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

20 January 2005.

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:

Asylum Law

Chapter I General Provisions

Section 1. Purpose of this Law

The purpose of this Law is to ensure the rights of persons to receive asylum, receive refugee status, temporary protection and alternative status in the Republic of Latvia in accordance with generally accepted international principles of human rights.

Section 2. Principle of Non-Refoulement

(1) A person recognised as an asylum seeker in the Republic of Latvia shall not be deported or extradited to a country where the threats referred to in Sections 23 or 35 of this Law exist.

(2) A person who has been granted refugee status in the Republic of Latvia shall not be deported or extradited to a country where the threat of persecution referred to in Section 23 of this Law exists.

(3) A person who has been granted alternative status in the Republic of Latvia shall not be deported or extradited to a country where the threats referred to in Section 35 of this Law exist.

Section 3. Status of Asylum Seeker

A person shall be considered to be an asylum seeker if he or she, in accordance with procedures prescribed by this Law, has submitted an application for granting of refugee or alternative status (hereinafter – application). Applications, from the moment of their submission

¹ The Parliament of the Republic of Latvia

to the taking of a final decision, shall be examined in accordance with the procedures and time periods prescribed by this Law (hereinafter – asylum procedure).
[20 January 2005]

Section 4. Refugee Affairs Department

- (1) The Refugee Affairs Department (hereinafter – Department) shall examine the application of a person and take a decision to grant or to refuse the granting of refugee or alternative status in accordance with the provisions of this Law.
- (2) A decision of the Department may be appealed in cases provided for in this Law and in accordance with the procedures provided for in this Law.
- (3) The Department is a unit of the Office of Citizenship and Migration Affairs (hereinafter – Office). The head of the Department shall be appointed to and released from office by the director of the Office.

Section 5. Appeals Board for Refugee Matters

- (1) Complaints regarding decisions of the Department shall be examined by the Appeals Board for Refugee Matters (hereinafter – Board). A decision of the Board shall be final and not subject to appeal except for the cases referred to in Section 33, Paragraph one and Section 42, Paragraph three of this Law.
- (2) The Board shall consist of a Chairperson and four Board members. The Chairperson of the Board shall be appointed to and released from office by the Cabinet upon a recommendation of the Minister for Justice, but the Board members – upon a recommendation of the Chairperson of the Board.
- (3) The Board is an institution under the supervision of the Ministry of Justice. The Cabinet shall approve by-laws of the Board. The Chairperson of the Board and members thereof shall, within the scope of their competence, act and take decisions independently.

Section 6. United Nations High Commissioner for Refugees

- (1) Persons who have submitted an application have the right to apply to the United Nations High Commissioner for Refugees or his or her authorised persons or institutions.
- (2) Upon a request by the United Nations High Commissioner for Refugees, the Department and the Board shall submit their decisions to the Commissioner.

Section 7. Confidentiality of Information

- (1) The employees of institutions or foreign authorities if it conforms to the international obligations of the Republic of Latvia involved in asylum procedures do not have the right to disclose information on asylum seekers, except in the cases referred to in Paragraph two of this Section. An employee guilty of disclosure of information shall be held liable in accordance with procedures prescribed by law.
- (2) Information on an asylum seeker may be disclosed if the person concerned has given written consent for disclosure or if law enforcement institutions in accordance with procedures prescribed by law have requested the information.

(3) Information regarding asylum seekers shall not be provided to his or her state of citizenship or if the asylum seeker is a stateless person – to his or her previous country of domicile.
[20 January 2005]

Section 8. Identification of Asylum Seekers

The State Border Guard shall identify an asylum seeker. The Minister for the Interior shall determine the procedures according to which an asylum seeker shall be identified and the co-operation of the institutions of the Ministry of the Interior involved in the asylum procedure.

Section 9. Language of Communication

An asylum seeker who does not understand the official language shall be ensured an opportunity to communicate with the aid of an interpreter, as well as the right to submit an application, to become acquainted with the materials of examination of the application and to provide explanations in a language that the person understands.

