateless person or refugee status granted in a foreign state, an official shall examine accessible information in respect of whether the entry of the third-country national

will not cause a threat to national security or public order and safety (hereinafter – additional examination). The Cabinet shall determine the procedures in respect of additional examinations.

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

(10) The Cabinet shall determine the list of states for the citizens of which a visa is necessary in order to enter the Republic of Latvia in the status of cruise passenger if the cruise ship stays in port for less than 72 hours.

[8 July 2003; 22 April 2004; 24 November 2005; 6 April 2006; 21 June 2007]

Section 5.

(1) A third-country national has the right to reside in the Republic of Latvia for more than 90 days within a period of half a year from the date of the first entry, if he or she has received a visa on the basis of Section 11, Paragraph two of this Law or a residence permit.

(2) If a third-country national has resided in the Republic of Latvia with a temporary residence permit, after the expiry of the time period of this permit, he or she shall not be entitled to receive a visa or to continue to reside in the Republic of Latvia without exiting from 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 interests of the Latvian state or is associated with *force majeure* or humanitarian considerations.

(3) A third-country national has a duty, at the request of competent State authorities, to prove by documentary evidence that he or she is lawfully residing in the Republic of Latvia.

(4) A third-country national who is not a European Union citizen and who has been recognised as a victim of trafficking of 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 terminated or a decision has come into effect regarding the issuance of temporary residence permit.

[24 November 2005; 25 January 2007]

Section 6.

A third-country national shall pay a State fee for the examination of the documents necessary for a request for a visa or residence permit and the services related thereto in accordance with the procedures and in the amount specified by the Cabinet.

Section 7.

The Cabinet shall determine the procedures for the entry and residence of those minor third-country nationals, 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 third-country national 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 third-country national who wishes to establish employment legal relations by entering into an employment agreement or be employed on the basis of another civil legal contract (including as a member of a commercial company's administration or executive body) or be a self-employed person shall need a work permit

(2) A work permit is not necessary if a third-country national:

1) has received a permanent residence permit;
2) has received a temporary residence permit in accordance with Section 23, Paragraph one, Clause 19 of this Law and for the work performed does not receive remuneration;

3) has arrived in the Republic of Latvia for a performance on tour (concert on tour) as a performer (musician, singer, dancer, actor, circus performer and others), an author (composer, choreographer, director, scenographer and others), administrative or technical worker to ensure the performance (concert) and the intended length of stay does not exceed 14 days;

4) arrives in the Republic of Latvia on the basis of an invitation from an educational institution or scientific institution, or individual scientist in relation to scientific research or participation in the implementation of an educational programme and the intended length of stay in the Republic of Latvia does not exceed 14 days; and

5) [22 April 2004]

6) has received a European Community long-term resident residence permit in the Republic of Latvia.

(3) The procedures for the requesting and issue of work permits shall be determined by the Cabinet.

(3) In respect of the examination of the necessary documents for a request for a work permit, a third-country national shall pay a State fee in the amount and according to the procedures determined by the Cabinet.

[8 July 2003; 22 April 2004; 24 November 2005; 6 April 2006]

Chapter II Visas

Section 10.

(1) Having regard to the purpose of entry, the following may be issued to a third-country national:

1) entry visa – in order to enter, reside for the period of time specified in the visa in the Republic of Latvia and exit from it;

2) transit visa – in order to enter, cross the territory of the Republic of Latvia in transit during the period of time specified in the visa and exit from it;

3) airport transit visa – in order without crossing the State border in the time period specified in the visa to cross the transit zone of an international airport within the territory of the Republic of Latvia during the landing of an international aircraft flight or during the period of time when connection from one international aircraft flight to another international aircraft flight is taking place.

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

Section 11.

- (1) The period of stay specified in a visa shall not exceed 90 days within a period of half a year from the date of first entry.
- (2) The period of stay in the Republic of Latvia provided for in a visa may exceed 90 days within a period of half a year from the date of first entry, if it complies with the norms of international law, the interests of the State, or if it is related to *force majeure* or reasons of a humanitarian nature.

Section 12.

(1) A third-country national, in accordance with the procedures prescribed by 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 and return to the country of residence or exit to a third country; and
- 3) he or she has an invitation or he or she, in accordance with procedures specified by the Cabinet, submits other documents substantiating the purpose of entry and residence.

(2) An invitation for the requesting of a visa shall not be necessary if:

- 1) it complies with the norms of international law;
- 2) it complies with the interests of the State;
- 3) it is related to reasons of a humanitarian nature;
- 4) it is related to *force majeure*;
- 5) the requester of a visa is a Latvian or Liiv, or a person at least one of the parents of whom is a Latvian citizen;
- 6) if it is necessary for the requester of a visa to manage immovable property belonging to him or her or to accept an inheritance which is located in the Republic of Latvia;
- 7) the requester of a visa must participate in judicial or investigatory procedures in the Republic of Latvia;
- 8) the requester of a visa ensures international passenger or cargo traffic;
- 9) there is reason to believe that from the personal financial resources of the requester of a visa without delay and to the full amount the expenses related to his or her residence in the Republic of Latvia and exit thereof, as well as, if necessary, to his or her health care and conveyance back to the country of residence in the case of his or her serious illness, death or return will be covered;
- 10) the third-country national has requested a transit visa or airport transit visa and he or she has a visa or residence permit of the state to which he or she is preparing to travel (if such is necessary); or
- 11) the person requesting a visa is a foreign journalist.

(3) A third-country national may submit the documents necessary for a request for a visa specified by the Cabinet in the Latvian, English, French, Russian or German languages.

[24 November 2005]

Section 13.

- (1) An invitation shall be approved by the Office in accordance with procedures prescribed by the Cabinet.
- (2) Visas, in conformity with competence, shall be issued by the officials of the Office, the State Border Guard, missions or the Consular Department.
- (3) Visas may be issued at the border control points specified by the Cabinet:

- 1) to foreign seafarers who, in conformity with the norms of international law, cross the State border of the Republic of Latvia and reside in the Republic of Latvia; and
 - 2) with individual permission each time by the head of the Office, Chief of the State Border Guard, Director of Consular Department or the officials authorised by them – in cases when it complies with the norms of international law, the State interests of Latvia or is related to *force majeure* or the reasons of a humanitarian nature.
- (4) The Cabinet shall determine the procedures for the issue, registration, cancellation and revocation of visas, as well as the period of validity of visas.

Section 14.

Officials of the authorities referred to in Section 13, Paragraph two of this Law have the right to interview a third-country national and his or her inviter and request explanations and additional documents justifying the purpose of entry and residence, and the veracity of information provided by the third-country national, as well as to investigate the information provided by the third-country national or his or her inviter in order to take a decision regarding the issue of a visa.

Section 15.

A decision on the issuance of a visa shall be taken within seven working days after the submission of all the documents specified by the Cabinet. If additional information is necessary for the issue of a visa, the decision shall be taken within a period of 30 days.

Section 16.

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

- 1) a third-country national has not submitted all the documents necessary for the request for a visa specified by the Cabinet or refuses to provide the required explanations related to the request for a visa and planned residence in the Republic of Latvia;
- 2) a third-country national has provided false information;
- 3) the actual purpose of entry of a third-country national does not conform to the purpose specified in the documents;
- 4) the information provided by a third-country national does not show evidence of an enduring connection with his or her country of residence and there is reason to believe that the third-country national presents a risk of illegal immigration;
- 5) a third-country national is unable to prove that he or she has the necessary financial resources to reside in the Republic of Latvia and after that to exit to another country in which he or she has the right to enter;
- 6) a third-country national is included in the List of those third-country nationals for whom entry into the Republic of Latvia is prohibited;
- 7) the inviter in writing cancels the invitation;
- 8) a third-country national has submitted documents for a request for a residence permit or the inviter has drawn up a sponsorship, but the Office has not taken a decision on the issuance of a residence permit or a refusal to issue it yet, except in the case where the inviter withdraws in writing the sponsorship;
- 9) a third-country national 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 a sentence is provided for by the laws of the Republic of Latvia – deprivation of liberty for a time period which is not less than one year. This condition shall not apply if the conviction

has been extinguished or set aside in accordance with procedures prescribed by 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) a third-country national is unable to prove that he or she is legally residing in the country in which he or she is present during the request for a visa;

11) a third-country national or other person using threats or promises has tried to influence an official's decision regarding the issue of a visa;

12) a third-country national 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 third-country national has not received such a permit. This condition shall not apply if, in accordance with regulatory enactments, it is possible to receive such a permit only by residing in the Republic of Latvia;

13) the period of stay prescribed in accordance with Section 5, Paragraphs one or two of this Law has expired;

14) it has been determined that the inviter is absent without information as to his or her whereabouts, has lost the capacity to act or has died; or

15) competent authorities have supplied information which constitutes grounds for prohibiting a third-country national to enter and reside in the Republic of Latvia.

