

Republic of Latvia

Cabinet

Regulation No. 675

Adopted 30 August 2011

Procedures for the Entry and Residence in the Republic of Latvia of Citizens of the Union and their Family Members

*Issued pursuant to Section 2.¹,
Paragraph two of the Immigration Law*

I. General Provisions

1. This Regulation prescribes the procedures for the entry and residence in the Republic of Latvia of citizens of the Union and their family members, as well as the restrictions on residence of such persons.

2. The norms included in this Regulation shall also apply to a family member of a citizen of Latvia, if the citizen of Latvia has made use of the right to free movement of persons and has resided in another European Union Member State or in a Member State of the European Economic Area, or in the Swiss Confederation (hereinafter – Member State) or he is a provider of services who carries out commercial activities in the Republic of Latvia and provides services to persons carrying out commercial activities in another Member State.

3. Within the meaning of this Regulation, a family member of a Union citizen shall be:

3.1. the spouse of the Union citizen;

3.2. a relative of the Union citizen in the direct descending line, or his or her spouse, who has not reached the age of 21 or is a dependant of the Union citizen or his or her spouse;

3.3. a relative of the Union citizen in the direct ascending line, or his or her spouse, who is a dependant of the Union citizen or his or her spouse.

4. Within the meaning of this Regulation, an extended family member of a Union citizen shall be:

4.1. a person who is a relative of the Union citizen or his or her spouse and who is a dependant or member of the household of such Union citizen in his or her previous country of residence or who, on serious health grounds, requires personal care, and the Union citizen certifies that he or she will provide such care to the person;

4.2. a partner with whom the Union citizen has a relationship lasting for at least two years or a partner with whom the Union citizen has a registered partnership. Within the meaning of this

Regulation, the term “partner” shall be used to safeguard the rights provided for in this Regulation and shall not cover the recognition of any such partnership, which has been the basis for granting the right of entry or residence.

5. Unless otherwise provided for in Paragraph 11 of this Regulation, the extended family members of a Union citizen referred to in Paragraph 4 of this Regulation have the same right of entry or residence as provided for in this Regulation in respect of family members of a Union citizen.

6. Where a Union citizen or his or her family member has established, in the Republic of Latvia, an employment legal relationship or is a self-employed person, he or she shall not need a work permit.

7. Where a Union citizen or his or her family member who is also a Union citizen resides in the Republic of Latvia for a specified time period, he or she shall be issued a registration certificate of a Union citizen (hereinafter – registration certificate). The registration certificate shall include the following information:

- 7.1. the number of the registration certificate;
- 7.2. the given name (names) and surname of the person;
- 7.3. the personal identity number;
- 7.4. the date of issuance of the registration certificate; and
- 7.5. the declared place of residence.

8. Where a Union citizen, or his or her family member who is also a Union citizen, permanently resides in the Republic of Latvia, he or she shall be issued a permanent residence card (hereinafter – permanent residence card). The permanent residence card shall specify the following information:

- 8.1. the number of the permanent residence card;
- 8.2. a photograph of the person;
- 8.3. the given name (names) and surname of the person;
- 8.4. the personal identity number;
- 8.5. citizenship;
- 8.6. sex;
- 8.7. the date of issuance of the permanent residence card; and
- 8.8. the signature of the permanent residence card holder.

9. Where a family member of a Union citizen, who is not a Union citizen, resides in the Republic of Latvia for a certain period of time, he or she shall be issued a residence permit of a family member of a Union citizen (hereinafter – residence permit). The residence permit shall specify the following information:

- 9.1. the number of the residence permit;
- 9.2. a photograph of the person;
- 9.3. the given name (names) and surname of the person;
- 9.4. the personal identity number;

- 9.5. citizenship;
- 9.6. sex;
- 9.7. the date of issuance of the residence permit;
- 9.8. the period of validity of the residence permit;
- 9.9. the number of a travel document; and
- 9.10. the signature of the holder of the residence permit.

10. Where a family member of a Union citizen, who is not a Union citizen, resides in the Republic of Latvia permanently, he or she shall be issued a permanent residence permit of the family member of the Union citizen (hereinafter – permanent residence permit). The permanent residence permit shall specify the following information:

- 10.1. the number of the permanent residence permit;
- 10.2. a photograph of the person;
- 10.3. the given name (names) and surname of the person;
- 10.4. the personal identity number;
- 10.5. citizenship;
- 10.6. sex;
- 10.7. the date of issuance of the permanent residence permit;
- 10.8. the period of validity of the permanent residence permit;
- 10.9. the number of a travel document; and
- 10.10. the signature of the holder of the permanent residence permit.

11. The extended family member of a Union citizen referred to in Paragraph 4 of this Regulation, who is not a Union citizen, shall be issued a residence permit according to Council Regulation No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals.

12. The documents referred to in Paragraphs 7, 8, 9 and 10 of this Regulation shall bear the seal of approval by the Office of Citizenship and Migration Affairs (hereinafter – the Office) and a signature by the official who has taken the decision to issue such documents.

