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

Republic of Latvia

Cabinet

Regulation No 44

Adopted 20 January 2004

Regulations Regarding Work Permits for Third-country Nationals

*Issued pursuant to
Section 9, Paragraphs three and four of the Immigration Law*

I. General Provisions

1. These Regulations prescribe the procedures for the request and issue of a work permit to a third-country national who wishes to establish employment legal relationships by entering into an employment contract or by being employed on the basis of another civil legal contract (including as a member of a capital company's council or executive body) or by being a self-employed person in the Republic of Latvia, as well as the procedures and the amount in which the State fee regarding examination of documents necessary for the request of a work permit is to be paid.

[12 December 2006]

2. A work permit to a third-country national shall be issued by the Office of Citizenship and Migration Affairs (hereinafter — Office) in accordance with the procedures prescribed in these Regulations.

3. A natural or a legal person who in conformity with the Law On State Social Insurance is deemed to be an employer (hereinafter — employer) is permitted to employ a third-country national only in the profession, speciality or position which is specified in the work permit of the third-country national.

4. An employer wishing to employ a third-country national (except for the persons referred to in Paragraphs 28.¹, 29, 30 and 31 of these Regulations) shall submit to the branch of the State Employment Agency (hereinafter — Agency) according to the actual place of work

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performance or the legal address of the employer (if the actual place of work performance cannot be identified precisely) an employer's work invitation (hereinafter — invitation) (Annex 1) for approval. The work invitation shall be drawn up for each third-country national in a single original.

5. If an employer has intended to employ a third-country national (except for the persons referred to in Paragraphs 28.¹, 29, 30 and 31 of these Regulations) by entering into an employment contract, the work invitation may be approved if a vacant position or a specialist vacancy is registered at the branch of the Agency and subsequent to the registration it has been vacant not less than one month up to the day of submission of the documents referred to in Paragraph 18 of these Regulations.

5.¹ A work permit shall be issued to a third-country national, who is a pupil at an accredited educational institution in the Republic of Latvia or a full-time student, only in such case where his or her work time specified in his or her work contract does not exceed 20 hours per week or if he or she is self-employed and his or her period of residence in Latvia is not less than one year.

[13 September 2005; 12 December 2006]

6. A work permit (Annex 2) may be issued to a third-country national on the basis of a visa, residence permit, or an asylum seeker's identity document.

[13 September 2005]

7. If a third-country national is working in several commercial companies, is holding several positions in one commercial company or is working in several specialities in one commercial company, a work permit shall be necessary for each type of work.

8. A third-country national who wishes to reside in the Republic of Latvia in order to perform commercial activities or as a self-employed person shall submit documents for the receipt of a work permit to the diplomatic or consular mission of the Republic of Latvia in foreign states (hereinafter — mission) or the Office in accordance with the regulatory enactments regulating the request of a visa or a residence permit.

9. If within the term specified in the work permit conditions which formed the basis for the issue of the work permit change (for example, the employer, position, working time, place of work changes), a third-country national has a duty to receive a new work permit in accordance with the procedures specified in these Regulations.

10. If employment legal relationships with a third-country national are terminated prior to the term specified in the work permit, the employer shall before the end of the term specified in the work permit, but not later than three working days after termination of employment relationships, notify the Office thereof in writing. If an employer has failed to notify regarding the termination of employment relationships in accordance with the procedures prescribed in this Paragraph, the head of the Office, by taking an appropriate decision, may set a prohibition for the employer for one year (counting from the day of disclosure of the violation) to request approval of new work invitations and/or receive work permits for third-country nationals.

11. A third-country national shall keep a work permit until the end of the term specified therein and present it at the request of supervision and control institutions.

12. If a work permit is lost, damaged or has become invalid, a third-country national shall within three working days notify the Office thereof in writing and request to be issued a work permit duplicate.