(2) The issued visa shall be cancelled if the provisions referred to in Paragraph one of this Section had existed at the time of the issue of a visa or if technical errors or inaccuracies have been disclosed after issue of visa or permitted in the issue of a visa.

(3) A 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 a visa or a third-country national has been issued a residence permit or other visa.

(4) The head of the Office, Chief of the State Border Guard, Director of the Consular Department or their authorised officials may take a decision to issue a visa to a third-country national 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 a humanitarian nature.

[22 April 2004; 24 November 2005]

Section 17.

(1) A decision regarding the issue of a visa, refusal to issue a visa, cancellation or revocation of a visa shall be taken by the officials of the authorities referred to in Section 13, Paragraph two of this Law.

(2) The officials who have refused to issue a visa, cancelled or revoked a visa, shall not be obliged to state the grounds of such decision.

(3) A decision regarding the refusal to issue a visa, a decision regarding the cancellation or revocation of a visa shall not be subject to dispute or appeal.

Chapter III

Refusal to a third-country national to Enter the Republic of Latvia

Section 18.

(1) The officials of the State Border Guard shall take a decision regarding refusing a third-country national entry into the Republic of Latvia, if:

1) the third-country national does not have a valid travel document;

- 2) the third-country national presents a forged travel document, or a travel document of another person;
 - 3) the third-country national does not have a valid visa if such is necessary;
 - 4) the third-country national presents a forged visa, or a visa or residence permit issued to another person;
 - 5) the third-country national is unable to present the relevant documents, which justify his or her entry and residence;
 - 6) the third-country national is unable to prove that he or she has the necessary financial resources to reside in the Republic of Latvia and after that to exit to another country to which he or she has the right to enter;
 - 7) a third-country national is included in the List of those persons for whom entry into the Republic of Latvia is prohibited; or
 - 8) the third-country national shall cause a threat to national security or public order and safety or the entry of the third-country national shall cause a threat to international relations.
- (2) The Cabinet shall approve the sample of the form for the decision to refuse entry into the Republic of Latvia to a third-country national and shall determine the procedures for the completion of the form.
- (3) The officials of the State Border Guard, which are entitled to take a decision regarding the refusal for a third-country national to enter the Republic of Latvia, shall be appointed by the Chief of the State Border.
- (4) The Chief of the State Border Guard or his or her authorised official may permit the entry into the Republic of Latvia of a third-country national whose travel document does not conform to the conditions referred to in Section 4, Paragraph one, Clause 1 of this Law if it conforms to the norms of international law, the interests of the Latvian state or it is associated with *force majeure* or humanitarian considerations.

[8 July 2003; 22 April 2004; 24 November 2005]

Section 19. [24 November 2005]

[22 April 2004; 24 November 2005]

Section 20.

- (1) A third-country national has the right to dispute in the mission the decision regarding the refusal to enter the Republic of Latvia within 30 days after the taking of the decision.
- (2) The submission referred to in Paragraph one of this Section shall be examined by the head of State Border Guard or an official authorised by him or her, and the decision taken by such persons shall not be subject to appeal.

Section 21.

- (1) A carrier shall ascertain that the third-country national he or she is carrying has the necessary documents for entry into the Republic of Latvia.
- (2) At the request of an official of the State Border Guard a carrier who has delivered a third-country national to the State border of the Republic of Latvia or into the Republic of Latvia shall deliver the third-country national 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 third-country national is guaranteed if:
- 1) a decision has been taken to refuse entry to a third-country national into the Republic of Latvia;

2) the next carrier who must deliver a third-country national 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) a third-country national who crosses in transit the territory of the Republic of Latvia, the country of destination or the next country, refuses entry and sends him or her back to the Republic of Latvia.

(3) Expenses related to the detaining, holding under temporary custody and return of a third-country national shall be covered by the carrier. The Cabinet shall determine the procedures for determining and recovering of expenses.

[24 November 2005]

Chapter IV Residence Permits

Section 22.

(1) The following may be issued to a third-country national:

1) a temporary residence permit; or

2) a permanent residence permit;

(2) A temporary residence permit, the period of validity of which exceeds one year, shall be registered annually. 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 cancelled by the Office in accordance with procedures specified by the Cabinet.

(4) A third-country national may submit the documents specified by the Cabinet for a request for a residence permit in the Latvian, English, French, Russian and German languages.

[24 November 2005]

Section 23.

(1) A third-country national has the right to request a temporary residence permit in accordance with the procedures prescribed by this Law:

1) once in a calendar year for a period of time 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 third-country national who has received a permanent residence permit, up to the third degree in direct ascent or third degree in a collateral line, or also affinity to the third degree;

2) for a period of time which does not exceed five years, if he or she is an individual merchant registered in the commercial register or the sole founder of a commercial company;

3) for the time period of authorisation, but not longer than five years, if he or she is person who is registered in the commercial register as a member of a partnership who has the right to represent the partnership, a member of the board of directors, a member of the council, proctor; administrator, liquidator or a person who is authorised to represent the activities of a merchant (foreign merchant), which are associated with a branch;

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

5) *[24 November 2005]*

- 6) for a period of employment, but not longer than five years;
 - 7) [6 April 2006]
 - 8) for a period of time which does not exceed four years if the third-country national is a representative of a representation of a foreign merchant;
 - 9) for a period of time provided for by the plan of scientific co-operation, but not longer than four years;
 - 10) for the time period of studies of pupils of educational establishments accredited in the Republic of Latvia or full-time students, but not longer than for one year;
 - 11) for a period of time indicated in the contract of medical treatment;
 - 12) for a period of time referred to in Sections 25, 26, 30 and 31 of this Law;
 - 13) for a period of time for which, in accordance with procedures prescribed by the Asylum Law he or she is granted alternative status;
 - 14) for a period of time which is necessary for the implementation of such international agreements or projects in which the Republic of Latvia is participating;
 - 15) for a period of time 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 a period of time which is necessary for the performance of religious activities, but not longer than a year;
 - 17) for a period of time for which guardianship or trusteeship is established over him or her;
 - 18) for a period of time which does not exceed three years if the third-country national has joined a cloister registered in accordance with procedures prescribed by regulatory enactments;
 - 19) for a period of time which does not exceed one year if residence in the Republic of Latvia is related to pupil or student exchange, practice or apprenticeship in one of the educational establishments of the Republic of Latvia or in a commercial company registered in the commercial register or performance of another task;
 - 20) for a period of time up to the coming into effect of a court judgment regarding divorce and the specification of the children's place of domicile, but not longer than one year if the marriage is dissolved and the in the marriage are children who are Latvian citizens or Latvian non-citizens;
 - 21) for a period of time, which does not exceed one year if it is necessary for pre-trial investigation institutions or a court that the third-country national reside in the Republic of Latvia until a criminal matter investigation has been finished or adjudicated in a court;
 - 22) for a period of time, which does not exceed five years if he or she exiting to another state has lost European Community long-term resident status in the Republic of Latvia and requests a residence permit not later than three years after exiting; and
 - 23) for a period of time, which does not exceed five years if he or she has a valid European Community long-term resident residence permit issued by another Member State of the European Union and there are no grounds to request a temporary residence permit in accordance with the one of the other provisions of this Paragraph.
- (2) The Cabinet, in accordance with the economic and internal security interests of the Republic of Latvia, shall be entitled to determine restrictions for commercial activities for third-country nationals.
- (3) In cases not provided for in this Law a temporary residence permit shall be issued by the Minister for Interior, if it complies with the norms of international law, the interests of the State, or is related to reasons of a humanitarian nature.
- (4) In the cases referred to in Paragraph one, Clauses 1, 2, 3, 4, 6, 7, 8, 9, 10, 13, 14, 15, 16, 19 and 20 of this Section and Sections 30 and 31 of this Law, the spouse of a third-country national, minor children (also those under guardianship) and persons under trusteeship have

the right to request a temporary residence permit for the duration of the temporary residence permit issued to the third-country national.

