Office of Citizenship and Migration Affairs Republic of Latvia

EMN European Migration Network

# EMN FOCUSSED STUDY

# FAMILY REUNIFICATION OF THIRD-COUNTRY NATIONALS IN THE EU: EXPERIENCE OF LATVIA

**Riga, December 2016**

Pursuant to Council Decision 2008/381/EC of 14 May 2008, the European Migration Network was established, its objective shall be to meet the information needs of European Union institutions and of Member States' authorities and institutions, by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas. The European Migration Network also serves to provide the general public with information on these subjects.

The Network is composed by the European Commission and the contact points designated by the Member States. Each contact point establishes a national migration network.

The contact point of each state prepares studies, whose topics have been set in the respective annual programme of activities. The topics of studies are related to the area of migration of third-country nationals.

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# 1 DEFINITIONS

The following key terms are used in the focussed study. The definitions are taken from the EMN Glossary v3.0.[1]

**Adoption of convenience**: is defined as "an adoption (of a child) contracted for the sole purpose of enabling the person adopted to enter or reside in a Member State".

**Adult:** is defined as "every human being aged 18 years or more unless, under the law applicable to the adult, majority is attained later".

**Applicant for international protection:** is defined as "a third-country national or a stateless person who has made an application for international protection in respect of which a final decision has not yet been taken".

**Application for international protection:** is defined as "a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2011/95/EU, that can be applied for separately".

**Beneficiary of International Protection**: is defined as "a person who has been granted refugee status or subsidiary protection status".

**Civil Partnership of Convenience**: is defined as "a civil partnership contracted for the sole purpose of enabling the person concerned to enter or reside in a Member State".

**False declaration of parenthood**: is defined as "an untruthful declaration of a relationship of parenthood which does not actually exist either (a) between a minor who is an EU citizen or settled third-country national and a third-country national adult, where the adult claims to be the parent in order to obtain or legalise their residence in a Member State, or (b) between a third-country national minor and a union citizen adult or a settled third-country national adult where the adult declares themselves parent of the minor in order to obtain or legalise the residence of the child and / or possibly the residence of the other parent".

**Family formation**: is defined as "the entry into and residence in a Member State of a third-country national on the basis of the establishment of a family relationship either (a) after their third-country national sponsor has gained legal residence in a Member State; or (b) with an EU national".

**Family member**: is defined as "in the general migration context, a person either married to, or having a relationship legally recognised as equivalent to marriage, to a migrant, as well as their dependent children or other dependants who are recognised as members of the family by applicable legislation. In the context of the Family Reunification Directive, a third country national, as specified in Art. 4 of Directive 2003/86/EC (normally members of the nuclear family – i.e. the spouse and the minor children), who has entered the territory of the European Union for the purpose of family reunification".

**Family migration**: is defined as "in the global context, a general concept encompassing family reunification, family formation, and migration of an entire family at the same time. In the EU context, a concept which refers explicitly to family reunification and family formation".

**Family reunification**: is defined as "the establishment of a family relationship which is either: (a) the entry into and residence in a Member State, in accordance with Council Directive 2003/86/EC, by family members of a third-country national residing lawfully in that Member State ('sponsor') in order to preserve the family unit, whether the family relationship arose before or after the entry of the sponsor;

[1] Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf.

or (b) between an EU national and third-country national established outside the EU who then subsequently enters the EU".

**Forced marriage**: is defined as "the union of two persons, at least one of whom has not given their full and free consent to the marriage".

**Highly qualified migrant**: is defined as "in the global context, a person falling within ILO ISCO-88 Classes 1, 2 and 3, e.g. a person qualified as a manager, executive, professional, technician or similar, who moves within the internal labour markets of transnational corporations and international organisations, or who seeks employment through international labour markets for scarce skills. In the EU context, a third-country national who seeks employment in a Member State and has the required adequate and specific competence, as proven by higher professional qualifications".

**Integration**: In the EU context, a dynamic, two-way process of mutual accommodation by all immigrants and residents of Member States.

**Intra-corporate transferee:** is defined as "a third-country national subject to a temporary secondment from an undertaking established outside the territory of a Member State and to which the third-country national is bound by a work contract to an entity belonging to the undertaking or to the same group of undertakings which is established inside this territory".

**Labour market test:** is defined as a "mechanism that aims to ensure that migrant workers are only admitted after employers have unsuccessfully searched for national workers, EU citizens (in EU Member States this also means EEA workers) or legally residing third-country nationals with access to the labour market according to national legislation".

**Long-term resident:** is defined as "a third-country national who has long-term resident status as provided for under Arts. 4 to 7 of Council Directive 2003/109/EC or as provided for under national legislation".

**Marriage of convenience:** is defined as "a marriage contracted for the sole purpose of enabling the person concerned to enter or reside in a Member State".

**Refugee:** is defined as "in the global context, either a person who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned before, is unable or, owing to such fear, unwilling to return to it. In the EU context, either a third-country national who, owing to a well-founded fear of persecution for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail themselves of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Art. 12 (Exclusion) of Directive 2011/95/EU does not apply".

**Researcher:** is defined as "in the EU migration context, a third-country national holding an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organisation for carrying out a research project for which the above qualification is normally required".

**Right to family life:** is defined as "a principle enshrined in Arts. 7, 9 and 33 of the Charter of Fundamental Rights of the European Union and Art. 8 of the European Convention on Human Rights (ECHR)".

**Right to family unity:** is defined as "in the context of a refugee, a right provisioned in Art. 23 of Directive 2011/95/EU and in Art. 12 of Directive 2013/33/ EU obliging Member States to ensure that family unity can be maintained".

**Seasonal worker:** is defined as "a third-country national who retains their principal place of residence in a third country and stays legally and temporarily in the territory of a Member State to carry out an activity dependent on the passing of the seasons, under one or more fixed-term work contracts concluded directly between that third-country national and the employer established in that Member State".