Section 10. Rights and Duties of Asylum Seekers

- (1) An asylum seeker has the right to reside in the Republic of Latvia until the final decision to grant or to refuse the granting of refugee or alternative status has been taken.
- (2) An asylum seeker has the right to receive all information on the asylum procedure and his or her rights and duties in the course of this procedure. The asylum seeker has the right to receive such information in a language he or she understands.
- (3) Any person of legal age shall submit an application herself or himself.
- (4) An asylum seeker has the right to invite another person to provide legal assistance.
- (5) An asylum seeker has the right to receive emergency medical assistance and primary health care from State resources.
- (6) An asylum seeker or his or her authorised person has a duty to co-operate with the Department and other institutions referred to in this Law, providing them with information that may affect the granting of refugee or alternative status.
- (7) While residing in an accommodation centre for asylum seekers, an asylum seeker has a duty to comply with the internal procedure regulations of such centre.
- (8) An asylum seeker has a duty in the interests of public health to undergo a medical examination.
- (9) An asylum seeker has a duty to co-operate with the State Border Guard in order that it may take his or her fingerprints.

[20 January 2005]

Section 11. Rights of Minors

- (1) The rights and lawful interests of a minor (a person who has not attained the age of 18 years) shall be represented by his or her parents.
- (2) An application shall be examined and the decision to grant or refuse the granting of refugee or alternative status shall also apply to minor children of an asylum seeker if they are located or arrive in the Republic of Latvia concurrently with the parents. In examining an application the opinion of a minor shall be taken into consideration.

(3) If a minor is not accompanied by parents and wishes to submit an application himself or herself, his or her rights and lawful interests shall be represented during the asylum procedure by an independent authorised representative appointed by the Board. The duty of such representative is to act objectively in the interests of the minor.

(4) Interviews with a minor who is not accompanied by parents shall be conducted by border guards specially trained for such task.

(5) Protection of the rights of the child shall be ensured for a minor who is not accompanied by parents in accordance with the procedures prescribed by law.

(6) A minor who is not accompanied by parents has the right to receive legal assistance free of charge during the asylum procedure.

(7) The minor children of an asylum seeker or minor asylum seekers shall be ensured the acquisition of education in conformity with the laws in force, The Cabinet shall determine the procedures by which education shall be ensured.

[20 January 2005]

Chapter II

Submission and Examination of Applications. Accommodation

Section 12. Submission of Applications by Persons Arriving from a Foreign Country at a Border Control Point

A person who arrives in the Republic of Latvia in order to receive asylum and obtain refugee or alternative status shall submit an application to a border guard at the border control point before entry into the Republic of Latvia.

Section 13. Examination of Applications at Border Control Points

(1) The State Border Guard shall interview an asylum seeker who has submitted an application in accordance with the procedures specified in Section 12 of this Law. The information obtained as a result of the interviews shall be submitted to the Department together with the application not later than within three days of the day of submission of the application if there is a reason to believe that any of the following conditions exist:

1) the application is obviously unfounded – does not, according to its substance, conform to the criteria referred to in Section 23, Paragraph one and Section 35, Paragraph one of this Law – or the application obviously lacks credibility – the narrative of the asylum seeker is contradictory, inconsistent or impossible according to substance;

2) the application of an asylum seeker for the granting of refugee status is being examined in another country.

3) the asylum seeker has obtained refugee status in another country and may avail himself or herself of its protection without justified fear of persecution referred to in Section 23 of this Law;

4) an asylum seeker has the citizenship of a country where the threat referred to in Section 23, Paragraph one and Section 35, Paragraph one of this Law does not exist;

5) an asylum seeker has submitted an application without a justified explanation in order to prevent expected deportation although he or she has had the opportunity to submit an application earlier; or

6) the asylum seeker, before arriving in the Republic of Latvia, has resided in a country where the following conditions exist:

a) the country has ratified the 28 July 1951 Convention Relating to the Status of Refugees and the 31 January 1967 Protocol Relating to the Status of Refugees:

b) in that country the asylum seeker is not in danger of the death penalty or corporal punishment, torture, or inhumane or degrading treatment; and

c) in that country the asylum seeker could have asked for and received protection.