(5) After the expiration of the time period referred to in Paragraph one, Clauses 2, 3, 4, 6, 7, 8, 9, 10, 15, 16, 18, 19, 20 and 21 of this Section, a third-country national may again request a residence permit if the basis for requesting a residence permit referred to in these Clauses is still valid.

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

[24 November 2005; 6 April 2006; 25 January 2007]

Section 24.

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

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

2) to the spouse of a Latvian citizen or non-citizen of Latvia, or of a third-country national who has received a permanent residence permit in accordance with Sections 25 and 26 of this Law, as well as the minor 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) to a third-country national who has been residing in the Republic of Latvia for five years with a temporary residence permit, in accordance with Section 23, Paragraph one, Clause 7 of this Law if the capital investment referred to in this clause still exists;

5) to a third-country national who in the Republic of Latvia has received a secondary education certificate, moreover has completed the secondary education in the official language;

6) to a third-country national who was a citizen of Latvia on 17 June 1940 or one of his or her parents is a Latvian citizen, and who takes up permanent residence in Latvia in accordance with Section 31 of this Law;

7) to a third-country national who has continuously resided in the Republic of Latvia with a temporary residence permit for at least five years directly prior to the day of submitting the application;

8) to a third-country national 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 third-country national who, in accordance with the procedures prescribed by the Asylum Law, has been granted refugee status and to his or her family members; or

10) to a third-country national who, in accordance with the procedures prescribed by the Repatriation Law, has been granted the status of repatriate and to his or her family members who have entered in accordance with the procedures prescribed by the Repatriation Law.

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

(3) The provisions of Paragraph one, Clause 7 of this Section shall not apply to a third-country national 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 third-country

national who has received a temporary residence permit in accordance with Section 23, Paragraph six of this Law as a third-country national who is not a European Union citizen and who has been recognised as a victim of trafficking of human beings, and to the minor children accompanied by him or her.

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

(5) A third-country national referred to in Clause 2, 3, 6 and 7 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 person categories 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.

(5¹) In respect of the testing of knowledge of the official language, a third-country national shall pay a State fee in the amount and by the procedures specified by the Cabinet.

(6) If a third-country national has not fulfilled the provisions referred to in Paragraph five of this Section, he or she has the right to continue to reside in the Republic of Latvia with a temporary residence permit.

[16 June 2005; 24 November 2005; 6 April 2006; 25 January 2007]

Section 25.

(1) A third-country national who is the spouse of a Latvian citizen or a non-citizen of Latvia 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 a Latvian citizen or a non-citizen of Latvia has received a permanent residence permit, the temporary residence permit shall be cancelled, except in the case 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 shall be entitled to receive a permanent residence permit.

[24 November 2005]

Section 26.

(1) A third-country national who is the spouse of a third-country national 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 third-country national who has received a permanent residence permit receives a permanent residence permit, the temporary residence permit shall be cancelled.
- (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 live together and they have a common household.
- [24 November 2005]*

Section 27.

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

Section 28.

- (1) If the spouse of a third-country national holding a temporary residence permit who is a Latvian citizen, a non-citizen of Latvia or a third-country national who has received a permanent residence permit dies, a new temporary residence permit shall not be issued to the third-country national 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 shall be 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 third-country national who has received a permanent residence permit, the child of the spouse shall be 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; and
 - 3) a child has entered into marriage and 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.

Section 30.

- (1) Parents of a Latvian citizen or a non-citizen of Latvia and their spouses who have reached the pensionable age specified in the Republic of Latvia shall be entitled to request:
- 1) when submitting documents for the first time – a temporary residence permit;
 - 2) when submitting documents for the second time – a temporary residence permit for four years; and
 - 3) when submitting documents for the third time – a permanent residence permit.
- 4) *[6 April 2006]*
- [6 April 2006]*

(2) A temporary residence permit shall be issued on condition that a third-country national will not request a material benefit from the social assistance system of the Republic of Latvia.
[24 November 2005]

Section 31.

(1) A third-country national who was a Latvian citizen on 17 June 1940 or if one of his or her parents is a Latvian citizen 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; and

3) when submitting documents for the third time – a permanent residence permit.

4) *[6 April 2006]*

(2) The conditions specified in Paragraph 1 of this Section shall also apply to the spouse of the third-country national and their minor children if only one of the provisions of Section 29, Paragraph one, Clauses 1, 2 and 3 does not apply to them.

[24 November 2005; 6 April 2006]

Section 32.

(1) In order to receive a residence permit the documents shall be submitted:

1) to the mission – a third-country national who wishes to enter the Republic of Latvia; or

2) to the Office – a third-country national who lawfully resides in the Republic of Latvia and has an European Community long-term resident residence permit issued by another Member State of the European Union, his or her family member if the family is established in another Member State of the European Union, prior to the third-country national who has European Community long-term resident residence permit issued by another Member State, have requested a temporary residence permit in the Republic of Latvia, as well as a third-country national who resides in the Republic of Latvia with a residence permit.

(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 to the Office of the documents necessary for a request for a residence permit 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 establishments 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 residence.

[24 November 2005; 6 April 2006]

Section 33.

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

1) in relation to a temporary residence permit – within a period of 30 days;

2) in relation to a permanent residence permit – within a period of 90 days; and

3) in relation to a permanent residence permit, which has been requested in accordance with Section 24, Paragraph one, Clause 8 – within a period of 30 days.

(2) The documents necessary for a request for a residence permit shall be determined by the Cabinet.

(3) The documents necessary for a request for a temporary residence permit shall be submitted to the Office not later than 30 days prior to the expiry of the time period of the prior temporary residence permit, but for a request for a permanent residence permit – not later than 90 days prior to the expiry of the term of the prior residence permit.

(4) If a third-country national is not entitled to reside in the Republic of Latvia for the time period specified in Paragraph one of this Section, which is necessary so that the Office can examine the documents requesting a residence permit, the head of the Office or his or her authorised official may allow the submission of documents for the request for a residence permit if it complies with the State interests of Latvia and is justified with relevant documents or is related to *force majeure* or humanitarian reasons. In such case, the decision shall be taken according to accelerated procedures – within a period of 10 working days if the request is for a temporary residence permit, and 30 working days if the request is for a permanent residence permit.

(5) If a residence permit is requested more than 90 days after the expiration of the term of validity of the prior 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 specified 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 third-country national and his or her inviter and to require explanations and additional documents, which justify the entry and residence purpose and the truthfulness of the information provided by the third-country national, as well as to examine information provided by the third-country national or his or her inviter in order to take a decision regarding the issue or registration of a residence permit.

[24 November 2005; 6 April 2006]

Section 34.

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

1) a third-country national has not submitted all the documents specified in the Cabinet regulations necessary in order to request a residence permit, or refuses to provide the explanations required which are related to the receipt of a residence permit.

2) a third-country national has provided false information;

3) a third-country national does not have the necessary financial resources for residence in the Republic of Latvia;

4) a third-country national has submitted the documents necessary for the request for 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) a third-country national has such a health disorder or disease that endangers the safety of the public and the health of the members thereof, or there is reason to believe that a third-country national may cause a threat to public health, except in the case where a third-country national with the consent of the Ministry of Health enters for medical treatment of the relevant health disorder or disease. The Cabinet shall determine a health disorder and disease list. If the referred to health disorder or disease of the third-country national 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 shall be submitted, which certifies that the third-country national has performed all the necessary measures for the medical treatment of the relevant illness;

6) a third-country national has been illegally residing in the Republic of Latvia or it has been established by a judgment of a court that he or she has helped another third-country national to enter the Republic of Latvia illegally;

7) a third-country national has been included in the List of those persons for whom entry into the Republic of Latvia is prohibited;

8) a third-country national has been found guilty of committing such a criminal offence in the Republic of Latvia or outside it, for which a sentence is provided for by the laws of the Republic of Latvia – deprivation of liberty for a time period which is not less than three years. This condition shall not apply if the conviction has been extinguished or set aside in accordance with procedures prescribed by law, but with regard to criminal offences committed in foreign countries – not less than five years have elapsed after the serving the sentence of deprivation of liberty;

9) a third-country national has received remuneration (compensation) for exit to another state for permanent residence therein irrespective of the fact that the remuneration (compensation) has been provided by State or local government authorities of the Republic of Latvia or international (foreign) funds or authorities. This condition shall not apply to a third-country national who at the time of the receipt of the remuneration (compensation) was a minor, to a third-country national who has reimbursed the remuneration (compensation), as well as to a third-country national 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 the reimbursement of the remuneration (compensation) shall be determined by the Cabinet;

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

11) a third-country national has not complied with the term referred to in Section 24, Paragraph four of this Law, except in the case when the third-country national can produce evidence that the time period was missed due to a justifiable reason.