**Sponsor:** is defined as "in the global context, a person or entity which undertakes a (legal, financial or personal) engagement, promise or pledge, on behalf of another. In the EU context of family reunification, a third-country national residing lawfully in a Member State and applying, or whose family members apply, for family reunification to be joined with them".

**Student:** is defined as "in the EU migration context, a third-country national accepted by an establishment of higher education and admitted to the territory of a Member State to pursue as their main activity a full-time course of study leading to a higher education qualification recognised by the Member State, including diplomas, certificates or doctoral degrees, which may cover a preparatory course prior to such education according to its national legislation".

**Subsidiary protection:** is defined as "the protection given to a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to their country of origin, or in the case of a stateless person to their country of former habitual residence, would face a real risk of suffering serious harm as defined in Art. 15 of 2011/95/EU, and to whom Art. 17(1) and (2) of Directive 2011/95/EU do not apply, and is unable or, owing to such risk, unwilling to avail themselves of the protection of that country".

**Unaccompanied minor:** is defined as "a minor who arrives on the territory of the Member States unaccompanied by the adult responsible for them by law or by the practice of the Member State concerned, and for as long as they are not effectively taken into the care of such a person. It includes a minor who is left unaccompanied after they have entered the territory of the Member States".

**Third-country national**: is defined as "any person who is not a citizen of the European Union within the meaning of Art. 20(1) of TFEU and who is not a person enjoying the Union right to free movement, as defined in Art. 2(5) of the Schengen Borders Code".

# TOP-LINE "FACTSHEET"

Focussed study "Family reunification of third-country nationals in the European Union: experience of Latvia" covers the field of legal immigration, which governs the right to family reunification of third-country nationals.
The objective of the work is to describe the policy of Latvia in the area of family reunification of third-country nationals as well as to inform about current events and national policy in this area.
In Latvia, a family member is considered to be the spouse[2], a dependent minor child and relative under guardianship,[3] unlike the definition discussed in the study, which includes a civil partner in a registered partnership.
The family reunification policy in Latvia developed upon taking over the rules set forth in the Council Directive 2003/86/EC[4] in national laws, which entered into force with the Immigration Law of 1 May 2003.

**Section 1** provides an overview of the third-country nationals' family reunification situation in Latvia, including data on family reunification and their explanation. The legal basis for the admission of third-country nationals for the purpose of family reunification is set forth by the Immigration Law[5] and the Asylum Law[6], and the underlying Cabinet Regulations. In Latvia, equal conditions for issue of the residence permit are applied to third-country nationals both in the event of family reunification and establishment of a new family. However, persons that have acquired international protection can get reunited with the family members only if such family had already existed in the country of origin and family members are located abroad. There are no large numbers of third-country nationals arriving in Latvia and no significant obstacles or encumbrances have been established for implementing the right of family reunification of third-country nationals. Family reunification rights are implemented in Latvia mainly by those third-country nationals that are arriving in connection with the purchase of real property, employment and commercial activity. The largest number of persons arrived in Latvia for family reunification purposes in 2014 (3,707). This is explained by the amendments to the Immigration Law[7], which intended to introduce more restrictive rules for obtaining residence permits in connection with the purchase of real property from 1 September 2014. Considering the above, a large number of applications from third-country nationals was received before the amendments to the law entered into force, because people wanted to use the previous, more liberal provisions of the law for receipt of the residence permit.

**Section 2** explains the family members that the third-country nationals may exercise the right to family reunification with. In Latvia, any third-country national who has received a temporary residence permit or a permanent residence permit can be the sponsor of his/her family member. There are a number of exceptions and restrictions in the legal acts of Latvia.

Restrictions for reunification with family members are set forth for the persons that have been granted subsidiary status. They are entitled to be reunited with family members located in foreign countries, after they have resided in Latvia for at least two years after obtaining the status.

While the third-country national can be reunited with their adult children only in the events where the child has been acknowledged under the trusteeship by a court judgment.

[2] Including the child of the spouse
[3] A relative of the citizen or non-citizen of Latvia, or a third-country national that has receive a permanent residence permit up to the third degree in a straight line or up to the third degree in lateral line, or brother-in-law to the third degree.
[4] 22 September 2003 Council Directive 2003/86/EC on the right to family reunification.
[5] Immigration Law. - Ziņotājs, No. 169, 20.11.2002 – [entered into force on 01.05.2003]
[6] Asylum Law. - Latvijas Vēstnesis, No. 2, 05.01.2016 – [entered into force on 19.01.2016]
[7] Law "Amendments to the Immigration Law". Latvijas Vēstnesis, No. 98, 08.05.2014 – [ entered into force on 01.09.2014]

**Section 3** lists the requirements that must be met by third-country nationals so that they could implement the right to family reunification. The third-country national must provide documents certifying the expected place of residence in Latvia, while a family member of the person that has obtained the international protection status need not provide such documents. Upon receiving a temporary residence permit, a third-country national must present a health insurance policy. This requirement also applies to the family members of the persons that have obtained subsidiary status. Also, financial means of family members of third-country nationals must correspond to the minimum monthly wage[8] (EUR 370.00 in 2016), while a family member of the person that has obtained the international protection status need not provide such documents.

**Section 4** reflects the process of filing and reviewing the application for family reunification. A family member is the principal applicant for family reunification. In addition to the usual procedure of applying for a residence permit, family members of third-country nationals must file a copy of the document certifying affinity. If family members of the persons that have obtained the international protection status are unable to file copies of documents certifying affinity and have justified the reason for it in writing, the authority may accept documents for family reunification without the respective document. In individual cases the Office of Citizenship and Migration Affairs, upon assessing the individual situation, is issuing or extending visas for third-country nationals so that they can stay in Latvia until the final decision in the case of family reunification is made.