13. The State Labour Inspection, the State Border Guard, the Agency and the Office in accordance with the competence thereof shall supervise and control the residence and employment in the Republic of Latvia of a third-country national who has established employment legal relationships, by entering into an employment contract or is employed on the basis of another civil legal contract (including as a member of a capital company's council or executive body), or is a self-employed person.

[12 December 2006]

II. Approval of Work Invitations

14. For a third-country national who is intended to be employed in a territory of special economic zones the work invitation shall be approved in conformity with the regulatory enactments regulating the operation of special economic zones.

15. If the work of a third-country national in the Republic of Latvia is provided for in accordance with a work-performance contract, prior to the submission of the documents specified in Paragraph 18 of these Regulations to a branch of the Agency the employer shall submit to the Agency a submission for co-ordination of the work-performance contract and a copy of the work-performance contract in two copies with a translation into Latvian. The submission shall substantiate the necessity to employ the third-country national in accordance with the work-performance contract and specify the number of third-country nationals to be employed, positions, professions, places of work performance and terms for work performance.

16. If the persons referred to in Paragraphs 29 and 30 of these Regulations (except for the persons referred to Clause 30.2.13 of these Regulations) are intended to be employed in accordance with a work-performance contract, in conformity with Paragraph 15 of these Regulations the documents for co-ordination of the work-performance contract shall be submitted to the Agency.

[13 September 2005]

17. The Agency shall take a decision regarding co-ordination of the work-performance contract or refusal to co-ordinate the contract referred to within five working days from the day of submission of the documents referred to in Paragraphs 15 and 16 of these Regulations.

18. In order to approve a work invitation an employer or his or her authorised representative shall submit to a branch of the Agency the following documents together with the work invitation:

18.1. a submission where the necessity to employ a third-country national is substantiated and it is certified that the employer does not have State Revenue Service administered tax debt;

18.2. *[12 December 2006]*

18.3. if the profession of the third-country national is regulated — a copy of the certification acknowledging qualifications or equivalent document, which certify conformity of the professional qualifications with the requirements provided for in the Republic of Latvia. If the profession of a third-country national is not regulated, a copy of a legalised

education document or document which certifies three years experience in the profession in which the employer plans to engage the third-country national shall be submitted, appending a translation into the official language certified according to specified procedures;

18.4. if the work of a third-country national in the Republic of Latvia is provided for in accordance with an employment contract or a work-performance contract — a copy of the employment contract or a copy of a work-performance contract co-ordinated in conformity with Paragraph 15 of these Regulations;

18.5. a copy of a registration certificate, articles of association, by-laws or another document certifying the legal status of the employer;

18.6. a copy of a permit (licence), if the employer intends to employ the third-country national in such work as requires a permit (licence) for the performance thereof;

18.7. a power of attorney if the submitter of documents is an authorised representative of the employer; and

18.8. a document certifying payment to the Agency for the examination of the documents referred to in Sub-paragraphs 18.1, 18.3, 18.4, 18.5, 18.6 and 18.7 of these Regulations and approval of the work invitation. The fee for the examination of documents and approval of the work invitation under normal procedures (within 10 working days after submission of the documents referred to in Paragraph 18 of these Regulations) shall be three lats, under accelerated procedures (within five working days after submission of the documents referred to in Paragraph 18 of these Regulations) — five lats.

[13 September 2005; 12 December 2006]

19. *[12 December 2006]*

[13 September 2005; 12 December 2006]

20. A branch of the Agency subsequent to the receipt of the documents referred to in Paragraph 18 of these Regulations shall examine them and:

20.1. on the basis of an evaluation of the situation in the labour market, approve the work invitation, as well as issue it to the employer; or

20.2. not approve the work invitation, as well as notify the employer thereof in writing, specifying the reasons for not approving the work invitation and the procedures for challenging and appealing the decision if:

20.2.1. the employer wishing to employ a third-country national by entering into an employment contract has not registered the vacant position or the specialist vacancy at the branch of the Agency or subsequent to the registration the relevant position or specialist vacancy has been vacant less than one month up to the submission of the documents referred to in Paragraph 18 of these Regulations;