13. The documents referred to in Paragraphs 7, 8, 9, 10 and 11 of this Regulation shall be issued free of charge.

14. Possession of the documents referred to in Paragraphs 7, 8, 9 and 10 of this Regulation, as well as of the statement referred to in Paragraph 49 may not be made a precondition for the exercise, by the Union citizen or his or her family member, of a right or the completion of an administrative formality, where entitlement to such right may be attested by any other means of proof.

15. Upon request by the State Border Guard, the State Labour Inspectorate or the Office, a Union citizen or his or her family member shall submit documentary evidence certifying the conditions

specified in this Regulation for residing in the Republic of Latvia.

II. Entry of Union Citizens and their Family Members in the Republic of Latvia

16. A Union citizen and his or her family member are entitled to enter and reside in the Republic of Latvia for up to three months, as of the first day of the entry, provided that he or she is in possession of a valid travel document and he does not pose a threat to public security, public policy or public health.

17. The persons referred to in Paragraph 16 of this Regulation shall be notified in writing on any decision to refuse entry or a visa on the grounds of public security, public policy or public health, with an explanation of the reasons for such refusal, except cases where it would be in conflict with public security interests.

18. A family member of a Union citizen, who is not a Union citizen, has the right of entry and residence in the Republic of Latvia for a period of up to three months, as of the first day of the entry, in accordance with the conditions laid down in Council Regulation No 539/2001/EC of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (hereinafter – Regulation No 539/2001/EC). Where, in accordance with the conditions of Regulation No 539/2001, a family member of a Union citizen, who is not a Union citizen, must be in possession of a visa, such family member may enter the Republic of Latvia without a visa, provided that he or she is in possession of a valid residence permit of a family member of a Union citizen issued in any Member State and provided that he:

18.1. enters the territory of the Republic of Latvia without crossing the external border of the Republic of Latvia; or

18.2. enters the Republic of Latvia by crossing the external border of the Republic of Latvia and is accompanying or joining a Union citizen.

19. Where a Union citizen or his or her family member does not possess the documents necessary to cross the border of the Republic of Latvia, the respective official of the State Border Guard shall give him an opportunity to obtain the necessary documents or have them brought to the State Border Guard, or prove by other means that the person has the right of free movement and residence, and take a decision on the permission to the person to enter the Republic of Latvia.

20. A family member of a Union citizen is entitled to obtain an entry visa.

21. Upon accepting a visa application of a family member of a Union citizen, a diplomatic or consular mission of the Republic of Latvia (hereinafter – mission), the Office or the State Border Guard shall:

21.1. not charge a State fee for processing the visa application;

21.2. request a valid travel document and documents certifying the relationship between the family member of the Union citizen and the Union citizen. No other supporting documents shall be required for the entry;

21.3. provide the possibility not to use an outsourcing company, but to submit the visa application to the mission (where the visa application is submitted abroad).

22. A family member of a Union citizen shall be issued a uniform visa for multiple entries, with the maximum period of validity possible. The visa shall be issued as soon as possible and in accordance with the regulatory enactments in the field of the issuance of visas.

23. No visa shall be issued to a family member of a Union citizen or the existing visa shall be suspended or annulled, where the family member of the Union citizen poses a direct, actual and sufficiently serious threat to public security, public policy or public health.

24. Where it has not been possible to obtain a visa in the mission, it shall be possible to obtain it at a border post specified by the Cabinet.

III. Residence of a Union Citizens in the Republic of Latvia

25. Where a Union citizen wishes to reside in the Republic of Latvia for longer than three months, as of the first day of the entry, he or she shall register with the Office and shall be granted a registration certificate.

26. It shall not be necessary for a Union citizen, residing in the Republic of Latvia for longer than three months, as of the first day of the entry, to register with the Office, where he or she is in possession of a valid travel document and he or she:

26.1. resides in the Republic of Latvia for up to six months per year, as of the first day of the entry, where the purpose of such residence is to establish employment legal relationship in the Republic of Latvia. Where, upon expiry of the period of six months, the Union citizen has not yet established employment legal relationship, he or she and his or her family members may continue to reside in the Republic of Latvia without being registered with the Office for as long as there is evidence that the Union citizen is continuing to seek employment and that he or she has a genuine chance of being engaged;

26.2. is employed in the Republic of Latvia, but resides in another European Union Member State, to which he or she returns at least once per week;

26.3. is a student of an educational institution registered with the Register of Education Institutions of the Republic of Latvia and his or her intended period of residence in the Republic of Latvia does not exceed one year.