12) a third-country national has joined a foreign military or other civil service;

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

14) a third-country national is under the guardianship or trusteeship of such third-country national for whom entry into the Republic of Latvia is prohibited;

15) there is reason to believe that the established adoption is fictitious and established in order for the third-country national to receive a residence permit in the Republic of Latvia.

16) a third-country national works without a work permit or has worked during the last year without a work permit;

17) an inviter in writing withdraws the sponsorship;

18) the inviter is absent without information as to his or her whereabouts, has lost the capacity to act or has died;

19) competent foreign authorities have supplied information which constitutes grounds for prohibiting the third-country national from entering and residing in the Republic of Latvia;

20) a 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 USSR Citizens who do not have the Citizenship of Latvia or that of any Other State;

21) the information provided by a third-country national does not give evidence of a stable link with his or her country of residence and there is justification to believe that the third-country national creates an illegal immigration risk;

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 common minor child in his or her 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 of the Republic of Latvia for 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 of the Republic of Latvia;

24) the third-country national has resided in the Republic of Latvia in accordance with Section 23, Paragraph one, Clause 2, 3, 4 or 7 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 regulatory enactments; or

25) the spouses do not comply with the conditions of Section 26, Paragraph three of this Law or there is a basis for considering that the marriage does not in fact exist.

(2) For a third-country national 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 third-country national who has requested a temporary residence permit and who has been granted 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 third-country national creates a threat to national security or public order and safety.

[22 April 2004; 16 June 2005; 24 November 2005; 6 April 2006]

Section 35.

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

- 1) a third-country national has provided false information;
- 2) a third-country national does not have the necessary financial resources for the residence in the Republic of Latvia;
- 3) a third-country national has been included in the List of those persons for whom the entry in the Republic of Latvia is prohibited ;
- 4) a third-country national by a judgment of a court has been found guilty of committing such criminal offence in the Republic of Latvia or outside it, for which a sentence is provided for by the laws of the Republic of Latvia – deprivation of liberty for a time period which is not less than two years.
- 5) a third-country national has joined a foreign military or other civil service;
- 6) there is reason to believe, that the third-country national has entered into a marriage of convenience in order to receive a residence permit in the Republic of Latvia.
- 7) a third-country national works without a work permit;
- 8) an inviter in writing cancels the sponsorship;
- 9) the inviter has lost legal status or the right to reside in the Republic of Latvia;
- 10) a third-country national has not fulfilled all the conditions provided for by the decision regarding the issue of a residence permit;
- 11) the circumstances on the basis of which a third-country national has received a temporary residence permit no longer exist or they have changed.
- 12) [24 November 2005]

13) a third-country national resides continuously outside the Republic of Latvia for more than three months counting from the day when he or she arrived at the place of crossing the State border, or more than six months within a period of one year counting from the day when he or she arrived at the place of crossing the State border, except in the case where the absence has been declared in accordance with procedures prescribed by the Cabinet and he or she has a documentarily certified justifiable reason. An absence, which is related to employment shall be deemed to be justifiable only in such case if the third-country national has had unemployed person status in the Republic of Latvia continuously for nine months;

14) a third-country national has exited for permanent residence in another state;

15) a third-country national has employed another third-country national who does not have a work permit;

16) a third-country national has provided another third-country national residing illegally in the Republic of Latvia with a place of residence;

17) it has been established by a judgment of a court that the third-country national has helped another third-country national to enter illegally into the Republic of Latvia;

18) the inviter resides outside of the Republic of Latvia for 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 of the Republic of Latvia;

19) the third-country national has resided in the Republic of Latvia in accordance with Section 23, Paragraph one, Clause 2, 3, 4 or 7 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 regulatory enactments;

20) the spouses do not comply with the conditions of Section 26, Paragraph three of this Law or there is a basis for considering that the marriage does not in fact exist;

21) the temporary residence permit has been refused registration; or

22) the person directing the proceedings has informed in writing the institution, which has issued the temporary residence permit that the third-country national who is not a European Union citizen as well as the minor children 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 of human beings.

(2) If a temporary residence permit of a third-country national has been cancelled, the temporary residence permits of his or her spouse, minor children and persons under guardianship or trusteeship whose residence in the Republic of Latvia is associated with the residence in the Republic of Latvia of the referred to third-country national, shall also be cancelled.

(3) For a third-country national who has 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 cancelled 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 third-country national has resided continuously outside the territory of the European Union for 12 months, as well as where the third-country national creates a threat to national security or public order and safety.

[24 November 2005; 6 April 2006; 25 January 2007]

Section 36.

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

1) a third-country national has provided false information;

2) a third-country national has been included in the List of those persons for whom entry in the Republic of Latvia is prohibited;

3)) a third-country national by a judgment of a court has been found guilty of committing a serious or especially serious criminal offence in the Republic of Latvia;

4) a third-country national resides continuously outside the Republic of Latvia for more than six months within a period of one calendar year counting from the day when he or she arrived at the place of crossing the State border or more than two years and six months within a period of five years counting from the day when he or she arrived at the place of crossing the State border, except in the case where the absence has been declared in accordance with the procedures prescribed by the Cabinet and he or she has a documentarily certified justifiable reason. An absence, which is related to employment shall be deemed to be justifiable only in such case if the third-country national has had unemployed person status in the Republic of Latvia continuously for nine months;

5) a third-country national has exits or has exited for permanent residence in another state;

6) there is reason to believe that the established adoption is fictitious and established in order for a third-country national to receive a residence permit in the Republic of Latvia;

7) a third-country national has lost refugee status or it has been withdrawn;

8) a third-country national has lost repatriate status;

9) a third-country national is a member of the family of a person who has lost repatriate status and has received a permanent residence permit in accordance with the procedures prescribed by the Repatriation Law.

10) a third-country national is a member of the family of a person who has lost refugee status;

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 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 USSR Citizens who do not have the Citizenship of Latvia or that of any Other State;

12) a third-country national has been granted European Community long-term resident status in the Republic of Latvia; and

13) a third-country national has acquired Latvian citizenship.

(2) In the cases referred to in Clauses 9 and 10 of this Section a permanent residence permit may be cancelled only if not more than five years have elapsed since the date of issue thereof.

(3) A permanent residence permit which a third-country national has received in accordance with Section 24, Paragraph one, Clause 8 of this Law may be cancelled in the cases referred to in Paragraph one, Clauses 1, 2, 4, 5, 11, 12 and 13 of this Section.

[24 November 2005; 6 April 2006]

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 a decision regarding the refusal to issue a residence permit to a third-country national who is the spouse of a Latvian citizen or a non-citizen of Latvia or the cancellation 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 prior to the third-country national being held criminally liable for the commitment of a criminal offence in accordance with the procedures prescribed by law.

Section 38.

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

Section 39.

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

(2) A third-country national has a duty within a period of three working days to inform in writing the Office regarding changes in the information provided in the request for a residence permit.

Section 40.

(1) An inviter or a third-country national who in accordance with Cabinet regulations a sponsorship for a request for a residence permit is not necessary, has the right to dispute a decision regarding the refusal to issue a residence permit to a third-country national or cancellation thereof to the head of the Office within a period of 30 days after the day of the coming into effect of such decision.

(2) The persons referred to in Paragraph one of this Section have the right to appeal to a court according to the procedures specified by law a decision by the head of the Office regarding the refusal to issue a residence permit to a third-country national or cancellation thereof.

(3) The submission of an application to a court shall not create a right for the third-country national who has been refused the issue of a residence permit or whose residence permit has been cancelled to reside in the Republic of Latvia, except in the cases specified in Paragraph four of this Section.

