

# **On Asylum Seekers and Refugees in the Republic of Latvia**

## **Chapter I General Provisions**

### **Section 1. Purpose of the Law**

This Law prescribes, in accordance with generally accepted international principles of human rights, the procedures for ensuring the rights of persons to gain asylum and obtain refugee status in the Republic of Latvia and sets forth the rights and obligations of asylum seekers and refugees.

### **Section 2. Persons who may Claim Refugee Status as Asylum Seekers**

(1) Refugee status may be claimed by persons as asylum seekers who are not Latvian citizens or 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 and who arrive or reside in the territory of the Republic of Latvia because of a justified 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 owing to this fear are unable or are unwilling to avail themselves of the protection of that country.

(2) A person who is a citizen of more than one foreign country, may not claim refugee status if he or she fails to make use, in the absence of the fear referred to in Paragraph one of this Section, of the legal protection of one of his or her countries of citizenship. Every state which has granted citizenship to a person is his or her country of citizenship.

### **Section 3. The Status of Asylum Seekers**

A person shall be considered an asylum seeker from the moment he or she has submitted a written application to have refugee status granted in accordance with the procedures prescribed by this Law.

### **Section 4. Centre for Refugee Affairs**

(1) Applications for the granting of refugee status shall be examined and decisions to grant or refuse to grant refugee status shall be taken by the Centre for Refugee Affairs (hereinafter – Centre). The decisions of the Centre may be appealed only in the cases specified and in accordance with the procedures set out by this Law.

(2) The Centre shall be established as a unit of the Department of Citizenship and Migration Affairs of the Ministry of the Interior with separate funding from the State budget, its By-law shall be approved and its Head shall be appointed to and dismissed from office by the Minister for the Interior pursuant to a recommendation of the Director of the Department.

## **Section 5. Refugee Affairs Appeal Council**

(1) Appeals against decisions of the Centre shall be examined by the Refugee Affairs Appeal Council (hereinafter – Council). Decisions of the Council may be appealed only in cases provided for by this Law.

(2) The Council shall consist of a Chairperson and four Council members. The chairperson of the Council shall be appointed to and dismissed from office by the Cabinet upon a recommendation of the Minister for Justice, but the members of the Council – upon a recommendation of the Chairperson of the Council.

(3) The Council is a legal person, operating in accordance with the By-law confirmed by the Cabinet and under the supervision of the Ministry of Justice. The Chairperson and members of the Council shall act and take decisions independently within the scope of their competence.

## **Section 6. United Nations High Commissioner for Refugees**

(1) Persons who have applied for refugee status have the right to apply to the United Nations High Commissioner for Refugees or persons or institutions authorised by them (hereinafter – Commissioner). The contents of such applications shall be confidential.

(2) Upon the request of the Commissioner, the Centre and the Council shall submit their decisions and grounds for such to the Commissioner.

## **Section 7. Confidentiality of Information**

(1) The officials (employees) of institutions do not have the right to disclose any information about an asylum seeker except in the cases mentioned in Paragraph two of Section 7. An official (employee) guilty of disclosure of information shall be liable in accordance with the procedures set out by law.

(2) Information about an asylum seeker may be disclosed if the person concerned has given consent, as well as in cases when such information is required by law enforcement agencies in accordance with the procedures set out by law.

## **Section 8. Identification of Asylum Seekers**

The State police shall identify asylum seekers in accordance with the procedures set out by the Minister for the Interior.

## **Section 9. Language of Communication**

An asylum seeker who does not know the Latvian language, shall be ensured the right with the aid of an interpreter to communicate, review materials regarding examination of the application, and to submit explanations in a language which this person knows.

## **Section 10. Rights and Obligations of Asylum Seekers**

- (1) An asylum seeker has the right to meet and communicate with a sworn advocate to receive legal assistance.
- (2) An asylum seeker has the right to receive emergency medical assistance covered by State funds.
- (3) An asylum seeker or his or her authorised representative is obliged to co-operate with the Centre and other institutions mentioned in this Law by providing information which may affect the granting of refugee status.

## **Section 11. Rights of Family Members of Asylum Seekers and Minors**

- (1) Applications from asylum seekers for the granting of refugee status shall be examined and decisions to grant or refuse to grant refugee status shall be also applicable to the family members (spouse and dependent children) of the asylum seeker, irrespective of their location, if the family members so wish.
- (2) The rights and lawful interests of minors shall be represented by their parents. If a minor is not accompanied by his or her parents, and wishes to apply for refugee status independently, his or her rights and lawful interests shall be represented by an independent authorised representative appointed by the Council during the submission and examination of the application. It shall be the obligation of the representative to act objectively in the best interests of the minor.