(2) The Department shall examine the received interview materials within two working days of the day of receipt thereof. If the Department considers that the application conforms to the conditions specified in Paragraph one of this Section, it shall take a decision to refuse the granting of refugee or alternative status.

(3) The asylum seeker or his or her authorised person may appeal a decision of the Department to the Board within one working day. The Board shall examine such complaint within two working days of the day of receipt thereof. During the period of claim examination the person shall be considered to be an asylum seeker.

(4) If the State Border Guard, the Department or the Board does not comply with the time periods set out in this Section for well-founded reasons or if the Board recognises that the application is justified, the application shall be examined in accordance with the procedures prescribed by Section 16, Paragraph two of this Law.

Section 14. Detention of Asylum Seekers

(1) The State Border Guard has the right to detain an asylum seeker up to 10 days if:

1) the identity of the asylum seeker has not been ascertained;

2) there is a reason to believe that the asylum seeker will endeavour to misuse the asylum procedure;

3) there is reason to believe that the asylum seeker will not have, in accordance with the provisions of this Law, a legal basis to reside in the Republic of Latvia; or

3) it is necessary in the interests of State security and public order.

(2) The State Border Guard shall detain an asylum seeker and a judge shall take a decision regarding the detention according to the procedures specified in the Immigration Law.

(3) The State Border Guard may present a submission regarding the extension of the time period of detention repeatedly, however, the total detention time period may not exceed the time period for the examination of an application.

(4) During detention an asylum seeker shall be accommodated in premises provided for this purpose separately from persons who are held on suspicion of committing a criminal offence:

1) at the border control point or at the State Border Guard territorial structural unit if an application in accordance with the procedures prescribed by Section 13 of this Law is being examined; and

2) at the State Border Guard territorial structural unit if an application has been submitted to the State Border Guard territorial structural unit.

[20 January 2005]

Section 15. Submission of Application by Persons Located in the Republic of Latvia

A person located in the Republic of Latvia shall submit an application to the territorial unit of the State Border Guard.

Section 16. Examination of Applications if Submitted by Persons Located in the Republic of Latvia

(1) The State Border Guard shall interview an asylum seeker who has submitted an application in accordance with the procedures prescribed by Section 15 of this Law. The information obtained as a result of the interviews shall be submitted without delay to the Department together with the application.

(2) The Department shall examine the application and the materials obtained as a result of interviews, and not later than within three months of the day of submission of the application take a decision to grant or to refuse the granting of refugee or alternative status. The State Secretary of the Ministry of the Interior or his or her authorised person may for substantiated reasons extend the time period for examination of an application up to twelve months.

Section 17. Accommodation of Persons if the Application has been Submitted by Persons Located in the Republic of Latvia [20 January 2005]

Section 18. Decision On Granting or Refusal to Grant Refugee or Alternative Status. Procedures for Appealing a Decision

(1) The Department shall take a decision to grant or to refuse the granting of refugee or alternative status after the interviews with the asylum seeker provided for in Section 13, Paragraph one and Section 16, Paragraph one of this Law have been conducted.

(2) In examining an application, the Department shall first decide on the granting of refugee status to an asylum seeker in conformity with the provisions of this Law. If the conditions of Section 23 of this Law do not apply to the asylum seeker, the Department shall take a decision on the granting of alternative status in accordance with the procedures prescribed by this Law.

(3) The Department shall draw up in writing the decision on the granting or refusal to grant refugee or alternative status, providing an expanded justification and specifying the procedures for appeal. The asylum seeker shall be acquainted without delay with the contents of the decision by explaining, in a language the asylum seeker understands, the substance of the decision and the procedures of appeal.