(4) A third-country national who has been refused the issue of a residence permit or whose residence permit has been cancelled has the right to reside in the Republic of Latvia during the time for the dispute of a decision or appeal thereof if the refusal to issue the residence permit or the cancellation of the residence permit has not been justified by his or her inclusion the List of third-country nationals whose entry into the Republic of Latvia is prohibited in accordance with Section 61, Paragraph one or two of this Law, and he or she:

1) has been refused or cancelled a permanent residence permit, which has been requested in accordance with Section 24, Paragraph one, Clauses 1, 2 or 8, or Section 25, or Section 26 of this Law; or

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

[24 November 2005]

Chapter V Return

Section 41.

(1) An official of the Office shall issue a return decision in which is determined the length of re-entry ban in accordance with Section 63, Paragraph four, Clause 4 of this Law and requests

the leaving of the Republic of Latvia within a period of seven days if a third-country national, while residing in the Republic of Latvia, has breached procedures for the entry and residence of third-country nationals in the Republic of Latvia specified in regulatory enactments. If a third-country national is a spouse of a Latvian citizen or Latvian non-citizen, the official of the Office may issue a return decision and determine the length of re-entry ban in accordance with Section 63, Paragraph one, Clause 4 of this Law.

(2) The head of the Office, due to humanitarian considerations, has the right to revoke or suspend the operation of a return decision, which is issued in accordance with Paragraph one of this Section.

[16 June 2005]

Section 42.

(1) A third-country national has the right to dispute a return decision and the entry prohibition time period specified therein to the head of the Office within a period of seven days after the coming into effect thereof. A third-country national has the right to reside in the Republic of Latvia during the examination of the submission.

(2) A third-country national has the right to appeal to a court the decision of the head of the Office regarding the disputed return decision and the entry prohibition time period specified therein within a period of seven days from the date of the coming into effect thereof. The submission of an application to a court shall not suspend the operation of the decision.

[16 June 2005; 24 November 2005]

Section 43.

Submission of an application to the court shall not give rights to a third-country national who has been issued a return decision to reside in the Republic of Latvia.

Section 44.

The Office in collaboration with the State Border Guard and other public institutions shall control whether a third-country national who has been specified an exit time period in a decision or issued a return decision has voluntarily departed from the Republic of Latvia.

[24 November 2005]

Section 45.

(1) If a third-country national who has been issued a return decision does not have a valid travel document and it is impossible to obtain it through consular services, a travel document shall be issued to him or her.

(2) The form of the travel document and the procedures for the issuance thereof shall be determined by the Cabinet.

Chapter VI Forced Return

Section 46.

(1) If a third-country national has illegally crossed the State border of the Republic of Latvia or otherwise violated procedures prescribed by regulatory enactments for the entry or

residence of third-country nationals in the Republic of Latvia and the determined border area thereof or at a State border crossing location, the Chief of the State Border Guard or an official authorised by him or her shall be entitled to take a decision within a period of ten days regarding the forced return of the third-country national. In the decision may be specified an entry prohibition time period in accordance with Section 63, Paragraph two of this Law.

(2) The Chief of the State Border Guard has the right to revoke the decision regarding the forced return of a third-country national if the circumstances, which were the basis for the taking of such decision, have changed or due to humanitarian reasons.

(3) The decision regarding the forced return of a third-country national referred to in Paragraph one of this Section shall not be disputable or subject to appeal.

(4) An official of the State Border Guard within three working days shall in writing inform the Office of the decisions referred to in Paragraphs one and two of this Section.

[24 November 2005]

Section 47.

(1) An official of the Office within 10 days after the day of determining the circumstances referred to in this Paragraph shall take a decision regarding the forced return of a third-country national, determining an entry prohibition time period in accordance with Section 63, Paragraph two or three of this Law if:

1) a third-country national has not exited the Republic of Latvia within a period of seven days after the receipt of a return decision in accordance with Section 41, Paragraph one of this Law and, in accordance with the procedures prescribed by Section 42 of this Law, has not disputed the return decision; or

2) An official of the State Border Guard has detained a third-country national in the territory of the Republic of Latvia, except in the cases provided for in Section 46, Paragraph one of this Law.

(2) The decision taken in the case referred to in Paragraph one, Clause 1 of this Section regarding the forced return of a third-country national from the Republic of Latvia shall not be subject to appeal.

(3) A third-country national has the right to dispute the decision taken in the case referred to in Paragraph one, Clause 2 of this Section regarding the forced return of a third-country national from the Republic of Latvia within a period of seven days by submitting to the head of the Office a relevant submission. The submission of a complaint to the head of the Office does not give a third-country national the right to stay in the Republic of Latvia.

(4) The head of the Office has the right due to humanitarian reasons to revoke or to suspend the operation of a decision regarding the forced return of a third-country national.

[24 November 2005]

Section 48.

(1) If after serving a sentence for criminal offences committed in the Republic of Latvia a third-country national does not have a lawful basis to reside in the Republic of Latvia, the head of the Office shall take a decision regarding the forced return of the third-country national and determining an entry prohibition time period in accordance with Section 63, Paragraph two of this Law.

(2) A third-country national has the right to appeal to a court the decision of the head of the Office regarding the forced return and the entry prohibition time period specified therein within a period of seven days from the date of the coming into effect thereof. The submission of an application to a court shall not suspend the operation of the decision.

[24 November 2005]

Section 48.¹

If a decision has been taken in accordance with Section 61, Paragraph one of this Law and the third-country national is located in the Republic of Latvia, he or she shall be forcibly returned.

[16 June 2005]

Section 48.²

A minor third-country national detained according to the procedures specified in Chapter VII of this Law shall not be forcibly returned.

[21 June 2007]

Section 49.

If a third-country national with respect to whom a decision regarding forced return has been taken does not have a valid travel document, and it is impossible to obtain it through consular services, he or she shall have a travel document issued referred to in Section 45 of this Law.

Section 50.

(1) Procedures for the forced return of third-country nationals shall be determined by the Cabinet.

(2) Forced return of a third-country national shall be carried out by the State Border Guard.

(3) The procedures by which the Republic of Latvia receives and provides assistance from the Member States of the European Union and the Schengen Agreement states in respect of forced return by air, the amount of such assistance, and the procedures by which common flights are organised between the Member States of the European Union and the Schengen Agreement states, shall be determined by the Cabinet.

[24 November 2005]

Chapter VII Detention

[21 June 2007]

Section 51.

(1) An official of the State Border Guard has the right to detain a third-country national, except a minor third-country national who has not reached the age of 14 years:

1) if he or she has illegally crossed the State border of the Republic of Latvia or otherwise violated the procedures prescribed by regulatory enactments for the entry and residence of third-country nationals into the Republic of Latvia;

2) if competent State authorities including the State Border Guard have reason to believe that a third-country national causes a threat to national security or public order and safety; and

3) in order to implement a decision regarding the forced return of a third-country national from the Republic of Latvia.

(2) The Director of the Constitution Protection Bureau, the Chief of the State Police or Security Police shall in writing inform the State Border Guard regarding the existence of the conditions referred to in Paragraph one, Clause 2 of this Section.

(3) If a minor third-country national who has not reached the age of 14 years and is not accompanied by parents or his or her legal representative illegally crosses the State border of the Republic of Latvia or has in other ways violated the procedures for the entry and residence of third-country nationals in the Republic of Latvia specified in regulatory enactments, a State Border Guard official shall act so as to ensure the rights and interests of the child in accordance with regulatory enactments regulating the protection of children's rights.

[21 June 2007]

Section 52.

(1) When detaining a third-country national, the State Border Guard or State Police official shall draw up a detention report.

(2) In a detention report 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 shall be indicated. 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.

The State Police official in the cases referred to in Section 51 of this Law have the right to detain a third-country national for three hours until handing over to the State Border Guard.

Section 54.

(1) An official of the State Border Guard in the cases referred to in Section 51 of this Law has the right to detain a third-country national for a period not exceeding 10 days. The third-country national has a right to appeal the decision regarding 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 third-country national for more than 10 days only pursuant to a decision of a judge of a district (city) court (in conformity with the actual location of the detained third-country national) (hereinafter – judge). Based on the submission of an official of the State Border Guard, the judge shall take a decision regarding the detaining of a third-country national for a time period of up to two months or regarding the refusal of detention.

(3) If it has not been possible to return a third-country national in 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 a decision regarding the extension of the time period of detention for up to two months or regarding refusal to extend the time period of detention.