## **Chapter II**

### **Submission of Applications for the Granting of Refugee Status**

## **Section 12. Submission of Applications for the Granting of Refugee Status to Persons Arriving from a Foreign Country at a Land Border Control Point**

- (1) A person who arrives in the Republic of Latvia by crossing the state border at a land border control point, in order to receive asylum and obtain refugee status, shall be immediately brought to the nearest State police station where he or she shall submit an application for the granting of refugee status.
- (2) Discussions with the asylum seeker at a State police station shall be carried out by State police officials especially trained for this purpose. During the discussions and the initial examination of the application, any asylum seeker shall be accommodated at the State police station in premises provided for this purpose separate from persons held under suspicion of having committed a crime.
- (3) If, as a result of the discussions, the application is considered to be justified, the asylum seeker shall be moved immediately to the nearest accommodation centre for asylum seekers.

## **Section 13. Applications for the Granting of Refugee Status to Persons Arriving from a Foreign Country at an Airport or Seaport Border Control Point**

(1) A person who arrives at a State border control point at an airport or seaport shall submit an application for the granting of refugee status before entering the Republic of Latvia. The application shall be accepted by a State police official at the border control point.

(2) Discussions with the asylum seeker shall be carried out at a border control point by State police officials especially trained for this purpose before the asylum seeker enters the Republic of Latvia. During the discussions and the initial examination of the application, any asylum seeker shall be accommodated in premises provided for this purpose at the territory of the airport or seaport.

(3) If, as a result of the discussions, the application is considered to be justified, the asylum seeker shall be moved immediately to the nearest accommodation centre for asylum seekers.

#### **Section 14. Submitting Applications for the Granting of Refugee Status to a Person Located in the Territory of the Republic of Latvia**

(1) A person who is located in the territory of the Republic of Latvia shall submit an application for the granting of refugee status at a State police station or the Centre.

(2) Discussions with an asylum seeker shall be carried out at a State police station by State police officials especially trained for this purpose. During the discussions and the initial examination of the application, any asylum seeker shall be accommodated at the State police station in premises provided for this purpose and separate from persons held under suspicion of having committed a crime.

(3) If, as a result of the discussions, the application is considered to be justified, the asylum seeker shall be moved immediately to the nearest accommodation centre for asylum seekers.

### **Chapter III**

#### **Examination of Applications for the Granting of Refugee Status and the Granting of Refugee Status**

##### **Section 15. Accommodation Centres for Asylum Seekers**

(1) During the period of examination of applications for the granting of refugee status, asylum seekers shall be accommodated at accommodation centres for asylum seekers where the living conditions necessary for persons are ensured. An asylum seeker may be transferred from one accommodation centre for asylum seekers to another.

(2) An asylum seeker legally residing in the Republic of Latvia at the time of applying for refugee status shall not be placed in an accommodation centre for asylum seekers if the basis for his or her legal residence in the Republic of Latvia is still valid.

(3) The regulations for accommodation centres for asylum seekers shall be approved, and such Centres shall be established, by the Cabinet. Accommodation centres for asylum seekers shall be under the jurisdiction of the Ministry of the Interior.

## **Section 16. Personal Identity Documents of Asylum Seekers and the Procedures for their Residence in the Territory of the Republic of Latvia**

Asylum seekers shall be issued with special personal identity documents, the nature and issuing procedure of which, shall be determined by the Cabinet. The identity documents referred to shall give the holder the right to reside in an accommodation centre for asylum seekers and, with the permission of the administration of the accommodation centre for asylum seekers which is noted in the document on each occasion, in the administrative territory where the centre is located.

## **Section 17. Time Periods for the Examination of Applications for Refugee Status**

- (1) If it is determined as the result of the discussions that the facts of the application for the granting of refugee status comply with the provisions of Section 2 of this Law, the application shall be examined not later than three months from the date of its registration.
- (2) In certain cases the time period during which the application for the granting of refugee status shall be examined may be extended to six months, upon co-ordination with the Director of the Department.

## **Section 18. Grounds Which Preclude the Granting of Refugee Status**

(1) Refugee status shall not be granted to a person if:

- 1) the person holds the citizenship of a country where the threat of persecution referred to in Section 2 of this Law does not exist;
- 2) the person is a stateless person and the threat of persecution referred to in Section 2 of this Law does not exist in his or her previous country of residence;
- 3) prior to arriving in the Republic of Latvia, the person resided in a country where the threat of persecution referred to in Section 2 does not exist and where he or she could have requested asylum;
- 4) the person has obtained refugee status in another country and may avail himself or herself of its protection without justified a fear of persecution as referred to in Section 2 of this Law;
- 5) an application for the granting of refugee status to the person is being examined in another country where the threat referred to in Section 2 of this Law does not exist;
- 6) the person has committed a crime against peace, a war crime or a crime against humanity, also crimes of genocide within the meaning defined in international agreements which have been adopted in order to carry out measures against crimes of this kind;
- 7) the person has committed a serious non-political crime outside the borders of Latvia before travelling to Latvia as an asylum seeker;
- 8) the person belongs to a terrorist or other criminal organisation;
- 9) the person is guilty of committing acts which are contrary to the goals and principles of the United Nations;
- 10) the person deliberately disregards the requirements set out in Section 10, Paragraph three of this Law or knowingly provides false information if it is significant to the decision of granting refugee status;

11) the person voluntarily re-establishes legal ties with his or her country of citizenship or, if the person is a stateless person, with the country of his or her previous residence, requests legal protection from official institutions or officials of that country or carries out actions to voluntarily return to that country;

12) the person voluntarily establishes legal ties with another country, receives its citizenship and enjoys its legal protection; or

13) the circumstances in the person's country of citizenship or, if the person is a stateless person, his or her previous country of residence, change so that there is no longer a reason to fear the persecution referred to in Section 2 of this Law.

(2) A list of the countries referred to in Paragraph one, Clauses 1, 2 and 3 of this Section shall be approved by the Cabinet.

### **Section 19. Decision to Grant or Refuse to Grant Refugee Status**

(1) The decision of the Centre to grant or refuse to grant refugee status shall be taken after the measures mentioned in Section 12, Paragraph two, Section 13, Paragraph two and Section 14, Paragraph two of this Law have been carried out, and in co-operation with the results of these procedures.

(2) When taking the decision to grant or refuse to grant refugee status, any doubt regarding the justification for the application shall be interpreted in favour of the person having the right to receive refugee status.

(3) The decision mentioned in Paragraph one of this Section taken by the Centre shall be documented/processed in writing, and complete grounds for the decision and the procedure for appealing against such shall be indicated. The asylum seeker shall be notified of the decision without delay.

(4) The Centre shall ensure the opportunity to appeal the decision to the Council and the opportunity to appear before the Council during the examination of the matter.

### **Section 20. Procedures for Appealing a Decision to Grant or Refuse to Grant Refugee Status**

(1) Appeals against decisions of the Centre to grant or refuse to grant refugee status may be submitted to the Council by an asylum seeker, his or her authorised representative or other concerned parties, within seven days. The Council shall examine the appeal within two months and its decision is final.

(2) Submission of an appeal as mentioned in Paragraph one of this Section shall stay the measures referred to in Section 29 of this Law. During the examination of the appeal the person shall be considered to be an asylum seeker.

(3) The decision of the Centre shall be documented in writing, and the appellant shall be notified of such.

### **Section 21. Examining Applications for Granting Refugee Status under Abridged Procedure**

(1) If, as a result of the discussions, justified suspicions have arisen that the person is in compliance with the provisions of Section 18, Paragraph one, Clauses 1-5 of this Law, or

the person has resided in Latvia illegally for more than seventy two hours, or if it has been established that the person is in compliance with the provisions of Section 18, Paragraph one, Clauses 6-9 of this Law, that is, the application for refugee status is evidently unjustified, it shall be examined in accordance with the procedures set out in this Section.

(2) In the cases mentioned in Paragraph one of this Section the justification for a person's application shall be verified by the Centre within two working days, and if it is recognised that the threat of persecution mentioned in Section 2 of this Law does not exist, a decision shall be taken to refuse to grant refugee status.

(3) The Centre shall immediately inform the Council of the decision mentioned in Paragraph two of this Section. The Council shall verify the justification for the decision of the Centre within three working days. If the Council recognises that the application was not justified, it shall be deemed rejected. The decision of the Council shall be final and may not be appealed.

(4) If the Centre or the Council breaches the time periods specified in Paragraphs two or three of this Section, or if the Centre or the Council recognises an application for the granting of refugee status to be justified, it shall be examined in accordance with the regular procedures.

## **Chapter IV**

### **Legal Status of Refugees in the Republic of Latvia**

#### **Section 22. Residence of Refugees in the Republic of Latvia**

(1) On the basis of a travel document issued to a refugee in accordance with the procedures specified in Section 23 of this Law, the Department shall issue him or her with a permanent residence permit for the Republic of Latvia at no charge. The Cabinet shall issue regulations regarding annual registration procedures of refugee permanent residence permits and also regarding the procedures by which refugees may choose their place of residence in the Republic of Latvia in order to ensure their social integration in Latvia and to prevent the formation of isolated groups of the population.

(2) A refugee may not be deported or extradited to a country where the threat of persecution referred to in Section 2 of this Law exists.