(4) In taking a decision on granting or refusal to grant refugee or alternative status, doubts regarding the justification of the application shall be interpreted in favour of the asylum seeker.

(5) A complaint regarding a decision of the Department on the granting or refusal to grant refugee or alternative status may be submitted to the Board within a period of seven days by the asylum seeker, his or her authorised person or other interested person. The Board shall examine such complaint within three months and the decision of the Board shall be final.

(6) During examination of the complaint the person shall be considered to be an asylum seeker.

(7) If, after the Board has taken a decision to refuse the granting of refugee or alternative status, new facts become available to the person which facts substantially change the circumstances of the case, the person is entitled to submit a repeat application to the Board. The Board shall take a decision within two working days on the justification of the repeat application submitted by the asylum seeker. If the application is considered to be justified, the Board shall examine the

application within two weeks of the day of receipt of the application and take a decision on granting or refusal to grant refugee or alternative status.

(8) The decision of the Board shall be drawn up in writing, providing expanded justification and notifying the asylum seeker thereof without delay, explaining the substance of the decision in a language the asylum seeker understands.

(9) If in conformity with Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, a decision of a competent institution in another Member State of the European Union has been received regarding a refusal to examine an application or the Republic of Latvia is responsible for the examination of an application submitted to another Member State of the European Union, the application shall be examined according to the procedures and time periods specified in this Law. The time period for the examination of the application shall be counted from the day when a refusal to be responsible for the examination of the application has been received from another Member State of the European Union or when the asylum seeker has arrived in the Republic of Latvia.

[20 January 2005]

Section 19. Examination of Applications under Abridged Procedure

(1) If a person has submitted an application while located in the Republic of Latvia and there is a reason to believe that a condition provided for in Section 13, Paragraph one of this Law exists, the State Border Guard shall interview the asylum seeker and not later than within five working days of the day of receipt of the application submit to the Department the information obtained as a result of the interviews together with the application.

(2) The Department shall examine the application and the received interview materials within five working days of the day of the receipt thereof. If the Department considers that the application conforms to the conditions specified in Section 13, Paragraph one of this Law, it shall take a decision to refuse the granting of refugee or alternative status.

(3) An asylum seeker or his or her authorised person may appeal the decision of the Department to the Board within two working days. The Board shall examine such a complaint within three working days of the day of its receipt. During examination of the complaint the person shall be considered to be an asylum seeker.

(4) If the State Border Guard, the Department or the Board due to substantiated reasons does not fit within the time periods set out in this Section, or if the Board recognises that the application is justified, the application shall be examined in accordance with the procedures prescribed by Section 16, Paragraph two of this Law.

[20 January 2005]

Section 20. Accommodation Centres for Asylum Seekers

(1) During examination of the application the asylum seeker shall be accommodated at the accommodation centre for asylum seekers where necessary living conditions are provided. The asylum seeker may be transferred from one accommodation centre for asylum seekers to another.

(2) An asylum seeker shall not be accommodated at an accommodation centre for asylum seekers until he or she has a legal basis to reside in the Republic of Latvia.

(3) Accommodation centres for asylum seekers are organisational units of the Office.

(4) The amount of expenses provided for the maintenance of an asylum seeker, as well as the purchase of hygiene and basic necessities, and the procedures for covering such expenses shall be determined by the Cabinet.

[20 January 2005]

Section 21. Personal Identity Documents of Asylum Seekers and Procedures for Residence in the Republic of Latvia

(1) An asylum seeker shall hand his or her personal identity and travelling documents over to the State Border Guard until a final decision is taken on granting or refusal to grant refugee or alternative status, except the case where an asylum seeker has another legal basis to reside in the Republic of Latvia.

(2) An asylum seeker in the Republic of Latvia shall be issued an asylum seeker personal identity document, the form and issue procedures of which shall be determined by the Cabinet.