(4) An official of the State Border Guard may again submit a submission for extending the time period of detention, but the total time period of detention may not exceed 20 months.

(5) An official of the State Border Guard shall in writing inform the Office within a period of one working day regarding the detention of a third-country national in the territory of the Republic of Latvia (except in the border area of the Republic of Latvia or at a State border crossing location).

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

[24 November 2005; 21 June 2007]

Section 54.¹

(1) In taking a decision regarding the extension of the time period of detention or refusing to extend the time period of detention, it is mandatory to evaluate the following conditions:

1) the third-country national conceals his or her identity or refuses to co-operate with the officials of the State Border Guard in the fulfilment of their official duties;

2) the third-country national does not have the necessary financial means in order to reside in the Republic of Latvia;

3) the third-country national has been detained in accordance with Section 51, Paragraph one, Clause 2 of this Law;

4) competent State institutions have a basis for considering that the third-country national is active in an anti-state or criminal organisation or is a member thereof;

5) competent State institutions have a basis for considering that the third-country national shall be a threat to national security or public order and safety or, by residing in Latvia, may disturb pre-trial investigations or the activities of law enforcement institutions in the detection of criminal offences;

6) competent State institutions have a basis for considering that the third-country national has committed or plans to commit serious or especially serious crimes;

7) the third-country national has committed a crime against humanity, crime against peace, war crime or has participated in genocide if such has been determined by a court judgment; and

8) competent State institutions have provided information, which prohibits the third-country national from entering and residing in the Republic of Latvia.

(2) In taking a decision regarding the extension of the time period of detention or refusing to extend the time period of detention, a judge shall indicate the determined facts, conclusions and arguments on the basis of which the relevant decision was taken.

[24 November 2005]

Section 55.

(1) The time period of detention shall be calculated in hours, days and months. When calculating the term, the hour and day when the time period begins shall be taken in account. The time period of detention shall be calculated from the moment a third-country national has been delivered to the premises of the State Border Guard or State Police in order to draw up a detention report.

(2) An official of the State Border Guard shall take a third-country national to the court not later than 48 hours prior to expiration of the time period specified in Section 54, Paragraph one of this Law or not later than 48 hours prior to expiry of the time period specified in the decision regarding the detention of a third-country national and, if necessary, invite an interpreter.

(3) A judge shall immediately examine the materials submitted (the submission of the official of the State Border Guard, detention report, decision on forced return of a third-country national and documents specifying the measures taken for ensuring the return of the third-

country national), hear the information provided by the official of the State Border Guard and explanations of the third-country national or his or her representative.

(4) A judge shall singly take a decision regarding detention of a third-country national, extension of the time period of detention or refusal to detain a third-country national or extend the time period of detention 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 regulatory enactment which is the basis for the decision and his or her adjudication.

(5) A copy of a judge's decision shall be sent to the third-country national and the State Border Guard within 24 hours from the receipt of the submission of the State Border Guard.

(6) The judge's decision may be appealed by the third-country national or the Chief of the Border Guard or his or her authorised official within a period of 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 according to substance. A decision taken by a regional court in the relevant matter cannot be appealed. A copy of the decision shall be sent to the third-country national and the State Border Guard within 24 hours from the moment of the taking of the decision.

(8) The dispute of detention, appeal or the submission of a complaint cannot of itself be the basis for the release of the detainee.

[24 November 2005]

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 third-country national shall be acquainted with these rights at the moment of detention.

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

(3) The detainee shall be ensured the right to communicate in the language he or she understands, if necessary, by utilising the services of an interpreter.

[24 November 2005]

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, conduct an inspection of a third-country national and his or her property, as well as, if necessary, ensure a medical examination of the third-country national and draw up a report thereof. The referred to activities with a minor third-country national who is at the age of 14 to 18 years shall be performed a State Border Guard official trained for work with minors.

(2) The inspection of the detainee shall be conducted by an official of the State Border Guard or State Police. The official referred to must be of the same sex as the detained third-country national.

(3) Inspection of property shall be conducted in the presence of the detainee. In urgent cases property may be inspected in the presence of two invited persons without the detained third-country national.

[24 November 2005; 21 June 2007]

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 third-country national by drawing up a report thereof or making a relevant entry in the report regarding inspection of the property of a detainee.
- (2) The documents referred to in Paragraph one of this Section shall be seized until the return of the third-country national.

Section 59.

- (1) The detained third-country national shall be accommodated in specially equipped premises or accommodation centre separately from persons detained according to criminal procedural procedures or imprisoned persons.
- (2) An accommodation centre is a structural unit of the State Border Guard. The Cabinet shall determine the requirements for the installation and equipping of the accommodation centre.
- (3) The residential standards of third-country national accommodated in an accommodation centre, as well as the amount of guaranteed health care services and the procedures for the receipt thereof shall be determined by the Cabinet.
- (4) The internal procedures regulations of an accommodation centre shall be regulated by the Cabinet.
- (5) Expenditures, which are associated with the residence of third-country nationals, shall be covered from the State budget.

[21 June 2007]

Section 59.¹

- (1) A State Border Guard official shall accommodate a detained third-country national in an accommodation centre based upon a detention protocol drawn up according to the procedures specified in section 52 of this Law.
- (2) In accommodating a detained third-country national 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 third-country national, as well as the procedures for fixing the results thereof shall be determined by the Cabinet.
- (3) A detained third-country national 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 accommodated separately;
 - 2) detained minor third-country nationals shall be accommodated together with detained parents or his or her legal representative;
 - 3) a detained third-country national who has a health disorder shall be accommodated in accordance with the instructions of medical personnel in premises specially equipped for such purposes;
 - 4) a detained third-country national 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 accommodated in premises specially equipped for such purposes; and
 - 5) a detained third-country national who may cause a threat to the safety of persons in the accommodation centre shall be accommodated separately in premises specially equipped for such purposes.

- (4) On the basis of request of a detained third-country national, in order to preserve family unity, members of a family shall be accommodated together.
- (5) If a detained third-country national has a child who has not been detained, on the basis of a request from the detained third-country national, in order to preserve family unity, the child may be accommodated in the accommodation centre together with the detained third-country national. The child of the detained third-country national in the accommodation centre has the same rights and duties as the detained third-country national.
- [21 June 2007]*

Section 59.²

- (1) After accommodation in an accommodation centre, the detained third-country national shall be acquainted in a language understandable to him or her (if necessary, utilising the services of an interpreter) with his or her rights and duties, as well as with the internal procedures regulations of the accommodation centre.
- (2) A detained third-country national in an accommodation centre has the right:
- 1) to communicate with his or her state consulate;
 - 2) to inform family members, kin or other persons regarding his or her whereabouts;
 - 3) with his or her own means, to receive legal assistance;
 - 4) to meet with family members or kin, 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 specified in regulatory enactments;
 - 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 specified by the State;
 - 10) to utilise common premises;
 - 11) to use the equipment provided for detained third-country nationals;
 - 12) to receive consignments and parcels;
 - 13) to store food products in the place specially provided for them; and
 - 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) A detained third-country national in an accommodation centre has a duty:
- 1) to subject him or herself to the lawful requirements of a State Border Guard official, including necessary health examinations;
 - 2) to observe the internal procedures regulations of the accommodation centre;
 - 3) to treat with care the property of the accommodation centre; and
 - 4) to maintain in order the accommodation premises and common premises, as well as to observe personal hygiene.
- (4) The Cabinet shall determine the list of articles, which a detained third-country national is prohibited from storing in an accommodation centre.
- [21 June 2007]*

Section 59.³

(1) A detained third-country national may be taken out of an accommodation centre under escort in the following cases:

- 1) in order to ensure the activities specified 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 a person directing criminal proceedings if such activities cannot be performed in the accommodation centre; and
- 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 59.⁴

A detained third-country national shall be released from an accommodation centre:

- 1) if the time period of detention has ended;
- 2) in order to implement a return decision; or
- 3) in accordance with a decision of a Border Guard official regarding the release of the detained third-country national.

[21 June 2007]

Section 59.⁵

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

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

[21 June 2007]

Section 59.⁶

(1) If the identity and citizenship or country of residence of a detained minor third-country national who at the age of 14 to 18 years and is not accompanied by parents or his or her legal representative has been ascertained, the Consular Department for the sending of him or her to the state, which is taking the person back, shall communicate with the diplomatic or consular mission of such state, the relevant competent institutions or non-government organisations, which monitor the observance of children's rights in such state, and shall perform other necessary measures.