**Section 5** explains the rights of family members of third-country nationals in Latvia after the family reunification. Free access to the labour market is granted only to certain categories of family members. Access to state social benefits and services is restricted as well. Third-country nationals legally working in Latvia may receive benefits that are related to the payment of social security contributions, but cannot receive benefits that are paid to citizens of Latvia regardless of the paid social security contributions. Possibilities to receive social support depend on the status of the third-country national in Latvia. Latvian laws provide that the right to receive state social benefits is granted to third-country nationals holding a permanent residence permit. The amount of medical services paid for from the state budget and the service recipient funds is provided only certain categories of third-country nationals. A family member, after five years of residence in Latvia with a temporary residence permit, can request the permanent residence permit, which grants autonomous rights to reside in Latvia.

**Section 6** provides information on the national and international court practices. Case law of international as well as national courts has not significantly affected the family reunification policy or practices of Latvia.

[8]Pursuant to Subparagraph 11.6 of the 21 June 2010 Cabinet Regulation No. 550 "Regulations Regarding the Amount of Necessary Financial Means for a Foreigner and Procedures for the Determination of the Existence of Financial Means". - Latvijas Vēstnesis, No. 100, 28.06.2010 - [entered into force on 17.07.2010]

# 2. OVERVIEW OF THE SITUATION ON FAMILY REUNIFICATION

The legal basis for the admission of third-country nationals for the purpose of family reunification is set forth by the Immigration Law[9] and the Asylum Law[10], and the underlying Cabinet Regulations.[11] Developers of the Immigration Law, which was adopted in 2003, envisaging the impact of the legal act on the society and national economy development, noted that the law extended the rights of nationals of Latvia to invite third-country nationals in connection with family reunification, reduced the possibility to revoke the residence permits of persons residing in Latvia in connection with the marriage with a Latvian national or a third-country national that has received the permanent residence permit, as well as the law complies with the principle of family unity specified in Article 8 of the ECHR.[12] Latvia successfully took over the rules set forth in the Council Directive 2003/86/EC[13] in national laws, which entered into force with the Immigration Law of 1 May 2003, and excluded the transition period. Most of the optional Articles of the Directive have been applied in legal acts.

In Latvia, equal conditions for issue of the residence permit are applied to third-country nationals both in the event of family reunification and establishment of a new family. Persons that have acquired international protection can get united with the family members if such family had already existed in the country of origin and family members are located abroad. In connection with family reunification in Latvia, a third-country national may be issued both temporary and permanent residence permit.

## 2.1. An overview of changes to law, policy and/ or practice in the field of family reunification in Latvia.

In 2009, upon the adoption of the new Asylum Law, a definition of the family member was included into it, which clearly defines the range of persons who may exercise the right to family reunification.[14] There has been no public discussion in Latvia regarding the third-country nationals' family reunification issues.

There are no large numbers of third-country nationals arriving in Latvia and no significant obstacles or encumbrances have been established for implementing the right of family reunification of third-country nationals. This is demonstrated also by the fact that there is practically no national legal proceedings on the above issues, so no need has been currently identified to change the regulation in the area of family reunification.

Latvian authorities have encountered so-called fictitious marriage when the marriage took place in order to obtain a residence permit, not to start a family. This problem exists, but in recent years has detected only isolated cases of marriages of convenience, which has followed the legal proceedings.

Currently, the Ministry of the Interior has proposed changes to the Immigration Law. They will provide that a child of a third-country national who has arrived for the purpose of family reunification and has received the first temporary residence permit while being a minor, even after reaching maturity may continue to reside in Latvia with the parents, unless he/she has married and he/she still has a common household with parents.

The possibility for family reunification in Latvia is mainly used by those third-country nationals that are arriving in connection with the purchase of real property, employment and commercial activity. Family

[9] Immigration Law. - Ziņotājs, No. 169, 20.11.2002 – [entered into force on 01.05.2003]
[10] Asylum Law. - Latvijas Vēstnesis, No. 2, 05.01.2016 – [entered into force on 19.01.2016]
[11] The diplomatic and consular missions of the Republic of Latvia abroad and the Office of Citizenship and Migration Affairs are involved in acceptance of third-country nationals for the purpose of family reunification.
[12] Draft law "Amendments to the Immigration Law". - Available at: http://helios-web.saeima.lv/bin/lasa?LP1298_0.
[13] 22 September 2003 Council Directive 2003/86/EC on the right to family reunification.
[14] The Asylum Law of 17 December 2015 is currently in force, which contains also the definition of a family member.

members of students also have the right to family reunification, however, they are used in relatively few cases. The number of women that have arrived for the purpose of family reunification is higher than the number of men that have used this right, the dominant age group is 25-44 years of age. In 2014, there was the largest number (3,707) of persons arriving for the purpose of family reunification (see Annex 1.). This is explained by the amendments to the Immigration Law[15], which introduced more restrictive rules for obtaining residence permits in connection with the purchase of real property from 1 September 2014. Considering the above, a large number of applications from third-country nationals was received before the amendments to the law entered into force, because people wanted to use the previous, more liberal provisions of the law for receipt of the residence permit.

Refugees and the persons that have obtained subsidiary status have exercised the right of family reunification in Latvia very rarely.

## 3. DEFINITION OF SPONSOR AND FAMILY MEMBERS

Any third-country national who has received a temporary residence permit[16] or a permanent residence permit can be the sponsor (inviter) of his/her family member.[17]

According to the provisions of the Asylum Law[18] a person that has obtained subsidiary status has the right to be reunited with family members who are in foreign countries if, after obtaining the above status, the person has resided in Latvia for at least two years.

Third-country nationals can be reunited with adult children, however it may happen only in the events where the trusteeship over the child has been acknowledged by a court judgment.[19]

Third-country nationals may be reunited with the dependent person, however this is permissible only in cases where the guardianship or trusteeship over the dependent person[20] has been recognised by a court adjudication regarding establishing guardianship or trusteeship.[21]

The sponsor has the right to be reunited with the child, regardless of the type of marriage, if he has been recorded as the child's parent in the birth certificate.