(3) The asylum seeker personal identity document gives the right to stay at the accommodation centre for asylum seekers. An asylum seeker has the right to reside also outside the accommodation centre for asylum seekers with a permit issued each time by the administration of the accommodation centre for asylum seekers regarding which an entry shall be made in the personal identity document of asylum seeker.

Section 22. Deportation of Persons from the Republic of Latvia

(1) A person whose application has been examined in accordance with the procedures prescribed by Section 16 of this Law and in relation to whom a decision to refuse the granting of refugee status or alternative status has been taken, shall be deported from the Republic of Latvia in accordance with the procedures prescribed by law.

(2) A person, whose application has been examined in accordance with the procedures prescribed by Sections 13 and 19 of this Law and in relation to whom a decision has been taken to refuse the granting of refugee status or alternative status, shall be deported from the Republic of Latvia in accordance with procedures determined by the Cabinet.

Chapter III Refugee Status in the Republic of Latvia

Section 23. Persons Who May Claim Refugee Status as Asylum Seekers

(1) Refugee status as asylum seekers may be claimed by persons who are not citizens of Latvia, subjects of the Law On the Status of those Former USSR Citizens who do not have the Citizenship of Latvia or That of Any Other State, or subjects of the Law On the Status of Stateless Persons in the Republic of Latvia, and who arrive or reside in the Republic of Latvia because of well-founded fear of persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion in the country of their citizenship or, if the persons are stateless, in the country of their former residence, and who due to such fears are unable or unwilling to avail themselves of the protection of the relevant country.

(2) A person who is a citizen of more than one foreign country shall not claim refugee status as an asylum seeker if the person fears without a reason the persecution referred to in Paragraph one of this Section and does not avail himself or herself of legal protection in one of his or her

countries of citizenship. The country of citizenship of a person shall be each country of which the person is a citizen.

Section 24. Cases Where the Provisions on Granting Refugee Status shall not be Applied

Provisions of this Law on the granting of refugee status shall not be applied if there is a reason to believe that an asylum seeker:

1) has committed a crime against peace, a war crime or a crime against humanity, also a crime of genocide within the meaning defined in international documents, which have been adopted to carry out measures against crimes of such type;

2) before arrival in the Republic of Latvia has committed an especially serious non-political crime; or

3) is guilty of committing acts that are contrary to the principles and purposes of the United Nations.

Section 25. Cases where Refugee Status shall not be Granted to an Asylum Seeker

Refugee status shall not be granted to an asylum seeker if:

1) the asylum seeker has citizenship of such country where the threat of persecution referred to in Section 23 of this Law does not exist;

2) the asylum seeker is a stateless person and the threat of persecution referred to in Section 23 of this Law does not exist in his or her country of former residence;

3) before the arrival in the Republic of Latvia the asylum seeker has resided in a country where the following conditions exist:

a) the country has ratified the 28 July 1951 Convention Relating to the Status of Refugees and the 31 January 1967 Protocol Relating to the Status of Refugees,

b) in the country the asylum seeker is not in danger of the death penalty or corporal punishment, torture, inhuman and degrading treatment, or

c) in the country the asylum seeker could have asked for and received protection;

4) the asylum seeker has obtained refugee status in another country and may avail himself or herself of its protection without the justified fear of persecution referred to in Section 23 of this Law;

5) an application of the asylum seeker for the granting of refugee status is being examined in another country;

6) the asylum seeker knowingly fails to comply with the requirements specified in Section 10, Paragraph six of this Law, or knowingly provides false information which is significant in deciding the question on the granting of refugee status; or

7) in accordance with information provided by competent institutions, the asylum seeker is a threat to State security and public order.

Section 26. Travel Documents of Refugees

(1) In compliance with the 28 July 1951 Convention Relating to the Status of Refugees, a travel document shall be issued to a refugee which at the same time is also a personal identity document of the refugee. The form and procedure for issuing such travel document shall be determined by the Cabinet.

(2) Upon receiving the travel document referred to in Paragraph one of this Section, a refugee shall hand over to the Department all the travel documents at his or her disposal.

