

Citizenship Law¹

Chapter I General Provisions

Terms used in the Law:

Alien - a citizen (subject) of a foreign state.

Stateless person - a person who, in accordance with the laws of any country, is not considered a citizen (or a subject).

Dual citizenship - a case when a person is a citizen (or a subject) of more than one state.

Naturalization - granting of citizenship.

Descendants - descending direct lineal relatives.

Non-citizen - a person who, in accordance with the law "On the Status of a Citizen of the Former USSR who does not have Latvian Citizenship or the Citizenship of Another Country", has the right to a non-resident's passport issued by the Republic of Latvia.

Article 1. Citizenship of Latvia

(1) The citizenship of Latvia is a person's permanent legal connection with the State of Latvia.

(2) The substance of Latvia citizenship is the total complex of the mutually interrelated rights and obligations of both a citizen and the State.

Article 2. Possession of Latvia citizenship

Citizens of Latvia are:

1) persons who were citizens of Latvia on June 17, 1940 and their descendants who have registered according to the procedures established by law, except persons who have become citizens (subjects) of another state after May 4, 1990;

1¹) Latvians and Livs whose permanent residence is in Latvia, who have registered according to the procedures established by law and who have no other citizenship or who have received an expatriation permit from the state of their former citizenship, if such permit is provided for by the laws of that state;

1²) women whose permanent residence is in Latvia and who, in accordance with Article 7 of the August 23, 1919 Republic of Latvia "Law on Citizenship", had lost

¹ Source: <http://www.humanrights.lv/>

their Republic of Latvia citizenship, and their descendants, if these individuals have registered according to the procedures established by law, except for those individuals who have acquired the citizenship of another state after May 4, 1990;

1³) persons whose permanent residence is in Latvia, who have registered according to the procedures established by law and who have completed a full educational course in a general education/Latvian language school or have completed the Latvian language course in a general education school with both Latvian and Russian language courses, thereby having acquired a basic primary or a general secondary education in such a school, if these individuals are not citizens of another state or they have received an expatriation permit from the state of their former citizenship, if such permit is provided for by the laws of that state. Simultaneously with such a person citizenship is acquired also by his/her minor children under the age of 15 years who are living permanently within Latvia;

2) persons who have obtained the citizenship of Latvia through naturalization or another manner according to the procedures established by law;

3) children found within the territory of Latvia whose parents are not known;

4) children with no parents who live in an orphanage or boarding school in Latvia;

5) children both of whose parents were citizens of Latvia on the day of birth of such children, regardless of the place of birth of such children.

Article 3. Citizenship of a child if one parent is a citizen of Latvia

(1) If, on the day of the child's birth, one of the parents was a citizen of Latvia and the other parent was an alien, then the child shall be a citizen of Latvia provided that he/she:

1) was born in Latvia;

2) was born outside Latvia but, on the day of the child's birth, both parents or the parent with whom the child lives, were permanently residing in Latvia.

(2) In the cases listed above, the parents upon their mutual agreement, can choose the citizenship of another state (other than Latvia) for the child.

(3) If, on the day of the child's birth, one parent was a citizen of Latvia and the other parent was an alien and the permanent residence of both parents was outside Latvia, then the child's citizenship shall be decided upon the mutual agreement by the parents;

(4) If, on the day of the child's birth, one parent was a Latvia citizen and the other parent was stateless or was unknown, then the child shall be a Latvia citizen regardless of his/her place of birth.

Article 3.¹ Citizenship of a child, born in Latvia after August 21, 1991, of stateless persons or non-residents

(1) A child who was born in Latvia after August 21, 1991 shall be recognized as a Latvian citizen in the procedure determined in the second or third Parts of this Article, if he/she corresponds with the following requirements:

- 1) Latvia is his/her permanent place of residence;
- 2) he/she was not sentenced to imprisonment for committing a crime for longer than five years within Latvia or any other country;
- 3) he/she throughout all previous time was a stateless person or a non-resident.