## 4. REQUIREMENTS FOR EXERCISING THE RIGHT TO FAMILY REUNIFICATION

In the case of family reunification a third-country national must indicate his/her place of residence in Latvia. The third-country national shall provide documents[22] certifying the expected place of residence in Latvia,[23] while a family member of the person that has obtained refugee or subsidiary status need not provide such documents.[24] Currently, there are no criteria defined for the expected place of residence, neither with respect to the residential area nor compliance with hygiene or safety standards. The only criterion – the place of residence must be registered in the State Address Register.

[15]Law "Amendments to the Immigration Law". Latvijas Vēstnesis, No. 98, 08.05.2014 – [ entered into force on 01.09.2014]
[16] A third-country national who is reuniting with the sponsor, who is the holder of the temporary residence permit, receives the temporary residence permit for the same duration as the sponsor has.
[17] Pursuant to Part 1 of Section 23 of the Immigration Law.
[18] Pursuant to Part One of Section 54 of the Asylum Law.
[19] Pursuant to Part 4 of Section 23 of the Immigration Law.
[20]Guardian - a person appointed or approved in the procedure set forth in the Civil Law to ensure protection of rights and interests of the child. A guardian replaces parents for his ward as well as represents the child in personal and property relations.
[21] Pursuant to Part 4 of Section 23 of the Immigration Law.
[22] It may be a rent agreement.
[23] 21 June 2010 Cabinet Regulation No. 564 "Regulations Regarding Residence Permits". - Latvijas Vēstnesis No. 101, 29.06.2010 – [entered into force on 01.07.2010]
[24] Pursuant to Paragraph 33.[2] of the Cabinet Regulation No. 564 "Regulations Regarding Residence Permits".

Upon receiving a temporary residence permit, family members must present a valid health insurance policy.[25]

The health insurance policy must guarantee covering expenses for at least the following services related to healthcare:

- emergency medical aid;
- treatment of condition critical to life or health in a hospital;
- transportation to the nearest medical institution providing emergency medical assistance and treatment of condition critical to life or health;
- transportation back to home country in the event of severe illness or death.

The minimum limit of liability of the insurer for the insurance period specified in the policy may not be less than EUR 42,600.[26]

Whereas family members of the person that has obtained the refugee status are issued with a permanent residence permit, this condition applies only to the subsidiary status recipient[27] family members.[28,29]

The sponsor has to prove that he/she has sufficient financial resources available to provide for himself/herself and family members.

The financial means must correspond to the minimum monthly wage[30] (EUR 370.00 in 2016). The required provision for subsistence of the child is 60 % of the minimum monthly wage (EUR 222.00),[31] while a family member of the person that has obtained refugee or subsidiary status need not provide such documents.[32]

National law of Latvia does not require third-country nationals to comply with any **integration measures** before and/ or after admission.

If a third-country national[33] wishes to receive the permanent residence permit[34], he/she must pass the official language test and be fluent in the official language on at least basic level, degree **A2**.[35] Upon successful passing the test, the person receives the official language proficiency certificate.

This requirement does not apply to a refugee and his family member.

[25] Pursuant to Paragraph 73 of the Cabinet Regulation No. 564 "Regulations Regarding Residence Permits".
[26] 28 July 2008 Cabinet Regulation No. 591 "Regulations For Health Insurance of Foreigners". - Latvijas Vēstnesis No. 117, 31.07.2008 - [entered into force on 01.08.2008]
[27] Persons with alternative status are not required to present insurance to receive the temporary residence permit.
[28] Family members of persons that have obtained alternative status are issued a temporary residence permit.
[29] Pursuant to Section 54.(3) of the Asylum Law.
[30] 21 June 2010 Cabinet Regulation No. 550 "Regulations Regarding the Amount of Necessary Financial Means for a Foreigner and Procedures for the Determination of the Existence of Financial Means". - Latvijas Vēstnesis, No. 100, 28.06.2010 - [entered into force on 17.07.2010]
[31] Pursuant to Subparagraph 11.6 of the Cabinet Regulation No. 550 "Regulations Regarding the Amount of Necessary Financial Means for a Foreigner and Procedures for the Determination of the Existence of Financial Means".
[32] Pursuant to Paragraph $33^2$ of the Cabinet Regulation No. 564 "Regulations Regarding Residence Permits".
[33] Children up to 16 years receive the permanent residence permit together with the parent. The official language test is not taken by the persons:
- that have acquired basic, secondary or higher education in accredited programmes in Latvian;
- that have mastered an accredited minority educational programme and have taken the centralised Latvian exam (for minority educational programmes for the 9th grade) or a centralised Latvian exam for the 12th grade, as certified by the basic education or general secondary education certificate.

[34] Third-country nationals are entitled to request the permanent residence permit when they have lived in Latvia for five years. Upon a third-country national residing in Latvia, a permanent residence permit provides much broader social and economic rights. However, a third-country national holding this status is not eligible to participate in the Latvian local government and Parliament elections.
[35] Pursuant to Paragraphs 2, 3, 6 and 7 of Part One of Section 24 of the Immigration Law.

For a person to be able to pass the language test[36] for receipt of the permanent residence permit, he/she must be able to communicate in simple sentences on every day and professional topics known to him/her, read and understand simple texts about home and work, be able to fill out standard documents (for example, forms, invoices, receipts), to be able to write personal brief texts, to perceive and understand small texts related to the person's work and household spoken clearly and at natural pace.

Third-country nationals are offered free Latvian language training courses when funding from the European Union funds is available. Additional materials are available in the internet for Latvian language learning and development of language skills[37], as well as it is possible to attend Latvian language courses at own expense.