20.2.2. the employer has not received a work permit for the third-country national subsequent to a previously approved work invitation and within a time period of three months from the approval of the work invitation has not informed the branch of the Agency in writing of the reason why the work invitation is not submitted to the Office;

20.2.3. the work invitation has been drawn up for work with several employers simultaneously and the regular working time provided for exceeds the working hours provided for in the Labour Law;

20.2.4. the employer has failed to submit to a branch of the Agency all the documents referred to in Paragraph 18 of these Regulations or the information specified in the submitted documents is incomplete, unsubstantiated or false; or

20.2.5. the head of the Office has taken a decision regarding a violation by the employer in accordance with Paragraph 10 of these Regulations.
[13 September 2005]

21. The approved work invitation shall be submitted to the Office together with the documents necessary for the request of a temporary residence permit.

22. A work invitation three months after the approval thereof shall be valid for the request of a temporary residence permit.

III. State Fee for the Examination of Documents Necessary for the Request of a Work Permit

23. The State fee for the examination of the documents necessary for the request of a work permit (hereinafter — State fee) for employment of one third-country national in the Republic of Latvia shall be 35 lats per calendar month. If the time of employment is shorter than one calendar month, the State fee shall be determined for a full calendar month.

24. The third-country nationals referred to in Clauses 29.1.1, 29.1.2, 29.1.3, 29.1.4, 29.1.29, 29.2.1, 29.2.2, 29.2.3, 29.2.5, 30.1.1, 30.1.2, 30.1.3, 30.1.4, 30.1.5, 30.2.1, 30.2.2, 30.2.3, 30.2.5, 30.2.6, 30.2.8, 30.2.9, 30.2.10, 30.2.11, 30.2.12, 30.2.13, 30.2.14, 30.2.15, 30.2.16, 30.2.17, 30.2.18, 30.2.19, and 30.2.20 and Paragraphs 28.¹ and 31 of these Regulations shall be exempt from the State fee.

[13 September 2005; 12 December 2006; 5 June 2007]

25. A third-country national shall pay the State fee before the receipt of a work permit.

26. Revenue from the State fee shall be transferred to the State basic budget.

IV. Issue of Work Permits

27. If employment of a third-country national is related to short-term or irregular residence in the Republic of Latvia which does not exceed 90 days over a period of six months (counting from the day of first entry), the third-country national shall receive a visa (in the cases referred to in Paragraph 29 of these Regulations) or a temporary residence permit and a work permit. The provision referred to shall also apply to third-country nationals who in accordance with the Immigration Law do not require a visa for entry in the Republic of Latvia.

28. If the employment of a third-country national is related to regular residence in the Republic of Latvia, which exceeds 90 days over a period of six months (counting from the day of first entry), the third-country national shall receive a temporary residence permit and a work permit.

28.¹ If an asylum seeker has not received a decision from the Office's Refugee Matters department regarding the granting of refugee or an alternative status within a period of one year from the submission of an application for the granting of refugee or an alternative status, a work permit shall be issued to the asylum seeker (without the approval of an employer's invitation at a branch of the Agency), on the basis of the identity documents of the asylum seeker.

[13 September 2005]

29. The Office shall issue a work permit (without approval of an employer's work invitation at a branch of the Agency) in conformity with the term of validity of the visa for a period not exceeding 90 days over a period of six months (counting from the day of first entry) to the following persons:

29.1. a third-country national who is intended to be employed in the Republic of Latvia:

29.1.1. at a State science institution as a scientist;

29.1.2. at a cultural institution financed from the State budget or local government as a manager, composer, musician, singer, choreographer, dancer, film, theatre or other director or actor, circus artist or a technical worker involved in ensuring the performance;

29.1.3. at an accredited educational institution as a teacher;

29.1.4. as an assessor who assesses, accredits and monitors laboratories, certification and inspection institutions;