(2) Until the moment when a child reaches the age of 15 years the right to submit an application for acquiring citizenship is had by:

- 1) both parents of the child, if they are registered in the Residents Register and are stateless persons or non-citizens who until submission of an application for not less than the previous five years have been permanently living in Latvia (for persons who arrived in Latvia after July 1, 1992 the five-year term is calculated from the day of receipt of a permanent residence permit);
- 2) the mother of the child, if she is registered in the Residents Register and is a stateless person or non-citizen and who until the date of submission of an application for not less than the previous five years has been permanently living in Latvia (for persons, who arrived in Latvia after July 1, 1992 the five-year term is calculated from the day of receipt of a permanent residence permit), and if in the birth certificate of the child there is not an entry about the child's father or it is made upon instructions of the mother;
- 3) one of the child's parents, if he/she is registered in the Residents Register and is a stateless person or a non-citizen and who until the day of submission of an application for not less than the previous five years has been permanently living in Latvia (for persons, who arrived in Latvia after July 1, 1992 the five-year term is calculated from the day of receipt of a permanent residence permit), and the other parent of the child is dead;
- 4) an adopter of the child, if he/she is registered in the Residents Register and is a stateless person or a non-citizen and who till the day of submission of an application for not less than the previous five years has been permanently living in Latvia (for persons, who arrived in Latvia after July 1, 1992 the five-year term is calculated from the day of receipt of a permanent residence permit).

(3) If persons who have the right to submit an application for the recognition a child as a citizen of Latvia do not do so, the minor, when reaching the age of 15 years, by submitting one of the following documents, has the right to acquire Latvian citizenship in the procedure determined in this Article:

- 1) a document which certifies that the minor has acquired a secondary specialized education or vocational education (secondary vocational school, vocational gymnasium, vocational school) with Latvian as the language of instruction;

2) a document which, in the procedures set forth in Articles 19 and 20 of this law, certifies that the minor knows the Latvian language.

(4) Persons, who have the right to submit an application for the recognition of a child as a citizen of Latvia shall submit it in that procedure and form determined by the Cabinet of Ministers, including in such application their certification that they will help the child to learn the Latvian language as the state language, to acquire an education and to inculcate in him/her a respect for the Republic of Latvia and loyalty to it.

(5) Persons can use the opportunities in this Article for the acquisition of citizenship until reaching the age of 18 years.

Article 4. Equality of citizens of Latvia

The rights and obligations of Latvia citizens are equal regardless of the manner in which citizenship was obtained.

Article 5. The right to retain citizenship of Latvia after marriage

(1) The marriage of a Latvia citizen to an alien or a stateless person, and the dissolution of such a marriage, shall not cause a change in the citizenship of the Latvia citizen.

(2) The acquisition or loss of the citizenship of Latvia by one spouse does not affect the citizenship of the other spouse.

Article 6. Retention of the citizenship of Latvia by persons living outside the territory of Latvia

Residence outside the territory of Latvia shall not cause loss of Latvia citizenship by citizens of Latvia except in the cases provided for by this law.

Article 7. Protection of citizens of Latvia abroad

Citizens of Latvia abroad shall enjoy the protection of the State of Latvia.

Article 8. Inadmissibility of extradition to foreign countries and expulsion from the State as to citizens of Latvia

(1) The Republic of Latvia shall not extradite its citizens to a foreign state.

(2) Citizens of Latvia shall not be expelled from Latvia.

Article 9. Dual citizenship

(1) The granting of Latvia citizenship to a person shall not lead to dual citizenship.

(2) If a citizen of Latvia simultaneously can be considered a citizen (subject) of a foreign country in accordance with the laws of that country, then the citizen shall be

considered solely a citizen of Latvia in his/her legal relations with the Republic of Latvia.

Chapter II Regulations and Procedures for Naturalization

Article 10. Right to obtain the citizenship of Latvia through naturalization

A person can be granted the citizenship of Latvia through naturalization upon his/her request.

Article 11. Restrictions on naturalization

(1) The citizenship of Latvia shall not be granted to persons who:

- 1) through the use of anti-constitutional methods have turned against Republic of Latvia's independence, its democratic parliamentary state system or the existing state authority in Latvia, if such has been established by a court verdict;
- 2) after May 4, 1990, have propagated fascist, chauvinist, national-socialist, communist or other totalitarian ideas or have stirred up ethnic or racial hatred or discord, if such has been established by a court verdict;
- 3) are officials of institutions of a foreign state authority, foreign state administrative body or foreign state law enforcement body;
- 4) serve in the armed forces, internal forces, security service or the police (militia) of a foreign state;
- 5) after June 17, 1940, have chosen the Republic of Latvia as their place of residence directly after demobilization from the USSR (Russian) Armed Forces or USSR (Russian) Interior Armed Forces and who, on the day of their conscription or enlistment, were not permanently residing in Latvia. This restriction shall not apply to persons listed in Article 13 - Paragraph 1, Subparagraphs 6 and 7 and Article 13 - Paragraph 5 of this law;
- 6) have been employees, informants, agents or have been in charge of conspiratory premises of the former USSR (LSSR) KGB or other foreign security service, intelligence service or other special service, if such a fact has been established according to the procedures established by law;
- 7) were criminally sentenced for committing a crime within Latvia or in some other country, which is considered a crime within Latvia, from the moment this law takes effect;
- 8) after January 13, 1991, have acted against the Republic of Latvia through participation in the CPSU (LCP), Working Peoples' International Front of the Latvian SSR, United Council of Labor Collectives, Organization of War and Labor Veterans,

or the All-Latvia Salvation Committee and its regional committees or Latvian Union of Communists.