#### **Section 23. Personal Identity and Travel Documents of a Refugee**

In accordance with the United Nations Convention of 28 July 1951 relating to the Status of a Refugee, a refugee shall be provided with a travel document which at the same time shall also be the personal identity document of the refugee. The form and issuing procedure for the travel document shall be determined by the Cabinet.

#### **Section 24. Refugee Allowance and State Assistance for Social Integration**

If a refugee has no other source of income, for the first twelve months after being granted refugee status, he or she shall receive assistance in the amount and in accordance

with the procedures determined by the Cabinet, to cover the necessary expenses for living, subsistence, as well as learning the Latvian language.

### **Section 25. Rights and Obligations of Refugees**

(1) The economic, social, personal and other rights and freedoms, as well as obligations, which are specified in Chapter 3 of the Constitutional Law Human and Citizenship Rights and Obligations are applicable to refugees.

(2) In addition to the rights specified by the Law referred to, refugees also have the right to:

- 1) freely leave Latvia and return to Latvia;
- 2) receive family members (spouse and dependent children) who arrive from a foreign country. In such case the spouse and the dependent children shall also be recognised as refugees;
- 3) maintain their native language, culture and traditions if they do not contradict the legal enactments in force; and
- 4) be assisted by an interpreter in court proceedings and exercise the right to choose a language in accordance with the existing legislative enactments for communicating with institutions of state power and administration.

## **Chapter V**

### **Loss of Refugee Status and Termination of Residence in the Republic of Latvia**

#### **Section 26. Conditions for the Loss of Refugee Status**

(1) Refugee status shall be lost if:

- 1) it is found to have been obtained under false pretences (in order to obtain refugee status, the person has knowingly provided false information significant to the granting of refugee status);
- 2) 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 previous residence, and requests assistance from official institutions or officials of such a country, or voluntarily returns to such a country;
- 3) a person voluntarily establishes legal ties with another country, obtains its citizenship and enjoys its legal protection;
- 4) in the country of citizenship of the person or, in the case of a stateless person, the country of his or her previous residence, circumstances have so changed that there is no longer reason to fear the persecution referred to in Section 2 of this Law;
- 5) the person becomes a Latvian citizen; or
- 6) the person has been found guilty of an especially serious crime which poses a threat to society.

#### **Section 27. Decision Regarding the Loss of Refugee Status**

(1) The Centre shall take the decision regarding the loss of refugee status within one month from the day of learning of any circumstances specified in Section 26 of this Law.



(2) The Council shall be immediately informed about the decision mentioned in Paragraph one of this Section, and it shall verify the justification for the decision within one month. On the basis of the results of its verification the Council shall confirm or revoke the decision.

### **Section 28. Procedures for Appeals against Decisions Regarding the Loss of Refugee Status**

(1) The decision of the Council specified in Section 27, Paragraph 2 of this Law may be appealed in Court in accordance with the procedures prescribed by law.

(2) Submission of an appeal mentioned in Paragraph one of this Section shall stay the actions prescribed in Section 29 of this Law. During the examination of the appeal a person is considered a refugee.

### **Section 29. Termination of the Right of Residence in the Republic of Latvia**

(1) A person whose application for refugee status in the Republic of Latvia has been refused shall be deported in accordance with the provisions of the Law On the Entry and Residence of Aliens and Stateless Persons in the Republic of Latvia.

(2) A person who has lost refugee status, shall leave the territory of the Republic of Latvia within two months if he or she has no other legal grounds for remaining in Latvia.

(3) Provisions of Paragraph one of this Section shall not apply to persons whose application for refugee status has been examined under an abridged procedure and rejected. Such persons shall be deported from the Republic of Latvia in accordance with the procedures determined by the Minister for the Interior of the Republic of Latvia.

## **Chapter VI Final Provisions**

### **Section 30. Priority of Provisions of International Law**

If an international agreement which has been ratified by the *Saeima* sets out provisions other than those contained in this Law, the provisions of the international agreement are applicable.

### **Transitional Provisions**

1. The issue of refugee travel documents specified in Section 23 of this Law shall commence after the Convention of the United Nations of 28 July 1951 relating to the status of refugees has come into force in the Republic of Latvia. Until then a personal identity document specified in Section 16 of this Law, with special endorsements in accordance with the procedure prescribed by the Cabinet, shall be regarded as a refugee identity document.

2. For the implementation of this Law, the Cabinet shall issue the necessary regulations by 1 January 1998.

3. Those provisions of this Law whose implementation is regulated by regulations of the Cabinet are not applied until the relevant regulations have come into force.

This Law has been adopted by the *Saeima* on 19 June 1997.

President

G. Ulmanis

Riga, 4 July 1997