29.1.5. as an information technologies specialist if he or she has appropriate higher professional or higher academic education in the area of information technologies and experience in a leading position in the information technologies sector (during the last three years). In such case up to 100 work permits per year may be issued if third-country nationals are intended to be employed in the following positions:

29.1.5.1. Project Director (PD);

29.1.5.2. Quality Manager (QM);

29.1.5.3. Lead Project Manager (PM2);

29.1.5.4. Lead System Architect (SAR3);

29.1.5.5. Lead System Analyst (SA3);

29.1.5.6. Lead Software Developer (P3);

29.1.5.7. Lead IT Solutions Consultant (ITC3); and

29.1.5.8. Lead Business Consultant (BC3);

29.1.6. as a composer, musician, singer, choreographer, dancer, cinema, theatre or other director or actor, circus artist or technical employees involved in ensuring performances;

29.1.7. as a driver of means of transport for the international carriage of goods in the field of motor transport regulated professions;

29.1.8. in an aircraft registered in the Republic of Latvia in one of the regulated professions in the field of civil aviation; and

29.1.9. summer work measures organised by the State for youth of Latvian origin living abroad; and

29.2. a third-country national who:

29.2.1. is a pupil or a student of an educational institution and who has arrived in the Republic of Latvia for field practice or to train at an accredited educational institution of the Republic of Latvia or a commercial company registered in the

commercial register if practice or traineeship is related with employment legal relationships;

29.2.2. is a consultant (expert) providing assistance to a State or local government institution or assisting in implementation of an international agreement or project to which the Republic of Latvia is a member state;

29.2.3. is an official of a partnership having rights of representation registered in the commercial register, member of the board of directors, member of the council, proctor, administrator, liquidator or a person who is authorised to represent the activities of a merchant (foreign merchant), which is associated with a branch; or

29.2.4. [12 December 2006]

29.2.5. is the sole founder of a commercial company who will perform the duties of an official having rights of signature registered in the commercial register.

[13 September 2005; 12 December 2006]

30. The Office shall issue a work permit (without approval of an employer's work invitation at a branch of the Agency) in conformity with the term specified in the temporary residence permit to the following persons:

30.1. a third-country national who is intended to be employed in the Republic of Latvia:

30.1.1. at a State science institution as a scientist;

30.1.2. at a cultural institution financed from the State budget or local government as a manager, composer, musician, singer, choreographer, dancer, film, theatre or other director or actor, circus artist or a technical worker involved in ensuring the performance;

30.1.3. as a sports trainer;

30.1.4. as a professional sportsman or sportswoman on the basis of an invitation from a sports club; and

30.1.5. at an accredited educational institution as a teacher; and

30.2. a third-country national who:

30.2.1. is a pupil or a student of an educational institution and who has arrived in the Republic of Latvia for field practice or to train at an accredited educational institution of the Republic of Latvia or a commercial company registered in the commercial register if practice or traineeship is related with employment legal relationships;

30.2.2. is a consultant (expert) providing assistance to a State or local government institution or assisting in implementation of an international agreement or project to which the Republic of Latvia is a member state;

30.2.3. is an official of a partnership having rights of representation registered in the commercial register, member of the board of directors, member of the council, proctor, administrator, liquidator or a person who is authorised to represent the activities of a merchant (foreign merchant), which is associated with a branch;

30.2.4. [12 December 2006]

30.2.5. is the sole founder of a commercial company who will perform the duties of an official having rights of signature registered in the commercial register;

30.2.6. is an individual merchant;

30.2.7. is a self-employed person;

30.2.8. was a Latvian citizen on 17 June 1940 and wishes to work;

30.2.9. has arrived in the Republic of Latvia to live with his or her spouse who is a citizen of Latvia, a non-citizen of Latvia or a third-country national who has received a permanent residence permit, and wishes to work;

30.2.10. is a child of the third-country national referred to in Clause 30.2.9 of these Regulations, who has received a temporary residence permit and wishes to work;