The costs associated with language training for obtaining the permanent residence permit include:

- Language courses[38];
- The state fee for the official language skills test is EUR 14.23[39].

The costs associated with examination of the documents filed for requesting a permanent residence permit in Latvia:

- within 90 days - EUR 99.60;
- within 45 days - EUR 241.89;
- within 10 business days - EUR 384.18.

The competent authorities of Latvia are planning to make changes in the compulsory third-country nationals' integration measures.

There are plans to change the current framework by defining the groups of immigrants[40], for which integration measures (language and integration courses after entering the country) could be determined as a mandatory requirement. It is envisaged that the state will not provide funding of activities, but will provide access to a standardised educational programme.

If a third-country national fails in the official language test then he cannot receive the permanent residence permit. A third-country national may continue to reside in Latvia by receiving a temporary residence permit. To receive a temporary residence permit, there is no need to pass the language exam.

Latvia applies a waiting period for sponsors before the sponsor can be reunited with family members.

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[36] Requirements of basic level grade 2 (A2).
[37] On the Latvian Language Agency website:
http://maciunmacies.valoda.lv/valodas-apguve/e-nodarbibas#tab2
A portal for third-country nationals Bridge of Communication:
- http://www.sazinastilts.lv/language-learning/language-portfolio/
- http://www.sazinastilts.lv/language-learning/vocabulary/

[38] The costs depend on the offer of the selected service provider.
[39] 7 July 2009 Cabinet Regulation No. 733 "Regulations Regarding the Amount of the Knowledge of the Official Language and the Procedures for Examination of the Knowledge of the Official Language for the Performance of Professional Duties and Duties of Office, Receipt of the Permanent Residence Permit and Obtaining of the Status of a Long-term Resident of the European Union and the State Fee for Examination of the Fluency in the Official Language".- Latvijas Vēstnesis No. 110, 14.07.2009 [entered into force on 01.09.2009]
[40] Categories, for which the integration and language courses should be determined as a mandatory requirement:
1) persons entering for the purpose of family reunification;
2) persons entering in relation to employment if its term exceeds one year;
3) officials and investors registered in the Commercial Register.

According to the provisions of the Asylum Law[41] a person that has obtained subsidiary status has the right to be reunited with family members who are in foreign countries if, after obtaining the above status, he/she has resided in Latvia for at least two years.

National legal acts do not provide for exceptions when the above two-year period might be shorter. However, considering the special situation of persons of this category, in the case of minors subject to the best interests of the child and the family unity principle[42], there have been cases in practice where family reunion had happened sooner.

The laws of Latvia provide for rejecting the entry and residence application of family members on grounds of public order, national security or health protection.

Data on such rejection of applications is not available.

In accordance with the provisions of the Asylum law[43], the refugee can be reunited with his/her family members who are in foreign countries immediately after the acquisition of the status.

If a family member is residing in Latvia with a valid residence permit, he/she may be reunited with a person that has obtained international protection without leaving the country.[44]

Subject to the definition of family members[45] set forth in the Asylum Law[46], a person that has acquired international protection status can get reunited with his/her family members if such family had already existed in the country of origin.

In accordance with the Asylum Law[47], an unaccompanied minor who has been granted international protection status and who is not married has the right to reunite with the mother and father who have arrived from a foreign country or another adult who, under the laws of Latvia, is responsible for the recipient of international protection if the above recipient of international protection is a minor and not married, provided that such family had already existed in the country of origin.

Family reunification rules for refugees have not been changed recently.

Latvia is applying to persons with subsidiary status similar rules for family reunification as to refugees.

If a family member is residing in Latvia with a valid residence permit, he/she may be reunited with a person that has obtained international protection without leaving the country.[48] A person that has obtained subsidiary status has the right to be reunited with his/her family members who are in foreign countries only if, after obtaining the status, he/she has resided in Latvia for at least two years.

Citizens of Latvia have broader rights to invite family members. Parents of Latvian that have reached the retirement age as well as adult children, unlike in the event of the third-country nationals, are eligible to apply for a residence permit in Latvia. Entry criteria for family members of third-country nationals and citizens of Latvia are the same. The procedure for requesting the residence permit differs for some categories. For individual categories of third-country nationals[49], family members can submit documents

[41] Pursuant to Part One of Section 54 of the Asylum Law.
[42] as defined in international law.
[43] Pursuant to Paragraph 5 of Section 1 of the Asylum Law.
[44] Pursuant to Subparagraph 4.2 of the Cabinet Regulation No. 564 "Regulations regarding residence permits".
[45] **family member** – the spouse of an asylum seeker, refugee or a person who has been granted alternative status or temporary protection, and also the minor child of an asylum seeker, refugee or a person who has been granted alternative status or temporary protection and the spouse of such person, who is not married and is dependent on both or one of the spouses or is adopted, and also the father, mother or other adult who in accordance with the laws and regulations of the Republic of Latvia is responsible for the beneficiary of international protection, if the above-mentioned beneficiary of international protection is a minor and not married, provided that such family has already existed in the country of origin.
[46] Pursuant to Paragraph 5 of Section 1 of the Asylum Law.
[47] Pursuant to Two One of Section 54 of the Asylum Law.
[48] Answer 10 a.
[49] -a teacher of an accredited educational institution;

for requesting the residence permit without leaving Latvia if they are staying in Latvia with a valid visa.[50] The spouse of a citizen of Latvia who is a third-country national does not have such right because a residence permit may be requested only when outside Latvia, unless such spouse of a citizen of Latvia is not a citizen of a country that does not need a visa to enter the Schengen territory. Parents of citizens of Latvia that have reached the retirement are entitled to submit the request for the residence permit while staying in Latvia.

To the spouse of a citizen of Latvia, a third-country national, who has a common minor child with a citizen of Latvia, in the event of death of such citizen of Latvia is entitled to request a permanent residence permit. In the event of death of spouses of third-country nationals the permit is terminated[51], unless special humanitarian considerations are established or the family member has already acquired an autonomous residence permit.