(2) If a detained minor third-country national who is not accompanied by parents or his or her legal representative is sent to a state, which is taking the person back, the sending shall be ensured by the State Border Guard in co-operation with the competent institutions or non-government organisations of such state.

(3) A minor third-country national who at the age of 14 to 18 years and has been detained together with his or her parents or his or her legal representative, or a minor third-country national who is in an accommodation centre together with his or her parents or his or her legal

representative shall be sent to the state to which the parents or the legal representative of the minor third-country national have been returned.

[21 June 2007]

Section 60.

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

[21 June 2007]

Chapter VIII **List of those Third-country nationals for whom Entry** **into the Republic of Latvia is Prohibited**

Section 61.

(1) The decision regarding including a third-country national in the List of those persons for whom the entry in the Republic of Latvia is prohibited (hereinafter – List) shall be taken by the Minister for the Interior if:

1) competent State authorities have reason to believe that a third-country national participates in anti-state or criminal organisations or is a member thereof;

2) competent State authorities have reason to believe that a third-country national causes a threat 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 authorities have reason to believe that a third-country national has committed or is planning to commit a serious or extremely serious crime;

4) a third-country national 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 supplied information which forbids a third-country national to enter and reside in the Republic of Latvia; or

6) the entry and residence of a third-country national into the Republic of Latvia is not desirable for other reasons on the basis of an opinion delivered by competent authorities of the Republic of Latvia.

(2) If a third-country national is an undesirable person for the Republic of Latvia (*persona non grata*) a decision regarding his or her inclusion in the List shall be taken by the Minister for Foreign Affairs.

(3) If in accordance with the procedures prescribed by this Law a decision has been taken to refuse the issue of a visa, cancel or revoke a visa, a decision regarding the inclusion of a third-country national in the List shall be taken by the Director of the Consular Department or by a diplomatic official of the mission which is authorised to perform consular functions.

(4) A decision regarding the inclusion of a third-country national in the List shall be taken by an official of the Office, if:

- 1) a decision has been taken to refuse the issue of a visa, cancel or revoke a visa;
 - 2) a decision has been taken to refuse the issue of a residence permit or cancel a residence permit;
 - 3) a return decision has been issued or a decision taken regarding the forced return of a third-country national;
 - 4) a third-country national has helped another third-country national to enter illegally the Republic of Latvia and it has been determined by a court judgement;
 - 5) a third-country national within the period of the preceding year has breached procedures prescribed by regulatory enactments for the entry and residence of third-country nationals in the Republic of Latvia or customs regulations;
 - 6) a third-country national has been returned from the Republic of Latvia and the expenses related to the return have not been compensated in the State budget; and
 - 7) for a third-country national for the commission of a criminal offence an additional sentence has been imposed – return from the Republic of Latvia.
- (5) A decision regarding the inclusion of a third-country national in the List shall be taken by the Chief of the State Border Guard or his or her authorised official, if:
- 1) in accordance with Section 18, Paragraph one, Clause 2 or 4 of this Law, a decision has been taken regarding a refusal to enter the Republic of Latvia;
 - 2) in accordance with Section 46, Paragraph one of this Law a decision has been taken regarding the forced return of a third-country national;
 - 3) a third-country national has breached the procedures specified in regulatory enactments for entry and residence of third-country nationals into the Republic of Latvia and such breach was determined at the moment of his or her departure from the Republic of Latvia; or
 - 4) a decision has been taken to refuse the issue of a visa, to cancel or revoke a visa.
- (6) A third-country national in respect of whom a decision has been taken in accordance with Paragraph one of this Section has the right, within a period of one month after becoming acquainted with the decision, to appeal the decision to the Senate Administrative Matters Department of the Supreme Court of the Republic of Latvia. The submission of an application to the court shall not suspend the implementation 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) A 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.

[16 June 2005; 24 November 2005; 26 January 2006; 6 April 2006]

Section 61.¹

- (1) An opinion of the head of the State Police, the Chief of the State Border Guard or the head of the national security institution regarding the existence of the conditions referred to in Section 61, Paragraph one of this Law shall be sent to the Minister for Internal Affairs for the taking of a decision.
- (2) In a decision regarding the inclusion of a third-country national in a List in accordance with Section 61, Paragraph one of this Law shall be 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 regarding 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 third-country national is included in the list;
 - 6) an indication regarding forced return if the third-country national is located in the Republic of Latvia; and
 - 7) an indication where and in what time period this decision may be appealed.
- (3) A decision to include in the list a third-country national who is not located in the Republic of Latvia shall be issued to him or her at his or her request.
- (4) The List shall be maintained and up-dated by the Office according to the procedures specified by the Cabinet.
- [16 June 2005]*

Section 62. [26 January 2006]
[16 June 2005; 26 January 2006]

Section 63.

- (1) A third-country national may be included in the List, prohibiting entry for a time period to three years, if:
- 1) a decision has been taken to refuse the issue of a visa, cancel or revoke a visa;
 - 2) a decision has been taken to refuse the issue of a residence permit or to cancel a residence permit;
 - 3) in accordance with Section 18, Paragraph one, Clause 2 or 4 of this Law a decision has been taken regarding a refusal to enter the Republic of Latvia;
 - 4) a third-country national has been issued a return decision; and
 - 5) in accordance with Section 61, Paragraph four, Clauses 4, 5 and 6, and Paragraph five, Clause 3 of this Law, a decision has been taken regarding the inclusion of the third-country national in the List.
- (2) A third-country national may be included in the List, determining a re-entry ban for a period of from three to five years if:
- 1) a decision has been taken to return him or her forcibly; or
 - 2) for a third-country national for the commission of a criminal offence an additional sentence has been imposed – return from the Republic of Latvia.
- (3) A third-country national may be included in the List by prohibiting entry for a specific or an indefinite period of time:
- 1) in accordance with Section 61, Paragraphs one or two of this Law; or
 - 2) if after returning him or her from the Republic of Latvia the expenses related to the return have not been compensated in the State budget.
- (4) The time period of the entry prohibition shall be counted from the day when the third-country national has exited from the Republic of Latvia.
- [22 April 2004; 24 November 2005]*

Section 64.

(1) If the circumstances have changed, the right to take a decision to reduce the term of re-entry ban or revoke the re-entry ban on the basis of a request from the third-country national shall be granted to:

1) the Minister for the Interior – in the cases referred to in Section 61, Paragraph one of this Law;

2) Minister for Foreign Affairs – in the case referred to in Section 61, Paragraph two of this Law;

3) Director of the Consular Department – in the case referred to in Section 61, Paragraph three of this Law;

4) head of the Office – in the cases referred to in Section 61, Paragraphs four and five of this Law; and

5) Chief of the State Border Guard – in the cases referred to in Section 61, Paragraph five of this Law.

(2) The officials referred to in Paragraph one, Clauses 2, 3 and 5 of this Section shall inform the Office within three working days regarding the reduction of the term for which a third-country national has been included in the List or of the deletion of the third-country national from the List.

[22 April 2004; 24 November 2005]

Section 65.

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

Chapter VIII¹

Application regarding a Decision of the Minister for Internal Affairs regarding a Person for Inclusion in a List for Adjudication by a Court

[26 January 2006]

Section 65.¹

(1) A Senate Administrative Matters Department of the Supreme Court matter, which has been initiated on the basis of an application regarding a decision referred to in Section 61, Paragraph one of this Law, shall be adjudicated within a period of two months from the day a decision has been taken regarding the acceptance of the application and the initiation of the matter.

(2) The court shall adjudicate the matter as a first instance court. The matter shall be adjudicated by a collegial composition of the court by oral proceedings.

(3) On the basis of a court decision the matter may be adjudicated in a closed sitting of the court in order to protect official secrets or other restricted access information, which is associated with national security, as well as the circumstances of the private life of persons, commercial or professional secrets.

(4) If in the objective ascertaining of the circumstances, it is necessary for the court to examine information containing official secrets, the matter shall be prepared and adjudicated by judges who have a special permit for access to official secrets. The special permit is also necessary for the court recorder of the court sitting, as well as the court interpreter and other court employees if they participate in the preparation or adjudication of the matter.