Section 27. Residence of Refugees in the Republic of Latvia

A person who has been granted refugee status shall be issued with a permanent residence permit free of charge according to the procedures specified by the Cabinet.

[20 January 2005]

Section 28. Refugee Allowance and State Assistance for Social Integration

If a refugee has no other sources of income, for the first twelve months after the granting of refugee status, a refugee shall receive an allowance in the amount and in accordance with procedures determined by the Cabinet, which allowance shall cover necessary living expenses, as well as expenses necessary for learning the official language.

Section 29. Rights of Refugees to Family Reunion in the Republic of Latvia

A refugee, in accordance with procedures determined by the Cabinet, has the right to join his or her members of the family located in a foreign country. A person's spouse and his or her minor unmarried children (also adopted), as well as dependent disabled children (also adopted) of legal age, shall be considered to be family. A minor who is not married has the right to take in his or her mother and father (also adopters) who have arrived from a foreign country.

[20 January 2005]

Chapter IV Loss of Refugee Status

Section 30. Conditions for the Loss of Refugee Status

Refugee status shall be lost if:

1) a person voluntarily renews legal ties with the country of his or her citizenship or, if the person is a stateless person, with the country of his or her former residence, and requests assistance from official institutions or officials of such country, or voluntarily returns to such country;

2) a person obtains the citizenship of another country, the status of stateless person, or other type of legal protection, or receives a permanent residence permit in another country or continuously resides outside the Republic of Latvia for more than six months in a calendar year, except in the case when the absence has been notified according the procedures specified by the Cabinet;

3) in the country of citizenship of the person or, if the person is a stateless person, in the country of former residence circumstances have changed such that there is no reason to fear the persecution referred to in Section 23 of this Law; or

4) the person has become a citizen of Latvia.

[20 January 2005]

Section 31. Conditions for the Termination of Refugee Status

Refugee status shall be terminated if:

- 1) it is discovered that refugee status has been obtained under false pretences (for obtaining refugee status the person has knowingly provided false information which was a basis for the granting of refugee status); or
- 2) a person by judgement of a court has been found guilty of the commission in the Republic of Latvia of an especially serious crime.

Section 32. Decision on Loss or Termination of Refugee Status

- (1) The Department shall take a decision on the loss or termination of refugee status not later than within one month of the day when any of the circumstances referred to in Section 30 or 31 of this Law have become known to the Department, and shall notify the relevant person thereof without delay.
- (2) The person or his or her authorised person may appeal a decision referred to in Paragraph one of this Section to the Board within one month of the day of receipt of such decision.
- (3) The Board shall take a decision within two months of the day of receipt of a complaint and notify the person thereof without delay.
- (4) During examination of a complaint referred to in Paragraphs two and three of this Section the person shall retain refugee status.

Section 33. Appeal of Decisions of the Board On the Termination of Refugee Status

- (1) In the case provided for in Section 31, Paragraph one of this Law, a person or his or her authorised representative may appeal to the court, in accordance with procedures prescribed by law, a decision of the Board on the termination of refugee status.
- (2) Submission of a complaint referred to in Paragraph one of this Section shall suspend the implementation of measures referred to in Section 34 of this Law.

Section 34. Duty of a Person to Leave the Republic of Latvia if the Person has Lost Refugee Status or Refugee Status has been Terminated

A person who has lost refugee status or whose refugee status has been terminated shall leave the Republic of Latvia within two months if the person has no other legal basis to reside in the Republic of Latvia.

Chapter V Alternative Status in the Republic of Latvia

Section 35. Persons Who May Claim Alternative Status as Asylum Seekers

- (1) Alternative status shall be granted to a person to whom refugee status may not be granted in accordance with Section 23 of this Law, but only if there is reason to believe that:
 - 1) this person is under threat of the death penalty, corporal punishment, torture, inhuman or degrading treatment, or degrading punishment in the country of his or her citizenship or, if the person is a stateless person, in the country of his or her former residence; or

2) due to external or internal armed conflict this person needs protection and he or she cannot return to the country of his or her citizenship or, if the person is a stateless person, to the country of his or her former residence.