Certain categories of third-country nationals who are the spouses of citizens of Latvia have unlimited access to the labour market.[52]

- a scientist who has entered into the scientific cooperation agreement with a scientific institution included in the register of scientific institutions;
- a consultant (expert) who provides assistance to a governmental or local authority institution or a person who is helping to implement such international agreement or project, the Member State of which is the Republic of Latvia;
- a composer, musician, singer, choreographer, dancer, director, actor, circus artist, technical worker involved in providing for the performance or a head of cultural institution funded from the national or local government budget;
- has become entitled to employment in Latvia or is residing in Latvia in connection with employment, for carrying out which it is not required to obtain the certification of the right to employment;
- athletic trainer;
- professional athlete based on the invitation of the sports club;
- a student or full-time student of the educational institution accredited in Latvia, and his/her stay is connected with participation in the exchange program, or he/she has been enrolled to study in the master's or doctoral study programme, upon completion of which the student acquires a degree equivalent to a master's degree;
- a parent of the citizen or non-citizen of Latvia who is requesting the residence permit in accordance with Section 30 of the Immigration Law;
- a minor child;
- a third-country national, one of the upper relatives in a straight line of which is Latvian or Liv and who is permanently moving to the Republic of Latvia;
- a highly qualified worker who is requesting the European Union blue card;
- the person requesting the residence permit under Paragraph 28, 29, 30 or 31 of Part One of Section 23 of the Immigration Law. This condition does not apply to a third-country national, who is from a country, the citizens of which require additional verification upon issuing a visa or residence permit. This condition does not apply to a third-country national that has been granted the status of stateless person, refugee or alternative status, or temporary protection in a foreign country;
- he/she is residing in Latvia with a valid residence permit;
- he/she is legally residing in Latvia and he/she has a residence permit of the European Union long-term resident issued in another European Union Member State;
- he/she is the a family member of a third-country national who has a residence permit of the European Union long-term resident issued in another European Union Member State and who is residing in Latvia legally where the family has been established in another European Union Member State before the third-country national, who has been issued a residence permit of the European Union long-term resident in another Member State, requested a temporary residence permit in Latvia;
- he/she is a citizen of a country, citizens of which do not need a visa to enter Latvia;
- he/she has a valid residence permit issued in another Schengen country;
- he/she has a valid temporary residence permit issued in another European Union Member State that has been issued for an employee transferred within the company, and the third-country national is requesting the temporary residence permit in Latvia as an employee transferred within the company.

[50] Pursuant to Paragraph 6 of the Cabinet Regulation No. 564 "Regulations Regarding Residence Permits".
[51] Pursuant to Section 28 of the Immigration Law.
[52] Pursuant to Section 9 of the Immigration Law, the right to employment without restrictions is granted to third-country nationals that have received:
- a permanent residence permit or a residence permit of the European Union long-term resident in Latvia;
- a temporary residence permit as a spouse of the citizen of Latvia, a non-citizen of Latvia or a third-country national that has received the permanent residence permit;
- a temporary residence permit as a child of the spouse of the citizen of Latvia, a non-citizen of Latvia or a third-country national that has received the permanent residence permit and if he/she will be employed in accordance with the procedure set forth in the Labour Law;
- a temporary residence permit as an adult child of the citizen of Latvia or his/her family member;
- a temporary residence permit as a person that has been granted alternative status or a family member of such person;

### Challenges and good practice

One of the challenges for third-country nationals is the provision of funds for subsistence that is required to implement the right to family reunification.

Those issues are problematic when a third-country national with a minor child applies for the residence permit, but the other parent of the child is not entering together with the child; then documents[53] must be filed with the Office of Citizenship and Migration Affairs, which certify that the other parent of the child agrees to the child leaving for Latvia. For various reasons, it is not always possible for a third-country national to contact the other parent and to receive such document.[54]

It should be mentioned as the challenge that in many countries Latvian diplomatic and consular representations are not available. This greatly complicates the opportunities of the person to submit documents for receipt of the residence permit for the purpose of family reunification. A large portion of the persons that have obtained the international protection status come from the countries where war is going on and lives of persons may be endangered. Travelling to another country, where there is a representation of Latvia, and staying there until a decision is made in the case of the person regarding granting the residence permit is often impossible for financial reasons.[55]

In cases where it is not possible to contact the other parent of the child of a third-country national and to receive the consent for the child leaving for Latvia, the officials of the Office of Citizenship and Migration Affairs allow the possibility to prove in another way that the minor child is not unlawfully removed from his/her home country. For example, the Embassy of the respective third country can confirm that they have been informed of the child's entry and residence in Latvia.[56]

No research in the area of family reunification has been conducted in Latvia.

## 5. SUBMISSION AND EXAMINATION OF THE APPLICATION FOR FAMILY REUNIFICATION

A family member is the principal applicant for family reunification.

- a temporary residence permit as a person that has been granted temporary protection status in Latvia;
- a temporary residence permit as a person that has been appointed as guardian or trustee of the citizen or non-citizen of Latvia;
- a temporary residence permit until the date of entry into force of the court judgment on divorce and determining the place of residence of the child, or until the date when the sworn notary has produced a divorce certificate;
- a temporary residence permit as a person that has been granted the European Union long-term resident status in another European Union Member State, or as a family member of such person who has resided in Latvia for one year with the temporary residence permit and wishes to be employed in Latvia;
- a temporary residence permit as a person who has made a contribution to the equity capital of a capital company in accordance with Paragraph 28 of Part One of Section 23 of this Law, or a family member of such person;
- a temporary residence permit as a person who has purchased and owns real property in accordance with Paragraph 29 of Part One of Section 23 of this Law, or a family member of such person;
- a temporary residence permit as a person who has made financial investment in the credit institution of Latvia in accordance with Paragraph 30 of Part One of Section 23 of this Law, or a family member of such person;
- a temporary residence permit on the basis of the decision of the Minister of the Interior adopted in relation to the public interest;
- a temporary residence permit on the basis of the decision of the Head of the Office of Citizenship and Migration Affairs adopted in connection with international law or human considerations;
- a temporary residence permit as a family member of such third-country national who has been issued the European Union blue card in Latvia;
- a temporary residence permit as a person who has purchased the interest-free securities of the state in accordance with Paragraph 31 of Part One of Section 23 of this Law, or a family member of such person;