27. A Union citizen is entitled to receive a registration certificate, provided that he or she satisfies at least one of the following conditions:

27.1. he or she is employed in the Republic of Latvia in the status of an employee;

27.2. he or she is a self-employed person in the Republic of Latvia;

27.3. he or she is a service provider or an employee of a person established in a Member State that provides services in the Republic of Latvia;

27.4. he or she is a student of an educational institution registered with the Register of

Education Institutions of the Republic of Latvia and he or she has sufficient resources for himself or herself not to become a burden on the social assistance system, as well as a valid document issued by a Member State and certifying that the person is entitled to receive in the Republic of Latvia the necessary medical or emergency medical assistance, or he or she holds a health insurance policy. Within the meaning of this Regulation, sufficient resources shall be monthly income that corresponds to at least 50% of the amount of the minimum wage specified for the relevant period of time;

27.5. he or she has sufficient resources for himself or herself not to become a burden on the social assistance system, as well as a valid document issued by a Member State and certifying that the person is entitled to receive in the Republic of Latvia the necessary medical or emergency medical assistance, or he or she holds a valid health insurance policy;

27.6. he is a spouse of a Latvian national or non-national or of a foreign national with the permanent right of residence in the Republic of Latvia, and he has sufficient resources for himself not to become a burden on the social assistance system as well as a valid document issued by an Member State and certifying that the person is entitled to receive in the Republic of Latvia the necessary medical or emergency medical assistance, or he holds a health insurance policy;

27.7. trusteeship or guardianship has been established in respect of him or her in the Republic of Latvia.

28. In order to request a registration certificate, a Union citizen shall present a valid travel document and shall submit the following:

28.1. a filled-in standard questionnaire (Annex), provided that he or she has not, prior to that, obtained a registration certificate or a residence permit;

28.2. evidence on the fact that he or she satisfies any of the conditions referred to in Paragraph 27 of this Regulation;

28.3. where the registration certificate is to be issued to a minor, a letter of consent signed by both parents or a guardian for a child to travel to the Republic of Latvia, such consent being certified by a notary or signed in the presence of an official of the Office or a mission. If the child is to reside in the Republic of Latvia together with one of his parents, such consent shall be necessary from the parent who is not entering the country together with the child. Such consent shall not be necessary, where a child enters the Republic of Latvia together with both parents or with a guardian. Where the guardianship is implemented by the parent with whom the child enters the Republic of Latvia and no restrictions have been put in place in respect of changing the place of residence of the child without the consent of the other parent, the former shall submit a respective court ruling or decision by another competent authority or official.

29. The status as an employee or a self-employed person in the Republic of Latvia shall not change with respect to the Union citizen, where he or she:

29.1. experiences temporary incapacity to work, due to illness or accident;

29.2. has been registered with the State Employment Agency in the status of an unemployed person or a job seeker and, prior to his or her registration, has been employed for more than a year and a break in employment has arisen due to reasons not of the person's own making;

29.3. has been registered with the State Employment Agency as an unemployed person or a job seeker during the first 12 months following the commencement of his or her employment. In such case the status of an employee of the Union citizen shall be maintained for up to six months;

29.4. has commenced the acquisition of vocational education programme related to his or

her previous employment in a vocational educational institution registered in the Register of Education Institutions. The condition of the acquisition of the educational programme being related to the previous employment shall not apply, where discontinuation in employment has set in for reasons not of the person's own making.

30. A Union citizen has the right to receive a permanent residence card, provided that he or she:

30.1. immediately prior to applying for the permanent right of residence, has resided legally in the territory of the Republic of Latvia for a continuous period of five years;

30.2. prior to becoming a citizen of a Member State, has been a citizen or non-citizen of Latvia and has submitted the documents for requesting the permanent residence card within 30 days after the decision regarding the loss of the status as a citizen or non-citizen of Latvia;

30.3. is a minor child of a citizen of Latvia, a non-citizen of Latvia, a Union citizen holding a permanent residence card, a family member of a Union citizen holding a permanent residence permit or a foreigner holding a permanent residence permit.

31. A Union citizen who has resided in the territory of the Republic of Latvia in the status of an employee or a self-employed person for a continuous period of less than five years is entitled to obtain a permanent residence card, where he or she:

31.1. at the time of ceasing his or her professional activities, has reached the age of retirement specified in regulatory enactments of the Republic of Latvia or has ceased paid employment, to go into retirement prematurely if he or she has worked in the Republic of Latvia at least the last 12 months and has resided in the Republic of Latvia for a continuous period of more than three years. A continuous period of residence in the Republic of Latvia shall include a period of employment in another Member State;

31.2. has resided in the Republic of Latvia for more than two continuous years and terminated employment in the Republic of Latvia due to irreversible incapacity for work. The condition on the period of residence shall not apply, where such incapacity for work has resulted due to an accident occurring at work or due to occupational illness, for which a person is entitled to receive benefits in the Republic of Latvia. A continuous period of residence in the Republic of Latvia shall include a period of employment in another Member State;

31.3. after three years of continuous employment relationship and residence in the Republic of Latvia, is working in an employed or self-employed capacity in another Member State, while retaining the place of residence in the Republic of Latvia, to which he or she returns each day or at least once a week.