(2) A person may not claim alternative status if he or she:

1) is a citizen of Latvia, or a subject of the Law On the Status of those Former USSR Citizens who do not have the Citizenship of Latvia or that of Any Other State, or of the Law On the Status of Stateless Persons in the Republic of Latvia; or

2) is a citizen of more than one foreign country and if the person, without justified cause, fears the persecution referred to in Paragraph one of this Section and does not avail himself or herself of legal protection in one of the countries of his or her citizenship.

(3) [20 January 2005]

[20 January 2005]

Section 36. Asylum Seekers Who Shall not be Granted Alternative Status

Alternative status shall not be granted to an asylum seeker if there is cause to believe that the asylum seeker:

1) before arrival in the Republic of Latvia resided in a country where he or she could have requested and received protection;

2) has committed a crime against peace, a war crime or a crime against humanity, also a genocide crime within the meaning defined in international documents, which have been adopted to carry out measures against crimes of such kind;

3) is guilty of committing acts which are contrary to the principles and purposes of the United Nations; or

4) poses a threat to the security of the State and the people of Latvia.

Section 37. Residence of Persons in the Republic of Latvia if the Persons have been Granted Alternative Status

(1) A person who has been granted alternative status shall be issued with a temporary residence permit for a period up to four years. If the person one month prior to the end of the time period presents a submission regarding the extension of the residence time period and one of the conditions referred to in Section 35, Paragraph one of this Law still exists, the Department shall take a decision regarding the issue of a new temporary residence permit for a period up to four years;

(2) The temporary residence permit referred to in Paragraph one of this Section shall be issued according to the procedures specified by the Cabinet.

(3) A person who has received a residence permit in accordance with the procedures prescribed by this Section has the right to work in the Republic of Latvia.

[20 January 2005]

Section 38. Personal Identity Documents

(1) If a person who has been granted alternative status does not have a valid personal identity or travel document and it is impossible to obtain such document, a personal identity document shall be issued to the person.

(2) The form of the personal identity document and procedures for issuing, extending, utilising and annulling a personal identity document shall be determined by the Cabinet.

Section 39. Allowance to Persons Who have been Granted Alternative Status

If a person who has been granted alternative status has no other sources of income, he or she shall receive an allowance for not more than 9 months after the granting of alternative status in the amount and in accordance with the procedures determined by the Cabinet.

[20 January 2005]

Section 40. Rights to Family Reunion in the Republic of Latvia

(1) A person who has been granted alternative status in accordance with Clause 1, Paragraph one, Section 35 of this Law has the right to join family in accordance with the procedures provided by law.

(2) A person who has been granted alternative status in accordance with Clause 2, Paragraph one, Section 35 of this Law and who has resided in the Republic of Latvia for at least two years after the granting of such status, has the right to submit a request for reunification of the family.

(3) The procedure by which a request for reunification of family referred to in Paragraph two of this Section shall be submitted and examined and by which residence permits for the members of family shall be issued shall be determined by the Cabinet.

[20 January 2005]

Section 41. Conditions for the Loss of Alternative Status

A person shall lose alternative status if:

1) the person knowingly provided false information that was the basis for granting alternative status;

2) the person returns to the country of his or her citizenship or, if the person is a stateless person, to his or her country of former residence;

3) the person obtains the citizenship of another country, the status of stateless person, or other type of legal protection, or receives a permanent residence permit in another country or continuously resides outside the Republic of Latvia for more than six months in a calendar year, except in the case when the absence has been notified according the procedures specified by the Cabinet;

4) in the country of citizenship of the person or, if the person is a stateless person, in the country of former residence circumstances have so changed that the conditions referred to in Section 35 of this Law no longer exist;

5) the person has been found guilty by judgement of a court for the commission of an especially serious crime in the Republic of Latvia; or

6) the person has received refugee status in the Republic of Latvia or in another country.