30.2.11. is a full-age child of a citizen of Latvia or his or her family member and wishes to work;

30.2.12. is a person who has been granted an alternative status or his or her family member who has received a temporary residence permit and wishes to work in accordance with the procedures set out in the Asylum Law;

30.2.13. is a third-country national whose work invitation has been approved in conformity with the regulatory enactments regulating the operation of special economic zones;

30.2.14. has received a temporary residence permit on the basis of a decision by the Minister for the Interior;

30.2.15. is a pupil at an accredited educational institution in the Republic of Latvia or a full-time student, whose work time specified in his or her work contract does not exceed 20 hours per week;

30.2.16. is recognised as a victim of traffic of human beings in conformity with regulatory enactments regarding the procedures by which victims of traffic of human beings receive social rehabilitation services, and criteria for the recognition of persons as victims of traffic of human beings;

30.2.17. is a person who has been granted European Community permanent resident status in another Member State of the European Union, or the family member thereof, and who has resided in Latvia for one year in accordance with Section 23, Paragraph one, Clause 6 of the Immigration Law and wishes to again be employed in the Republic of Latvia;

30.2.18. has received a residence permit up to the day of the coming into effect of a court judgment regarding divorce and the specification of the place of residence of the children;

30.2.19. is a person who has been granted temporary protection status in Latvia; or

30.2.20. has received a residence permit in accordance with Section 23, Paragraph one, Clause 22 of the Immigration Law and has resided in the Republic of Latvia with this temporary residence permit for one year.

[22 April 2004; 13 September 2005; 12 December 2006]

31. The Office shall issue a work permit (without approval of a work invitation at a branch of the Agency) in conformity with the term of validity of the visa to a dependant person of an employee of diplomatic and consular missions or missions of international organisations accredited in the Republic of Latvia if an appropriate agreement has been entered into between the Republic of Latvia and the relevant state or international organisation. If between the Republic of Latvia and the relevant state or international organisation an appropriate agreement has not been entered into, the work permit shall be issued to the dependant person of an employee of diplomatic and consular missions or missions of international organisations accredited in the Republic of Latvia after the approval of a work invitation according to the procedures specified in these Regulations in conformity with the term of validity of the visa. The approval of the work invitation is not necessary if the person conforms to one of the categories referred to in Paragraph 29 of these Regulations.

[12 December 2006]

32. In the cases referred to in Clauses 29.1.9, 30.2.8, 30.2.9, 30.2.10, 30.2.11, 30.2.12, 30.2.14, 30.2.15, 30.2.16, 30.2.17, 30.2.18, 30.2.19 and 30.2.20 and Paragraph 31 of these

Regulations a third-country national has the right to work with any employer in the Republic of Latvia and a work permit for him or her shall be issued for a period not exceeding the term of the temporary residence permit or the visa.

[13 September 2005; 12 December 2006; 5 June 2007]

33. If the term of a work permit expires, a new work permit shall be issued in accordance with the procedures prescribed by these Regulations, approving a new work invitation. If an employer wishes to continue employment legal relationships with the same third-country national, the employer shall submit to a branch of the Agency a submission substantiating the need to re-employ the third-country national and the documents referred to in Paragraph 18 of these Regulations (if the information provided in the previously submitted documents has changed). In such case the employer shall not be subject to the requirements specified in Paragraph 5 of these Regulations.

34. By the tenth day of the current month the Office shall send to the relevant branch of the Agency the following information for the previous month:

34.1. information regarding the third-country nationals to whom work permits have been issued on the basis of a work invitation, including:

34.1.1. copies of work permits; and

34.1.2. copies of documents certifying payment of State fees if a third-country national has not been exempt from the State fee in accordance with Paragraph 24 of these Regulations;

34.2. a list of those third-country nationals who have been refused a temporary residence permit or whose temporary residence permit and work permit has been cancelled due to the fact that employment legal relationships have been terminated;

34.3. information regarding third-country nationals who have been issued with work permits without approval of a work invitation at a branch of the Agency (given name, surname, nationality, intended place of work in Latvia, sector in which the third-country national is working, speciality, profession or position, term for work performance, working time); and

34.4. information regarding the decisions referred to in Paragraph 10 of these Regulations.