32. The time period registered at the State Employment Agency when the person has not worked due to circumstances beyond his or her control and non-appearance at work or a break from work due to illness or accident shall be regarded part of the employment period.

33. The condition referred to in Paragraph 31 of this Regulation regarding the length of residence shall not apply, where the spouse of the Union citizen is or has been a citizen of Latvia, but has lost the citizenship of Latvia upon entering into a marriage with a Union citizen.

34. To apply for a permanent registration card, a Union citizen shall present a valid travel document and shall submit the following:

34.1. a filled-in standard questionnaire (Annex), provided that he or she has not, prior to that, received a registration certificate;

34.2. documents certifying the existence of the circumstances referred to in Paragraph 30 or 31 of this Regulation;

34.3. where the permanent residence card is to be issued to a minor, a letter of consent signed by both parents for a child to travel to the Republic of Latvia, such consent being certified by a notary or signed in the presence of an official of the Office or a mission. If the child is to reside in the Republic of Latvia together with one of his parents, such consent shall be necessary from the parent who is not entering together with the child. Such consent shall not be necessary, where a child enters the Republic of Latvia together with both parents. Where the guardianship is implemented by the parent with whom the child enters the Republic of Latvia and no restrictions have been put in place in respect of changing the place of residence of the child without the consent of the other parent, the former shall submit a respective court ruling or decision by another competent authority or official.

IV. Residence of a Family Member of a Union Citizen in the Republic of Latvia

35. A family member of a Union citizen has the right to reside in the Republic of Latvia together with a Union citizen residing in Latvia in accordance with Paragraph 27, 29, 30 or 31 of this Regulation, or together with a citizen of Latvia residing in Latvia in accordance with Paragraph 2 of this Regulation.

36. A family member of a Union citizen is entitled to apply for the permanent right of residence in the Republic of Latvia, provided that he or she:

36.1. immediately prior to applying for the permanent right of residence, has resided legally in the Republic of Latvia for a continuous period of five years. The condition of a continuous residence of five years in the Republic of Latvia shall not apply to the family member of the Union citizen, where the respective Union citizen has been granted a permanent residence card in accordance with Paragraph 31 of this Regulation;

36.2. is a minor child of a Union citizen or of a family member of a Union citizen, where the respective Union citizen or his or her family member has been granted the right of permanent residence in the Republic of Latvia.

37. In order to apply for a registration certificate or a permanent registration card, where the family member is a Union citizen, or a residence permit or permanent residence permit, where the family member is not a Union citizen, the family member of the Union citizen shall present a valid travel document and shall submit the following:

37.1. a filled-in standard questionnaire (Annex), provided that he or she has not, prior to that, received a registration certificate or a residence permit;

37.2. a document certifying the fact of marriage, family relationship or registered partnership;

37.3. when applying for a registration certificate or residence permit, – evidence certifying that he or she holds a valid document issued by a Member State certifying that the person is entitled to receive in the Republic of Latvia the necessary medical or emergency medical assistance, or that he or she is in possession of a valid health insurance policy and sufficient resources for himself or herself not to become a burden on the social assistance system, if the Union citizen, together with

whom the respective person is residing in the Republic of Latvia, has been issued a registration certificate in accordance with Sub-Paragraph 27.4, 27.5 or 27.6 of this Regulation, or if the person intends to reside in the Republic of Latvia together with a citizen of Latvia;

37.4. when applying for a registration certificate or a residence permit, – a document certifying the fact of a joint household or the fact that the person is a dependant of a Union citizen, or that, due to serious health problems, the person needs personal care, and that the Union citizen undertakes to provide his or her family member with such care;

37.5. when applying for a registration certificate or a residence permit, – a document certifying the birth of a child in a non-registered relationship or documents certifying that the non-registered relationship has lasted for at least two years, including documents on a joint mortgage financing facility, real property or household;

37.6. where a registration certificate, permanent residence card or residence permit is to be issued to a minor, a letter of consent signed by both parents or a guardian for a child to travel to the Republic of Latvia, such consent being certified by a notary or signed in the presence of an official of the Office or a mission. If a child is to reside in the Republic of Latvia together with one of his parents, such consent shall be necessary from the parent who is not entering the country together with the child. Such consent shall not be necessary, where a child enters the Republic of Latvia together with both parents or with a guardian. Where the guardianship is implemented by the parent with whom the child enters the Republic of Latvia and no restrictions have been put in place in respect of changing the place of residence of the child without the consent of the other parent, the former shall submit a respective court ruling or decision by another competent authority or official;

37.7. documents certifying the circumstances referred to in Paragraph 40 or 41 of this Regulation, where the family member of the Union citizen wishes to continue to reside in the Republic of Latvia in the event of emigration or death of the Union citizen or where the marriage has been dissolved or declared null and void;

37.8. documents certifying the existence of the circumstances referred to in Paragraph 2 of this Regulation, where the right of residence is requested by a family member of a citizen of Latvia who is not a Union citizen.