[20 January 2004]

Section 42. Decision On the Loss of Alternative Status and Procedures for Appeal

(1) The Department shall take a decision on the loss of alternative status if any of the conditions specified in Section 41 of this Law have become known to the Department, and notify the person

thereof. The person or his or her authorised representative may appeal such decision to the Board within five working days of its receipt.

(2) The Board shall take a decision within a month of the day of receipt of the complaint and shall notify the person thereof.

(3) The decision of the Board regarding the loss of alternative status if it is discovered that the person has knowingly provided false information which was the basis for the granting of alternative status, the person or his or her authorised representative may appeal such decision to the court in accordance with the procedures prescribed by law.

(4) During examination of a complaint referred to in Paragraphs one, two and three of this Section the person shall retain alternative status.

Section 43. Duty of Persons to Leave the Republic of Latvia if a Person has Lost Alternative Status

A person who has lost alternative status shall leave the Republic of Latvia within a period of one month if the person has no other legal basis to reside in the Republic of Latvia.

Chapter VI Temporary Protection in the Republic of Latvia

Section 44. Granting of Temporary Protection in the Republic of Latvia

(1) Temporary protection is the right granted to a group of persons to reside in the Republic of Latvia for a specified period of time if such persons need protection and they are or have been forced to leave the country of their citizenship or, if the persons are stateless persons, their country of former residence due to:

- 1) ethnic conflict, or
- 2) civil war.

(2) The Cabinet shall issue an order to grant temporary protection to a group of persons, determining their total number, the time period of residence, and accommodation procedures in the Republic of Latvia, and the necessary financing, as well as the procedures according to which persons who has been granted temporary protection shall cross the State border of the Republic of Latvia.

(3) The social mix of the group of persons referred to in Paragraph one of this Section shall be determined by the Department in co-operation with the United Nations High Commissioner for Refugees.

Section 45. Identity Card

(1) An identity card shall be issued to persons who have been granted the right to reside in the Republic of Latvia for a specified period of time in accordance with Paragraph one, Section 44 of this Law, and the form and procedures for issuing such identity cards shall be determined by the Cabinet.

(2) Upon receiving an identity card, the person shall hand over his or her personal identity documents and travel documents to the Department until the moment when the person leaves the Republic of Latvia.

Section 46. Duty of a Group of Persons to Leave the Republic of Latvia if their Temporary Protection Expires

(1) A group of persons whose temporary protection has expired shall leave the Republic of Latvia.

(2) The condition referred to in Paragraph one of this Section does not apply to a person who has another legal basis for residing in the Republic of Latvia.

Transitional Provisions

1. The Refugee Affairs Department of the Office of Citizenship and Migration Affairs of the Ministry of the Interior is the successor in all rights and obligations of the Refugee Affairs Centre, which Centre was established on the basis of the law On Asylum Seekers and Refugees in the Republic of Latvia.

2. Applications for granting refugee status, submitted prior to the coming into force of this Law and regarding which a decision has not been taken in conformity with the conditions of the Law On Asylum Seekers and Refugees in the Republic of Latvia, shall be examined in accordance with the procedures prescribed by this Law.

3. With the coming into force of this Law, the Law On Asylum Seekers and Refugees in the Republic of Latvia is repealed (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 1997, No.16).

4. Amendments to Section 10, Paragraph five of this Law regarding the right of an asylum seeker to primary health care shall come into force on 6 February 2005.

[20 January 2005]

5. The Cabinet shall by 6 February 2005 issue the regulations provided for in Section 11, Paragraph seven of this Law.

[20 January 2005]

Informative Reference to European Union Directives

This Law includes legal norms arising from Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers and 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.

[20 January 2005]

This Law comes into force on 1 September 2002.

This Law has been adopted by the *Saeima* on 7 March 2002.

Acting for the President,
the Chairperson of the *Saeima*

J. Straume