35. By the tenth day of each month the Office shall send to the State Border Guard and the State Labour Inspection the information referred to in Sub-paragraphs 34.2 and 34.4 of these Regulations regarding the previous month.

36. At the request of the Agency the Office shall provide compiled statistical information regarding work permits issued to third-country nationals.

37. By the twenty-fifth day of the current month a branch of the Agency shall register work permits issued during the previous month on the basis of a work invitation in a third-country national-guest worker register. The register referred to shall indicate the given name, surname, date of birth of the third-country national, the name, registration number and legal address of the employer, speciality, profession or position in which the third-country national will be working, the start and end date of the term for work performance, place of work performance and the state to which the third-country national belongs.

[13 September 2005]

V. Closing Provisions

38. Approved work invitations which in accordance with Cabinet Regulation No. 116 of 28 March 2000, Procedures for the Employment of Third-country nationals and Stateless Persons in Latvia have been drawn up by the day of coming into force of these Regulations shall be valid for three months.

39. [13 September 2005]

Informative Reference to European Union Directives

These Regulations contain legal norms arising from:

1) Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof;

2) Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers;

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

4) 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;

5) Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted; and

6) Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service.

[13 September 2005; 12 December 2006]

Prime Minister

E. Repše

Minister for Welfare

D. Staķe

Employer Work Invitation

Employer

(name, registration number, legal address and telephone number (if the employer is a legal person) or given name, surname, personal identity number, address and telephone number (if the employer is a natural person))

is inviting the following person to enter Latvia

(given name, surname)

(place and date of birth)

(address of the place of residence)

(nationality)

(profession, speciality or position)

Purpose and basis of entry (*mark the appropriate with X*):

☐ employment contract

☐ work-performance contract

(specify sector, speciality, profession or position in which the third-country national is intended to be employed)

(place of work performance (address))

(term for work performance)

(working time in hours per week)

Employer

(signature and full name)

Place for a seal

(date)

State Employment Agency

(branch name)

decision:

a) on the basis of a lack of specialists with appropriate qualifications in

profession, speciality,
(specify profession, speciality)

I approve _____ born _____,
(third-country national's given name and surname in genitive) (place and date)

work invitation for the performance _____
of work (specify the place of work performance (address))

in the time period _____ to _____
from (date, month, year) (date, month, year)

(working time in hours per week)

State fee for the issue of the work permit LVL _____
(in numbers) (in words)

b) on the basis of _____
(reason for refusal)

_____, born _____,
(third-country national's given name and surname in genitive) (place and date)

I do not approve the work invitation.

State Employment Agency _____
(branch name)

head _____
(signature and full name)

Place for a seal

(date)

Minister for Welfare

D. Staže

Work Permit

_____ (date) No. _____

_____ (place of issue)

Issued in respect of third-
country national's _____
(given name and surname in genitive, personal identity number and
date of birth, nationality)

employment in Latvia (*mark the appropriate with X*):

☐ in accordance with an employment contract

☐ in accordance with a work-performance contract

☐ in accordance with an international contract (project)

☐ other reason _____ (specify)

Employer _____
(name, registration number, legal address and telephone number (if the
employer is a legal person) or given name, surname, personal identity number,
address and telephone number (if the employer is a natural person))

Work permit is valid for work _____
(place of work performance (address))

(specify sector, speciality, profession or position in which the third-country national is working)

in the time period _____ to _____
from (date, month, year) (date, month, year)

(working time in hours per week)

Office of Citizenship and Migration Affairs
official _____
(position, signature and full name)

Place for a seal

Minister for Welfare

D. Staķe