38. In order to renew a document certifying the right of permanent residence, a family member of a Union citizen shall present a valid travel document.

39. A family member of a Union citizen, who is not a Union citizen, shall be issued a residence permit:

39.1. for five years or less, where the foreseeable period of residence of the Union citizen in the Republic of Latvia is less than five years; or

39.2. for 10 years, where the family member of the Union citizen has been granted the right of permanent residence in the Republic of Latvia.

40. In case where a Union citizen has relocated or in the event of his or her death, divorce or marriage annulment, a family member of the Union citizen, who himself or herself is a Union citizen, shall retain the right of residence in the Republic of Latvia, provided that he or she conforms to any of the conditions referred to in Paragraph 27 of this Regulation, or a family member of the Union citizen, who himself or herself is not a Union citizen, shall retain the right of residence in the Republic of Latvia, provided that he or she conforms to any of the conditions specified in Paragraph 27 of this Regulation and:

40.1. prior to divorce or marriage annulment he or she has been married to the Union citizen for at least three years and has resided in the Republic of Latvia for at least one of these three years;

40.2. the child of the Union citizen shall, in accordance with an agreement between the spouses or a court ruling, remain a dependant of the spouse who is not a Union citizen;

40.3. an agreement between the spouses or a court ruling provides that the spouse who is not a Union citizen has the right to meet his or her minor child in the territory of the Republic of Latvia;

40.4. it is justified with especially complicated circumstances, for example, the person is a victim of abuse in the family and such abuse has taken place during the period of marriage;

40.5. he or she has resided in the Republic of Latvia for at least a year prior to the death of his or her family member who is a Union citizen;

40.6. he or she is a child of the Union citizen who has relocated or of the deceased Union citizen and he or she is studying at an educational institution in the Republic of Latvia. In such case the right of residence in the Republic of Latvia shall be retained until the end of the period of his or her schooling or studies. A parent, of whom the child is a dependant, is also entitled to reside in the Republic of Latvia during the validity period of the registration certificate or residence permit issued to the child of a Union citizen.

41. Where a Union citizen who is an employee or self-employed person in the Republic of Latvia dies before acquiring the right of permanent residence in the Republic of Latvia, his or her family members who have resided together with him or her in the Republic of Latvia shall acquire the right of permanent residence, provided that one of the following conditions is satisfied:

41.1. the Union citizen – an employee or a self-employed person – had, prior to his or her death, resided in the Republic of Latvia for two continuous years;

41.2. the cause of death of the Union citizen is an accident at work or occupational illness;
or

41.3. the spouse of the deceased Union citizen has, upon entering into the marriage, lost the citizenship of Latvia.

V. Procedures for Requesting and Issuing Registration Certificates, Permanent Residence Cards, Residence Permits and Permanent Residence Permits

42. A Union citizen and his or her family member shall submit the documents for requesting a registration certificate, a permanent residence card, a residence permit or a permanent residence permit to the Office in person. The respective documents may be submitted on behalf of a minor person by the legal representative of such person. Where the purpose of residence of the Union citizen or his or her family member is related to employment or provision of services, or education in the Republic of Latvia, such documents may also be submitted to the Office by an authorised representative of the employer, the recipient of services or the educational institution.

43. A Union citizen shall submit the documents for requesting a registration certificate within three months, as of the first day of the entry.

44. A family member of a Union citizen, who is not a Union citizen, shall submit the documents for requesting a residence permit or a permanent residence permit to a mission or to the Office during

his legal residence in the Republic of Latvia.

45. A Union citizen and his or her family member shall submit copies of any documents referred to in this Regulation, presenting the original copies of the documents.

46. The Office has the right to request and receive any information related to the residence of a Union citizen or his or her family member in the Republic of Latvia, both from the referred to persons and State administrative institutions and courts of the Republic of Latvia, as well as the right to request from another Member State any information concerning the previous police record of the Union citizen or his or her family member. Such information may be requested from the previous country of residence not later than three months from the date of submitting the documents for requesting the right of residence, and such information shall be requested only in cases, where there are reasonable grounds for suspicion that the Union citizen or his or her family member may pose a threat to public security or public policy.

47. Where a Union citizen or his or her family member has submitted a request for the receipt of social assistance, the respective self-government shall, within ten working days after receipt of such request, notify the Office thereof.

48. A registration certificate shall be issued to a Union citizen as soon as all documents referred to in this Regulation have been submitted. The decision on the issuance of a permanent residence card shall be taken within 30 days following the submission of the application.

49. The Office shall issue, without delay and free of charge, to a family member of a Union citizen, who is not a Union citizen and who submits to the Office the documents for requesting a residence permit, a statement certifying the fact of submitting such documents and his or her right to reside in the Republic of Latvia until a decision has been taken on granting, or refusing to grant, the residence permit.