[53] A document from the other parent, notarised or signed in presence of the official of the Office of Citizenship and Migration Affairs or representation, regarding the consent to the child leaving for Latvia.
[54] Source: Information provided by the experts of the Office of Citizenship and Migration Affairs.
[55] Source: Information provided by the experts of the Office of Citizenship and Migration Affairs.
[56] Source: Information provided by the experts of the Office of Citizenship and Migration Affairs.

Third-country nationals must submit the application for family reunification. For individual categories of third-country nationals[57], family members can submit documents for requesting the residence permit without leaving Latvia if they are staying in Latvia with a valid visa.[58] The spouses of nationals of other third countries shall submit the applications for residence permits outside Latvia.

To apply for a residence permit, one must:

- present a valid travel document;
- submit copies of documents confirming relationship or affinity.[59] [60]

If a minor child wants to reside in Latvia[61], he/she shall additionally submit a notarised document or a document signed in presence of the official of the Office of Citizenship and Migration Affairs or representation of the Republic of Latvia regarding the consent to the child leaving for Latvia from that parent who is not entering together with the child. If on everyday basis the trusteeship is implemented by the parent with whom the child is entering Latvia and no restrictions have been set forth for change of the place of residence of the child without the consent of the other parent, a document issued by the competent authority of the respective country shall be submitted.

If a third-country national wants to stay in Latvia[62], because trusteeship or guardianship has been established over a third-country national or he/she has been appointed as a guardian or trustee for a citizen or non-citizen of Latvia, he/she shall submit a court adjudication regarding establishing trusteeship or guardianship. If the decision regarding establishing trusteeship or guardianship has been adopted by the competent authority of the foreign country, the trusteeship or guardianship case must be taken over by the Orphan's Court in Latvia.

If a family member of a refugee or a person that has obtained subsidiary status or temporary protection is unable to file copies of documents certifying relationship or affinity and has specified a justified reason in writing, the authority may accept documents for family reunification without the respective document.[63]

Each case when a person is unable to produce and submit documents certifying the affinity is examined individually. Processing and receipt of the residence permit without a travel documents is not possible.

In the event where persons are unable to produce and submit documents certifying the affinity, the officials of the Office of Citizenship and Migration Affairs shall verify the information provided by the person that has obtained international protection upon entering Latvia and asking for asylum. The information provided by the person that has obtained international protection is compared with the information provided by his/her family members.

[57] See reference 49.
[58] Pursuant to Paragraph 6 of the Cabinet Regulation No. 564 "Regulations Regarding Residence Permits".
[59] Pursuant to Part IV of the Cabinet Regulation No. 564 "Regulations regarding residence permits".
- pursuant to Paragraph 1 of Part One of Section 23 of the Immigration Law, wants to stay with relatives;
- pursuant to Section 30 of the Immigration Law, wants to stay with own adult children – a citizen or non-citizen of Latvia;
- pursuant to Section 31 of the Immigration Law, wants to stay with one of the parents who is a citizen of Latvia;
- pursuant to Parts One and Two of Section 54 and Paragraph 2 of Part Two of Section 62 of the Asylum Law, wants to be reunited with own family members.

[60] If he/she wishes to stay with a spouse, a third-country national shall submit a copy of the document certifying the marriage.
[61] Pursuant to Paragraph 1 of Part One of Section 23, Part Four of Section 23 or Paragraph 1 or 2 of Part One of Section 24 of the Immigration Law.
[62] Pursuant to Paragraph 17 of Part One of Section 23 or Part Four of Section 23 of the Immigration Law.
[63] Pursuant to Part IV of the Cabinet Regulation No. 564 "Regulations regarding residence permits".

Both the officials of the Office of Citizenship and Migration Affairs and the representation of the Republic of Latvia may invite both the person that has obtained international protection and his/her family members for an additional interview.[64]

Upon a third-country national filing the application for a residence permit[65] based on Trusteeship or guardianship, he/she must produce the court adjudication regarding establishing trusteeship or guardianship. No other evidence is accepted, this requirement has no exceptions.

The officials of the Office of Citizenship and Migration Affairs are not evaluating the place of residence, health or safety conditions. Documents must be submitted that certify the right to reside in the specified place of residence.

If the sponsor is a third-country national, while staying in Latvia, he/she must have a health insurance policy. While if the sponsor is a citizen of Latvia, a non-citizen of Latvian or a third-country national with permanent residence permit, then public health care is available to him/her and he/she doesn't need a health insurance policy.

The minimum amount of funds per person per month - a minimum monthly wage[66] (EUR 370.00 in 2016). This requirement does not apply to refugees and persons with subsidiary status.

The required provision for subsistence of the child per month is 60 % of the minimum monthly wage (EUR 222.00).[67] Financial resources must be sufficient for one year or, if the persons intend to stay in Latvia for a shorter period, for the respective period of residency. If certification of the expected salary is submitted then in some cases it is verified that employment-related taxes are paid.

In individual cases, which are related to humanitarian considerations, the person shall be issued a residence permit even if the person has less financial provisions available.

The officials of the Office of Citizenship and Migration Affairs are examining the submitted documents before the resolution regarding issuing the residence permit is adopted.

### Integration measures assurance procedure

A third-country national, upon filing the application for a permanent residence permit, shall submit a copy of the official language fluency certificate.