[26 January 2006; 6 April 2006]

Section 65.²

- (1) After a decision has been taken regarding the acceptance of the application and the initiation of the matter, the court shall determine the place and time of the court sitting, as well as the persons to be invited and summoned to the court.
 - (2) An applicant shall be invited to the court sitting if during the adjudication of the matter 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 has submitted the opinion referred to in Section 61.¹, Paragraph one of this Law.
 - (4) A court in the adjudication of a matter may invite the Office of the General Prosecutor in order that in conformity with its competence submit an opinion.
 - (5) If the invited persons have not appeared, the court may decide to adjudicate the matter without the presence of the invited persons.
- [26 January 2006]*

Section 65.³

- (1) An applicant has a duty to submit the evidence at his or her disposal, which certify the essential circumstances of the matter under adjudication. A defendant has a duty to justify the lawfulness of the appealed decision.
 - (2) If in the objective ascertaining of the circumstances of the matter, it is necessary for a court to examine evidence containing official secrets, in the examination of such evidence shall take part participants in the matter, as well as if necessary other persons who have a special permit for access to official secrets.
 - (3) If a representative of the applicant does not have a special permit for access to official secrets, the court shall appoint as a representative of the applicant in this part of the proceedings an advocate practising in Latvia who has been issued a special permit for access to official secrets. If the applicant does not consent to such representation, the court shall examine the information associated with official secrets without the participation of the applicant and his or her representative.
 - (4) Minutes shall be taken of the court sitting. In the minutes of the court sitting shall be recorded the time when the court commenced and finished examining evidence containing official secrets, as well as recording the examination of the relevant evidence.
 - (5) If evidence containing official secrets is examined in a court, the minutes of the court sitting shall be classified as an official secrets object. From the minutes of the court sitting shall be prepared an extract regarding that part of the court sitting in which the court did not examine evidence containing official secrets.
 - (6) Evidence containing official secrets shall not be appended to the materials of the matter.
 - (7) Information, which may reveal the identity of a covert assistant, may not be utilised in a court sitting.
- [26 January 2006; 6 April 2006]*

Section 65.⁴

- (1) The court judgment shall not reflect the information which is an official secrets object, but shall indicate that the court has examined and evaluated such information.
- (2) A court adjudication is final and cannot be appealed and shall come into effect at the moment of its proclamation.

(3) A court in adjudicating a matter and rendering a judgment shall not decide regarding the conformity of the official secrets subject's submitted classified information to the status of official secrets object.

[26 January 2006; 6 April 2006]

Section 65.⁵

In the unregulated issues in this Law associated with an application or the adjudication of a matter, a court shall apply the provisions of the Administrative Procedure Law.

[26 January 2006]

Chapter IX Expenses Related to Forced Return and Sending

[21 June 2007]

Section 66.

(1) Expenses related to the execution of the third-country national's return decision or a decision regarding the forced return of a third-country national or the sending of a minor third-country national to a state, which is taking the person back, shall be covered from the State budget.

(2) The expenses referred to in Paragraph one of this Section shall be recovered from the third-country national or his or her inviter.

[21 June 2007]

Section 67.

Procedures by which expenses related to the return, detention and keeping under temporary custody of a third-country national are determined and recovered shall be determined by the Cabinet.

Section 68.

(1) If the inviter has not covered the expenses related to the execution of the expulsion order or forced return of a third-country national, he or she shall lose the right to invite third-country nationals within a period of the following five years or until covering 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 X Final Provisions

Section 69.

Citizens of the European Union Member States, states of the European Economic Area and the Swiss Confederation and their family members shall enter and reside in the Republic of Latvia in accordance with the regulatory enactments of the European Union, the procedures for the application of which shall be determined by the Cabinet.

Section 70.

If the free movement of workers during the transitional period, which is specified 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 specified 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.
[22 April 2004; 24 November 2005; 21 June 2007]

Transitional Provisions

1. The documents for a request for a visa or residence permit, which have been submitted by 30 April 2003, shall be examined in accordance with the Law On Entry into and Residence in the Republic of Latvia of Third-country nationals 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 specified 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.
[8 July 2003; 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 Third-country nationals and Stateless Persons is repealed. (*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).
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 longer than 1 May 2004, the Cabinet Regulation No. 206 of 22 April 2003, State List of those Citizens (Subjects) for whom a Visa or Residence Permit is not Necessary in order to Enter and Reside in the Republic of Latvia, shall be in force insofar as it is not in contradiction to this Law.
[8 July 2003]
7. A return decision, decisions regarding forced return or decisions regarding the inclusion of a third-country national in a list, which have been taken on the basis of information provided by competent institutions and regarding which a third-country national has become acquainted with up to 30 April 2005, cannot be appealed, but the third-country national is entitled to request that the relevant official re-examine the decision according to substance. If the circumstances still exist which were the basis for the taking of the decision, the Minister for Internal Affairs shall take a decision in conformity with the provisions of Section 61.¹, 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 61.¹, 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 Third-country nationals who are Prohibited to enter the Republic of Latvia, shall be in force.
[16 June 2005]

9. Up to the day of the coming into force of the Cabinet regulations provided for in Section 24, Paragraph five of this Law, but not later than by 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 Third-country nationals who are Entitled to Request a Permanent Residence Permit, shall be in force.
[16 June 2005]

10. The cabinet shall by 1 March 2006 issue the regulations referred to in Section 4, Paragraphs nine and ten of this Law.
[24 November 2005]

11. Up to the day of the coming into force of the Cabinet regulations referred to in Section 4, Paragraphs nine and ten of this Law, but not later than 28 February 2006, the necessary and additional examination of visas shall be performed for the citizens of those countries, which are specified in Cabinet Regulation No. 183 of 15 April 2003, Procedures for Approval of Invitations.
[24 November 2005]

12. The Cabinet by 1 March 2006 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.
[24 November 2005]

13. Up to the day of the coming into force of the Cabinet regulations referred to in Paragraph 12 of these Transitional Provisions, but not later than by 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 by 1 August 2006 the regulations referred to in Section 4, Paragraph eight of this Law.
[6 April 2006]

Informative Reference to European Union Directives

Legal norms have been included in this Law, which arise from:

1) Council Directive 64/221/EEC of 25 February 1964 on the co-ordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health;

2) Council Directive 68/360/EEC of 15 October 1968 on the abolition of restrictions on movement and residence within the Community for workers of Member States and their families;

3) Council Directive 72/194/EEC of 18 May 1972 extending to workers exercising the right to remain in the territory of a Member State after having been employed in that State the scope of the Directive of 25 February 1964 on coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health;

4) Council Directive 73/148/EEC of 21 May 1973 on the abolition of restrictions on movement and residence within the Community for nationals of Member States with regard to establishment and the provision of services;

5) Council Directive 75/34/EEC of 17 December 1974 concerning the right of nationals of a Member State to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity;

6) Council Directive 75/35/EEC of 17 December 1974 extending the scope of Directive No 64/221/EEC on the coordination of special measures concerning the movement and residence of foreign nationals which are justified on grounds of public policy, public security or public health to include nationals of a Member State who exercise the right to remain in the territory of another Member State after having pursued therein an activity in a self-employed capacity;

7) Council Directive 90/364/EEC of 28 June 1990 on the right of residence;

8) Council Directive 90/365/EEC of 28 June 1990 on the right of residence for employees and self-employed persons who have ceased their occupational activity;

9) Council Directive 93/96/EEC of 29 October 1993 on the right of residence for students;

10) 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;

11) Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification;

12) Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents; and

13) Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals 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.

[22 April 2004; 16 June 2005; 24 November 2005; 6 April 2006; 25 January 2007]

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

Transitional Provisions Regarding Amendments to the Immigration Law

Transitional Provision

(regarding amending Law of 8 July 2003)

With the coming into force of this Law, Cabinet Regulation No. 207, Amendments to the Immigration Law (*Latvijas Vēstnesis*, 2003, No. 63) issued in accordance with Article 81 of the Constitution of the Republic of Latvia is repealed.

Transitional Provision

(regarding amending Law of 24 November 2005)

With the coming into force of this Law, Cabinet Regulation No. 521, Amendments to the Immigration Law (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2005, No. 18) issued in accordance with Article 81 of the Constitution of the Republic of Latvia is repealed.