50. The Office shall take a decision on the issuance of a document certifying the right of residence to a family member of a Union citizen, who is not a Union citizen, as follows:

50.1. within 30 days after receipt of all necessary documents, where the person is applying for a residence permit; or

50.2. without delay, where the person requests the renewal of the permanent residence permit.

51. In order to receive a registration certificate, a permanent residence card, a residence permit or a permanent residence permit, a Union citizen or his or her family member shall visit the Office in person.

52. A new registration certificate, permanent residence card, residence permit or permanent residence permit shall be issued to a Union citizen or his or her family member, where:

52.1. the issued registration certificate, permanent residence card, residence permit or permanent residence permit has been lost;

52.2. the data contained in the document certifying the right of residence have changed;

52.3. inaccuracies have been detected in respect of the records;

52.4. the registration certificate, permanent residence card, residence permit or permanent residence permit has been damaged so that it is not possible to identify the person or to read the information specified in the respective document; or

52.5. it is not possible to identify its holder, because the appearance of the person has changed significantly.

53. A Union citizen or his or her family member has the right to contest the decision by an official of the Office on refusal to issue a registration certificate, permanent residence card, residence permit or permanent residence permit or on annulment of the registration certificate, permanent residence card, residence permit or permanent residence permit by submitting a respective submission to the head of the Office.

54. A Union citizen or his or her family member is entitled to appeal the decision of the head of the Office in a court.

VI. Restrictions to the Residence

55. A registration certificate, permanent residence card, residence permit or permanent residence permit shall not be issued if:

55.1. a Union citizen cannot submit the documents referred to in Paragraph 28 or 34 of this Regulation;

55.2. a family member of a Union citizen cannot submit the documents referred to in Paragraph 37 of this Regulation;

55.3. false information has been provided for requesting a registration certificate, permanent residence card, residence permit or permanent residence permit;

55.4. there are grounds to believe that the person has entered into a marriage of convenience or a registered partnership of convenience with the sole purpose to acquire the right of residence in the Republic of Latvia;

55.5. competent State authorities have provided information indicating that the person poses a threat to public security, public policy or public health. A threat to public health shall be deemed to exist if a person has become infected with an infectious disease specified in the Cabinet regulation specifying the procedures for mandatory medical and laboratory examination, mandatory and forced isolation and treatment in cases of infectious diseases. The condition on a threat to public health shall not apply, where the disease has been detected within three months after entry in the Republic of Latvia;

55.6. a Union citizen or his or her family member, who is applying for a document certifying the right of permanent residence, has resided outside the Republic of Latvia for more than six months a year. This condition shall not apply to any absence due to mandatory military service or an extraordinary absence not exceeding 12 consecutive months due to an important reason (for example, pregnancy, childbirth, illness, studies or work assignment in another country);

55.7. the permanent residence card is being requested by a Union citizen, or his or her family member, who has been a citizen of Latvia or a non-citizen of Latvia, but his or her status of a

citizen of Latvia or a non-citizen of Latvia has been revoked with a reasoned decision; or

55.8. a Union citizen has not met the deadline specified in Sub-paragraph 30.2 of this Regulation, except the case where the Union citizen can prove that the deadline has been missed due to justifying reasons.

56. A Union citizen and his or her family member shall lose the right of residence in the Republic of Latvia and the registration certificate, permanent residence card, residence permit or permanent residence permit issued to him or her shall be annulled, where:

56.1. he or she has become an unreasonable burden on the social assistance system. This condition shall not apply to a Union citizen who is an employed or self-employed person in the Republic of Latvia, his or her family member and a Union citizen, or his or her family member, who has received a permanent residence card or a permanent residence permit. The assessment of whether the person is an unreasonable burden on the social assistance system shall be carried out by the self-government social service, in which the person has his or her declared place of residence, taking into account the length of residence of the person in the Republic of Latvia, the amount of the requested social assistance benefits, as well as the frequency of and reasons for requesting such benefits;

56.2. the circumstances referred in this Regulation that may be the grounds for granting the right of residence no longer exist;

56.3. false information have been provided for the receipt of a registration certificate, permanent residence card, residence permit or permanent residence permit;

56.4. there are grounds to believe that the person has entered into a marriage of convenience or has registered a partnership of convenience for the sole purpose of acquiring the right of residence in the Republic of Latvia;

56.5. he or she has resided outside the Republic of Latvia for more than six months a year. This condition shall not apply to absences due to mandatory military service or an extraordinary absence not exceeding 12 consecutive months due to an important reason (for example, pregnancy, childbirth, illness, studies or work assignment in another country). This condition shall only apply to a family member of a Union citizen who is not a Union citizen;

56.6. he or she has acquired the right of permanent residence in the Republic of Latvia and has resided outside the Republic of Latvia for more than two continuous years, except cases where the person can provide documentary evidence that such absence had justifying reasons; or

56.7. competent State authorities have provided information indicating that the person poses a threat to public security, public policy or public health. The condition on a threat to public health shall not apply, where the illness or health disorder has been detected within three months after entry in the Republic of Latvia.

