

Republic of Latvia
Cabinet
Regulation No. 74
Adopted 26 January 2010

**Procedures for Reunification of Families of Refugees or
Persons Having Acquired Alternative Status or
Temporary Protection in the Republic of Latvia**

*Issued pursuant to
Section 38, Paragraph four
and Section 46,
Paragraph two, Clause 2
of the Asylum Law*

1. This Regulation prescribes the procedures for reunification of the families of refugees or persons having acquired alternative status or temporary protection in the Republic of Latvia.
2. A family may reunite if it has existed in the country of origin of a refugee or person having acquired alternative status or temporary protection.
3. In order for a family to reunite, a refugee or person who has acquired alternative status or temporary protection shall draw up an invitation for the request of a residence permit (hereinafter – invitation) at the Office of Citizenship and Migration Affairs (hereinafter – Office) in accordance with the regulatory enactments regulating the procedures for approval of invitations. All family members wishing to be reunited shall be indicated in the invitation.
4. When drawing up an invitation, a refugee or person who has acquired alternative status or temporary protection shall present a valid personal identification document and submit a payment document which confirms payment of the State fee for approval of an invitation.
5. If an unaccompanied minor refugee wishes to reunite with his or her mother and father and an opinion of the Orphan's Court has been received that it is in the interests of the child to reunite with his or her mother and father in the Republic of Latvia, his or her lawful representative shall draw up an invitation in the Office.
6. When drawing up an invitation, in addition to the documents referred to in Paragraph 4 of this Regulation, the person who has acquired alternative status shall submit to the Office:
 - 6.1. a document certifying the expected place of residence in the Republic of Latvia and the right to reside therein (for example, documents certifying property rights, a rental contract); and
 - 6.2. a certification that the respective person has stable and regular income which is sufficient to provide for himself or herself and family members, without using State social assistance.

7. The family members of a refugee or person having acquired alternative status or temporary protection and the mother and father of an unaccompanied minor refugee shall submit the following to the diplomatic or consular mission of the Republic of Latvia:

7.1. a completed application for the request of a residence permit which has been drawn up in accordance with the regulatory enactments regulating the issuance of residence permits;

7.2. a copy of a valid travel document or transfer document recognised in the Republic of Latvia (presenting the original) (a copy of the transfer document shall be submitted if family members reside in the territory of a European Union Member State which granted temporary protection thereto);

7.3. copies of documents (presenting the originals), which certify kinship or marriage to the person who has drawn up the invitation;

7.4. a photograph of each family member (35 x 45 mm, the face of the person in the picture shall be uncovered, without headgear); and

7.5. a payment document which certifies payment of the State fee for examination of the documents necessary for the request of a residence permit.

8. If the documents referred to in Sub-paragraph 7.3 of this Regulation have been issued in a foreign country, they shall be legalised or certified in accordance with the 5 October 1961 Hague Convention Abolishing the Requirements of Legalisation for Foreign Public Documents, except cases when other procedures have not been provided for in international agreements binding to the Republic of Latvia.

9. If the spouse of a refugee or person having acquired alternative status or temporary protection or the mother and father of an unaccompanied minor refugee cannot submit any of the documents referred to in Sub-paragraph 7.3 of this Regulation and have indicated a justified reason in writing, the diplomatic or consular mission of the Republic of Latvia may accept documents for the reunification of a family without the respective document.

10. The diplomatic or consular mission of the Republic of Latvia shall, within a month, send the documents referred to in Paragraph 7 of this Regulation to the Office.

11. The Office shall examine the documents, compare them with the information at the disposal of the Office and, if necessary, request clarifying information from the State and local government institutions of Latvia, from foreign countries and from a refugee or person having acquired alternative status or temporary protection or family members thereof.

12. The Office may take a decision regarding the issuance of a residence permit for the reunification of a family or the refusal to issue it (hereinafter – decision) without any of the documents referred to in Sub-paragraph 7.3 of this Regulation if a justified reason that it has not been possible to submit them has been indicated.

13. The Office shall, within a month after receipt of all documents, take a corresponding decision and send it to the diplomatic or consular mission of the Republic of Latvia, as well as inform a refugee or person having acquired alternative status or temporary protection or the lawful representative of an unaccompanied minor refugee regarding the decision taken.

14. The diplomatic or consular mission of the Republic of Latvia shall inform the spouse of a refugee or person having acquired alternative status or temporary protection and the mother and father of an unaccompanied minor refugee regarding the decision of the Office.

15. The diplomatic or consular mission of the Republic of Latvia on the basis of a decision of the Office regarding the issuance of a residence permit to the family members of a refugee or person having acquired alternative status or temporary protection shall issue a single long-stay visa to such family members with a validity period of up to 30 days.

16. A transfer document shall be used for the transfer of the family members of a person having acquired temporary protection from another European Union Member State to the Republic of Latvia.

17. Within seven working days after entry into the Republic of Latvia a family member of a refugee or person having acquired alternative status or temporary protection shall arrive in person in the Office division indicated in the decision for receipt of the residence permit.

18. The Office, on the basis of the decision regarding the issuance of a residence permit for reunification of a family, shall issue residence permits to the family members of a refugee or person having acquired alternative status or temporary protection.

19. A temporary residence permit shall be issued to the family members of a person having acquired temporary protection for a time period which concurs with the time period for which a temporary residence permit has been issued to the person to which temporary protection has been granted.

20. A refugee, a person having acquired alternative status or temporary protection and the spouses of the persons referred to, as well as the lawful representative of an unaccompanied minor refugee have the right to contest the decision taken by an official of the Office, by submitting a corresponding submission to the Head of the Office within a month after coming into effect thereof.

Informative Reference to European Union Directives

This Regulation contains legal norms arising from:

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

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

Prime Minister

V. Dombrovskis

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