(2) If a person who has submitted a naturalization application is called to criminal liability or with regard to him/her a discovery case on establishing the fact of cooperation with the KGB is initiated, the review of such application shall be interrupted until a court decision takes effect or the case is terminated.

Article 12. General regulations for naturalization

(1) The citizenship of Latvia shall be granted through naturalization only to those persons who are registered in the Residents' Registry and:

1) whose place of permanent residence, on the submission date of their application for naturalization, has been in Latvia for no less than five years counting from May 4, 1990 (for persons who arrived in Latvia after July 1, 1992, the five-year term shall be counted from the date of the issuance of their permanent residence permit);

2) who know the Latvian language;

3) who know the basic principles of the Republic of Latvia Constitution (Constitution) and the Constitutional Law "Rights and Obligations of a Citizen and a Person";

4) who know the National Anthem and the history of Latvia;

5) who have a legal source of income;

6) who have taken an oath of loyalty to the Republic of Latvia;

7) who have submitted a statement of renunciation of their former citizenship and have received an expatriation permit from the state of their former citizenship, if such permit is provided for by the laws of that state, or have received a document certifying the loss of citizenship, but citizens of the former USSR who as of May 4, 1990 were permanently living within Latvia - a certification that they have not acquired the citizenship (are subjects) of other country;

8) who are not subject to the naturalization restrictions listed in Article 11 of this law.

(2) Only those persons who meet all the requirements set in Part 1 of this Article shall be granted the citizenship of Latvia through naturalization.

(3) A statement on renunciation of the former citizenship, an expatriation permit or a document certifying the loss of citizenship should be submitted after the person has been officially notified that there are no other obstacles against granting him/her the citizenship of Latvia.

(4) The procedure for testing the knowledge of the basic principles of the Republic of Latvia Constitution (Constitution) and the Constitutional Law "Rights and Obligations of a Citizen and a Person", the National Anthem and the history of Latvia shall be determined by regulations issued by the Cabinet of Ministers.

(5) Upon submitting an application for naturalization, a person shall pay a state duty in the amount determined by the Cabinet of Ministers.

(6) Persons, whose applications regarding citizenship issues have been denied, can resubmit them one year after the previous denial.

Article 13. Granting of citizenship for special services for the benefit of Latvia

(1) A person who has performed special services for the benefit of Latvia but who does not have the right to naturalize in the general procedure anticipated in this law can be granted the citizenship of Latvia by a decision of the Saeima, which shall be published in the official gazette. In the granting of citizenship a person for special services for the benefit of Latvia the provisions of Article 12 of this law (except Paragraph 7 of the first Part) do not apply to him/her.

(2) A person who desires that he/she be granted citizenship of Latvia for special services for the benefit of Latvia shall submit to the Saeima an application for the granting of citizenship. To the application shall be attached the curriculum vitae of the corresponding person and a statement that there do not exist facts which may certify that any of restrictions mentioned in Article 11 of this law apply to this person.

Article 14. General procedures for naturalization

(1) Applications of persons who have reached the age of 15 years for the granting of Latvian citizenship, by taking into consideration provisions of Articles 11 and 12 of this law, shall be reviewed in the order of their submission.

(2) If the applicant expresses such a wish, applications can be reviewed out of order which were submitted by:

1) Latvians and Livs who are repatriating to Latvia;

2) persons, who on June 17, 1940 were citizens of Lithuania or Estonia and descendants of such persons, if these persons or their descendants, prior to submission of the naturalization application, for not less than five years have been permanently living within Latvia;

3) persons, who on September 1, 1939 were citizens of Poland and descendants of such persons, if these persons or their descendants, prior to submission of the naturalization application, for not less than five years have been permanently living within Latvia;

4) persons, who for at least 10 years have been married to a Latvian citizen and who, prior to submission of the naturalization application for not less than five years have been living within Latvia.

Article 15. Naturalization of children

(1) The naturalized person's under-age children until 15 years of age who are

permanently residing in Latvia shall obtain Latvia citizenship together with those persons. This also shall apply to adopted children and children born out of wedlock. The provisions of Article 12 of this law shall not apply to the under-age children being granted the citizenship of Latvia.