57. Where a Union citizen or his or her family member has not, in due time, performed the administrative procedures related to the residence in the country or where the term of validity of his or her travel document has expired, he or she may not be expelled from the Republic of Latvia.

58. Where a Union citizen or his or her family member residing in the Republic of Latvia poses a threat to public security or public policy, the Minister for the Interior shall issue an exclusion order in which it shall be requested to leave the Republic of Latvia within one month and, if necessary, a prohibition to enter the Republic of Latvia for up to three years shall be determined.

59. The exclusion order shall be issued where the Union citizen or his or her family member poses a specific, actual and sufficiently serious threat to public security or public policy. Prior criminal convictions may not constitute grounds for an exclusion order.

60. When issuing an exclusion order, it shall be taken into account how long the respective Union citizen or his or her family member has resided in the Republic of Latvia, his or her age, health condition, family circumstances and economic situation, social and cultural integration in the Republic of Latvia and the link with his or her country of origin.

61. Where a family member resides in the Republic of Latvia together with a Union citizen, in respect of whom an exclusion order has been issued, the respective family member may continue to reside in the Republic of Latvia:

61.1. in accordance with this Regulation, where he or she is a Union citizen;

61.2. in accordance with the Immigration Law, where he or she is not a Union citizen.

62. Where a Union citizen or his or her family member has resided in the Republic of Latvia for at least 10 years or has acquired the right of permanent residence in the Republic of Latvia, he or she may only be expelled in case of a substantial threat to public security. A minor may only be expelled where such expulsion in accordance with the international and national laws is necessary for the best interests of the child.

63. Where a Union citizen or his or her family member poses a serious threat to public security or public policy during his or her stay in the Republic of Latvia, the Minister for the Interior shall, on the basis of Section 61, Paragraph one of the Immigration Law, take a decision on his or her inclusion in the list of foreigners banned from entry in the Republic of Latvia (hereinafter – the list), and shall ban him from entry in the Republic of Latvia for a period of up to three years. Where a decision has been taken to include the Union citizen or his or her family member in the list and he or she resides in the Republic of Latvia, his or her forced expulsion shall be carried out by the State Border Guard in accordance with the Immigration Law.

64. The Chief of the State Police or the head of a national security institution shall send a statement on existence of the conditions referred to in Paragraph 58 or 63 of this Regulation to the Minister for the Interior for taking a decision.

65. The exclusion order and the decision on inclusion of a Union citizen or his or her family member in the list shall specify, in addition to the details required under the Administrative Procedure Law, the date and identification number of the statement on existence of the conditions referred to in Paragraph 58, 59, 60, 61 or 63 of this Regulation.

66. The exclusion order and the decision on inclusion of a Union citizen or his or her family member in the list shall be issued to the Union citizen or his or her family member who is not present in the Republic of Latvia and whose location is not known, only upon his or her request.

67. A Union citizen or his or her family member shall be notified in writing of any decision taken

on the grounds of public security, public policy or public health, in particular its content and the implications for him or her, in a language he or she is able, or should be able, to comprehend.

68. Where the exclusion order or the decision on forced return is enforced more than two years after taking thereof, the Chief of the State Police or the head of a national security institution shall assess whether or not circumstances have changed since the referred to decision was taken and shall submit his opinion to the Minister for the Interior on whether the Union citizen or his or her family member poses, at the respective time, an actual threat to public security or public policy.

69. The Union citizen or his or her family members has the right, within one month after receipt of the decision on inclusion in the list, to appeal such decision to the Department of Administrative Cases of the Senate of the Supreme Court of the Republic of Latvia.

Informative Reference to European Union Directive

This Regulation contains legal norms arising from Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (Text with EEA relevance).

Prime Minister

V. Dombrovskis

Acting for the Minister for the Interior,
the Minister for Justice

A. Štokenbergs

**Questionnaire for Requesting a Document Certifying the Right of Residence of a Union
Citizen or his or her Family Member**

This questionnaire shall be filled in block letters

I. Purpose of Your Entry

1. Reason of the residence _____

2. Preferred duration of the residence:

a) permanently _____

b) for a time period till (date) _____

II. Personal Details

1. Given name (names) _____

2. Surname _____

3. Surname at birth _____

4. Previous given names, surnames, if changed _____

5. Date of birth (day, month, year) _____

6. Where the date of birth has been changed, specify the previous date of birth _____

7. Place of birth:

a) country _____

b) province, state, county _____

c) district, town, populated area _____

Points 8 and 9 of this section shall be filled in, if your expected residence is related to family reunion and where the birth certificate is necessary to prove the kinship.

8. Birth registration:

a) entry number in the register _____

b) date _____

c) country _____

d) institution _____

9. Birth certificate:

a) number _____

b) date of issuance _____

c) issuing country _____

d) issuing authority _____

10. Gender:

male

female

11. Citizenship (citizenships) (nationality) _____

In case you are a stateless person, specify the
country of residence _____

12. Ethnicity _____

13. Address of the place of residence abroad _____

telephone number _____

14. Address of the expected place of residence in Latvia:

a) region _____

b) municipality _____

c) municipality rural territory (*pagasts*) _____

d) town _____

e) city _____

f) village _____

g) street _____

h) name of the house/individual farm _____

i) house number _____

j) block number _____

k) apartment number _____

l) telephone number _____

III. Travel Document to be Used to Apply for a Residence Permit

1. Type and number of the travel document _____

2. Issuing country, issuing authority _____

3. Date of the issuance _____

4. Validity period

IV. Right of Residence in Another Country

This section shall only be filled in by the family member of a Union citizen who is not a Union citizen.

1. Do you have a permit to reside in another country:

- a) yes
- b) no

2. Legal status in the country of residence:

- a) refugee

- b) permanent residence permit

- c) temporary residence permit

- d) visa

V. Marital Status

1. Please specify your marital status:

- a) single
- b) married
- c) divorced
- d) widow(er)

Point 2 of this section shall be filled in, where your intended residence is related to family reunion and the information is necessary to prove the kinship.

2. In case you are married or you live in a registered or non-registered partnership:

- a) given name, surname of the spouse
(partner) _____
- b) date of birth or personal identity number _____
- c) place of birth _____
- d) citizenship _____
- e) address of the place of residence _____
- f) the date of entering into marriage or
registration of the partnership _____
- g) the country and place of entering into
marriage or registration of the partnership _____
- h) entry number in the marriage or
partnership register _____
- i) number of the marriage or partnership
registration certificate _____
- j) date of issuance of the marriage or
partnership registration certificate _____
- k) country issuing the marriage or partnership
registration certificate _____
- l) place of issuance of the marriage or
partnership registration certificate _____

VI. Information on Relatives

This section shall be filled in, where your intended residence is related to family reunion and the information is necessary to prove the kinship.

1. Your and your spouse's children (including children who have reached full age):

- a) given name (names), surname _____
- b) date of birth _____
- c) gender _____
- d) citizenship _____

e) marital status

f) address of the place of residence

2. Your parents:

a) given name (names), surname

b) date of birth

c) gender

d) citizenship

e) marital status

f) address of the place of residence

3. Your dependants, minors under your guardianship and persons under your trusteeship:

a) given name (names),
surname

b) date of birth

c) gender

d) citizenship

e) marital status

f) address of the place of
residence

g) date of establishment of the guardianship
or trusteeship

h) country and institution that has established
the guardianship or trusteeship

i) entry number in the register for the establishment of the guardianship or trusteeship _____

j) time period for which the guardianship or trusteeship has been established _____

VII. Additional Information

If you wish, indicate a contact person in a foreign country and in Latvia (a relative or a friend) to be notified in case of an accident:

a) given name (names), surname _____

b) date of birth _____

c) address of the place of residence and telephone number _____

VIII. Declaration

Please read and acknowledge with your signature the text of the following content:

I hereby acknowledge that:

1. I have provided complete and true information, when applying for the document certifying the right of residence.
2. I hereby undertake to inform in writing, within three days, the Office of Citizenship and Migration Affairs in case the circumstances, on the basis of which I have received the document certifying the right of residence have ceased to exist or have changed or I have relocated for permanent residence abroad.
3. I recognise the right of the Office of Citizenship and Migration Affairs to interview me and the person inviting me, and to request explanations, as well as to verify the information provided by me.
4. I have not been diagnosed with infectious diseases referred to in the Cabinet Regulation specifying the procedures for mandatory medical and laboratory examination, mandatory and forced isolation and treatment in cases of infectious diseases, which would preclude me from the right to obtain a document certifying the right of residence, or I possess a document issued by the competent authority of a Member State of the European Union or the European Economic Area, or by the Swiss Confederation, which certifies the right to receive regular health care services.
5. I have the necessary resources for residence in the Republic of Latvia (please specify the type and amount).

6. I understand all the questions asked in this questionnaire or I have received the relevant explanations in a language, which I can comprehend, or through an interpreter.

Signature _____

Date _____

IX. Internal Notes

1. Spelling in Latvian of the given name _____
(names) and surname of the person filling out
the questionnaire, in accordance with the rules
on the rendering of foreign proper (personal)
names

2. Official who received the documents:

position _____

given name (names), _____
surname _____

signature _____

Date _____

Notes _____

3. Case number _____

4. The decision (term of validity of the _____
document certifying the right of residence,

grounds for issuing the document certifying the _____
right of residence, kind, type)

5. Personal identity number _____

6. Official who prepared the decision:

position

given name (names),
surname

signature

Date _____

Acting for the Minister for the Interior,
Minister for Justice

A. Štokenbergs