(2) If one parent is naturalized in Latvia, but the other parent remains an alien, their under-age child shall obtain the citizenship of Latvia if:

- 1) the parents have agreed upon it; or
- 2) the parents have not agreed, but the child's place of permanent residence is Latvia.

(3) If an under-age alien (stateless person) is adopted by a married couple, one of whom is a citizen of Latvia while the other is an alien, the child shall obtain the citizenship of Latvia if:

- 1) the adoptive parents have agreed upon it; or
- 2) the child's place of permanent residence is Latvia.

(4) If an adoption is annulled, the child's citizenship may be changed.

Article 16. Necessity of receiving the approval of an under-age child to change his/her citizenship

(1) The citizenship of a 14- to 18-year-old minor shall be changed in conformity with the parents' (adoptive parents') citizenship only upon the minor's written consent.

(2) If the minor's citizenship is changed in conformity with the citizenship of the parents (adoptive parents) without the minor's written consent, then, within one year after the minor has come of age, he/she shall enjoy the right to restore his/her Latvia citizenship irrespective of the time period resided in Latvia.

(3) If a marriage has been contracted between a citizen of Latvia and an alien and the child has acquired the citizenship of a foreign state, then upon the child's coming of age, the requirements set in Article 12, Paragraph 1 of Part 1 of this law shall not apply to his/her naturalization.

Article 17. Procedure for the receipt and review of applications for naturalization

(1) Applications for naturalization shall be received by and reviewed by the Naturalization Department.

(2) The procedure and the terms for receipt and review of applications for naturalization shall be determined by the regulations issued by the Cabinet of Ministers. Applications shall be reviewed and the applicant shall be provided with a response no later than one year after the submission date of all documents required by the Cabinet of Ministers regulations. The resolution on granting the citizenship shall be adopted by the Cabinet of Ministers.

(3) A Naturalization Department decision denying naturalization may be appealed to the courts.

Article 18. Oath of loyalty to the Republic of Latvia upon acquiring the citizenship of Latvia

All persons who are granted the citizenship of Latvia shall sign the following oath of loyalty to the Republic of Latvia:

"I, (given name, surname) born (date of birth and place) vow to be loyal solely to the Republic of Latvia.

I undertake to honestly abide by the Republic of Latvia Constitution and laws and to spare no efforts to protect them.

I undertake, without regard to my life, to defend the independence of the State of Latvia, to live and work honestly in order to augment the prosperity of the state and the People of Latvia."

Chapter III Procedure for Examination of Knowledge

Article 19. Examination of knowledge of the Latvian language

Knowledge of the Latvian language shall be examined in that procedure determined by the Cabinet of Ministers.

Article 20. Level of Latvian language knowledge

A person is considered to have a command of the Latvian language if he/she:

- 1) completely understands information of an everyday and official nature;
- 2) can freely talk, carry on a conversation and answer questions on topics of an everyday nature;
- 3) are able to fluently read and to understand any instructions of social life, directions and other text of a social character;
- 4) are able to write a composition on a theme of the character of social life as set by the commission.

Article 21. Waiver of knowledge examination

(1) Persons who have acquired elementary, secondary or higher education in educational institutions with Latvian as the language of instruction shall be released from the examination of a knowledge of the Latvian language.

(2) The Cabinet of Ministers shall determine a special procedure of knowledge examination for persons who have been certified as disabled..

(3) Provisions of Paragraph 4 of Article 20 of this law do not apply to persons who have reached the age of 65 years.

Chapter IV Loss and Restoration of the Citizenship of Latvia

Article 22. Loss of the citizenship of Latvia

The reason for the loss of the citizenship of Latvia can be:

- 1) renunciation of the citizenship;
- 2) deprivation of the citizenship.

Article 23. Renunciation of the citizenship of Latvia

(1) Any person who is the citizen (subject) of another state or has been guaranteed the citizenship of another state, shall be entitled to renounce his/her citizenship of Latvia.

(2) An application to renounce citizenship can be denied, if:

- 1) the person has not fulfilled his/her obligations towards the State;
- 2) the person has not fulfilled obligations of the mandatory active military service.

(3) A decision to deny an application for the renunciation of citizenship can be appealed to the courts.

Article 24. Deprivation of the citizenship of Latvia

(1) The citizenship of Latvia may be deprived by a Regional Court decision, if the person:

- 1) has acquired the citizenship of another state without submitting an application for renunciation of the citizenship of Latvia;
- 2) serves in the armed forces, internal armed forces, security service, the police (militia) or institutions of justice of a foreign state without permission from the Cabinet of Ministers;
- 3) has intentionally provided false information about him/herself when proving his/her right to Latvia citizenship or naturalization and thus, has illegally obtained the citizenship of Latvia.

(2) The deprivation of the citizenship of Latvia shall not affect the citizenship of the person's spouse, children or other family members.

Article 25. Restoration of the citizenship of Latvia

(1) A person who has lost his/her citizenship of Latvia as a result of a decision made by his/her biological or adoptive parents, or due to a juridical error or an illegal deprivation of citizenship, can regain his/her citizenship of Latvia upon his/her own request and a decision of the Cabinet of Ministers.

(2) A person, who has been deprived of his/her Latvia citizenship in accordance with Article 24 of this law, can re-acquire the citizenship of Latvia only through naturalization and not earlier than after five years of permanent residence in Latvia starting from the date the Latvia citizenship was deprived.

Article 26. Procedure for documenting the loss and restoration of the citizenship of Latvia

The procedure for documenting the loss and restoration of the citizenship of Latvia shall be determined by regulations issued by the Cabinet of Ministers.

Chapter V Concluding Provisions

Article 27. Personal identification documents certifying the citizenship of Latvia

The personal identification documents which certify the citizenship of Latvia include a Republic of Latvia passport and the citizenship certificate issued by the Republic of Latvia diplomatic and consular representative offices.

Article 28. Application of international agreements

If an international agreement ratified by the Saeima provides for regulations other than those contained in this law, the regulations of the international agreement shall be applied.

Article 29. Control over the implementation of the law on Citizenship

Parliamentary control over the implementation of the law on Citizenship shall be undertaken by a special Saeima Commission.

Transitional Provisions

1. Citizens of Latvia and their descendants who, during the period from June 17, 1940 until May 4, 1990, in order to escape the terror of the USSR and German occupational

regime, have left Latvia as refugees, have been deported or due to the aforementioned reasons have not been able to return to Latvia, and who have become naturalized during this time in a foreign state shall retain their right to register in the Residents' Registry as Latvia citizens, and after the registration shall enjoy the full scope of citizens' rights and fulfill citizens' obligations, if registered by July 1, 1995. If these persons register after July 1, 1995, they must renounce the citizenship of the foreign state.

2. The provisions of Article 24, Paragraph 2 of this law shall not apply to citizens of Latvia with dual citizenship, if their place of permanent residence is outside the territory of Latvia.

3. Persons, who by the date this law comes into force, have been registered or have applied for Latvian citizenship in accordance with Paragraph 3.2 of the October 15, 1991 Republic of Latvia Supreme Council Resolution "On the Renewal of Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalization" and the October 28, 1992 Resolution "On the Conditions for the Recognition of Republic of Latvia Citizens' Rights to Persons Who Resided within Latvia before August 1, 1914, and Their Descendants", shall be regarded as citizens of Latvia and their registration shall not be annulled, except in cases provided for by this law.

4. Upon the date this law comes into force, the following laws and resolutions shall become null and void: the October 15, 1991 Republic of Latvia Supreme Council Resolution "On the Renewal of Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalization"; the November 27, 1991 Republic of Latvia Supreme Council Resolution "On the Application of the October 15, 1991 Republic of Latvia Supreme Council Resolution "On the Renewal of Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalization" to the Republic of Latvia Citizens Living Abroad"; the October 28, 1992 Republic of Latvia Supreme Council Resolution "On the Conditions for the Recognition of Republic of Latvia Citizens' Rights to Persons Who Resided within Latvia before August 1, 1914, and Their Descendants"; the October 28, 1992 Republic of Latvia Supreme Council Resolution "On Amendments to the October 15, 1991 Republic of Latvia Supreme Council Resolution "On the Renewal of Republic of Latvia Citizens' Rights and Fundamental Principles of Naturalization"; the February 2, 1993 Republic of Latvia Supreme Council Resolution "On the Temporary Regulations on the Procedure by which Republic of Latvia Citizens Who Renounce Republic of Latvia Citizenship Lose Republic of Latvia Citizenship"; and the November 4, 1993 Republic of Latvia Saeima Law "Amendments to the February 2, 1993 Republic of Latvia Supreme Council Resolution on the "Temporary Regulation on the Procedure by which Republic of Latvia Citizens Who Renounce Republic of Latvia Citizenship, Lose Republic of Latvia Citizenship".

The President of the Republic of Latvia
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