Upon granting the status, refugees are issued the permanent residence permit, their family members are issued permanent residence permits as well. Language knowledge is not required.

If after 5 years a person that has obtained the subsidiary status or his/her family member wants to apply for the permanent residence permit then same requirements are applicable to him/her as to other third-country nationals.

If the person has not passed the official language exam, the Immigration Law provides for issuing repeated temporary residence permit for five years; moreover, the legal act provides for several exceptions when the official language test need not be passed due to health disorders. The officials of

[64] Pursuant to Paragraph 8 of the Cabinet Regulation No. 564 "Regulations regarding residence permits".
[65] If a third-country national wants to stay in Latvia because trusteeship or guardianship has been established over a third-country national or he/she has been appointed as a guardian or trustee for a citizen or non-citizen of Latvia.
[66] Pursuant to Subparagraph 11.6 of the 21 June 2010 Cabinet Regulation No. 550 "Regulations regarding the amount of necessary financial means for a foreigner and procedures for the determination of the existence of financial means". - Latvijas Vēstnesis, No. 100, 28.06.2010 - [entered into force on 17.07.2010]
[67] Pursuant to Subparagraph 11.6 of the Cabinet Regulation No. 550 "Regulations Regarding the Amount of Necessary Financial Means for a Foreigner and Procedures for the Determination of the Existence of Financial Means".

the Office of Citizenship and Migration Affairs are evaluating also individual circumstances of each family reunification case by evaluating the ties of the person with the country and the family.

### The procedure verifying whether or not the family member(s) constitute a threat to public policy, public security or public health

A third-country national, also for requesting a residence permit for the purpose of family reunification, must submit a certificate of criminal record[68] issued by the competent authority of the country of citizenship or residence, if a third-country national has stayed there longer than 12 months.

A certificate of criminal record is not required for persons that do not need a visa for coming to Latvia.

In addition, the officials of the Office of Citizenship and Migration Affairs are verifying:

- whether a third-country national has no criminal record in Latvia,
- whether the person is included in the list of foreigners, entry in Latvia of which is banned.[69]

The national security authorities shall carry out additional checks if the person is from the country of the increased risk of terrorism, for the citizens of which additional checks are carried out upon issuing visa or residence permit.[70]

Upon receiving the temporary residence permit from the official of the Office of Citizenship and Migration Affairs, a third-country national shall:

- present a valid travel document;
- present a document certifying that he/she has a valid health insurance policy;
- submit a certification issued by a Latvian medical institution about the state of health, whereby it is certified that the third-country national has not health disorders or illnesses specified in legal acts regarding the health disorders and illnesses. A certification about the state of health is not submitted upon receipt of the residence permit that has been repeatedly requested during the term of validity of the previous residence permit or within 90 days after expiry of the term of validity of the previous residence permit[71].

### Family reunification with children

A child is a person who is under 18 years of age, except for those persons who have been announced as mature under the law or have married before reaching the age of 18.[72] The officials of the Office of Citizenship and Migration Affairs, upon making the decision on family reunification, in each case shall take into account the best interests of the child.

In the events of family reunification where third-country nationals are reunited who are not recipients of the international protection status only documents are taken as evidence.

Each case of family reunification of the person under international protection is dealt with individually; however, processing and receipt of the residence permit for a family member without a travel documents is not possible.

[68] For a third-country national older than 14 years.
[69] Pursuant to Section 4 of the Immigration Law.
[70] 10 June 2010 Cabinet Regulation No. 554 "Regulation Regarding States for the Citizens of which in Issuing a Visa or a Residence Permit an Additional Assessment shall be performed". - Latvijas Vēstnesis No. 100, 28.06.2010 – [entered into force on 29.06.2010]
[71] Pursuant to Part VIII of the Cabinet Regulation No. 564 "Regulations Regarding Residence Permits".
[72] Pursuant to Section 3 of the Protection of the Rights of the Child Law.

In the event where persons are unable to produce and submit documents certifying the affinity, the officials of the Office of Citizenship and Migration Affairs shall verify the information provided by the person that has obtained international protection upon entering Latvia and asking for asylum. The information provided by the person that has obtained international protection is compared with the information provided by his/her family members.

Both the officials of the Office of Citizenship and Migration Affairs and the representation of the Republic of Latvia may invite both the person that has obtained international protection and his/her family members for an additional interview.[73]

If an unaccompanied minor that has obtained international protection status wants to be reunited with his/her mother and father, the opinion of Orphan's Court is required that it is in the interests of the minor. The opinion must be presented upon processing the invitation and it is presented by the legal representative of the minor.[74]

No DNA analysis is performed.

The family reunification application shall be examined within 30[75] days. Accelerated processing of the application is possible for an increased state fee – within 10 business days and within 5 business days.[76]

In practice, the family reunification matters are reviewed within 25 days on average.[77]

### Challenges

It is sometimes complicated for third-country nationals to receive documents from their home country, especially if they are entitled to submit the documents for family reunification while staying in the territory of Latvia. Sometimes the documents necessary for requesting a residence permit are not legalised or executed correctly, and therefore reviewing the application for family reunification cannot be completed. In individual cases the Office of Citizenship and Migration Affairs, upon assessing the individual situation, is issuing or extending visas for persons so that they can stay in Latvia until the final decision in the case of family reunification is made.[78]

## 6. ACCESS TO RIGHTS FOLLOWING FAMILY REUNIFICATION

### Access to education

In Latvia, information is available to all third-country nationals about the education system and the opportunities to learn the language.

All third-country nationals can obtain information about the education and language learning issues in the Information Centre for Immigrants[79], customer advisors of which are providing free information by telephone as well.[80]

All third-country nationals have the opportunity to learn Latvian by using interactive learning materials that are available on the website developed by the Latvian Language Agency

[73] Pursuant to Paragraph 8 of the Cabinet Regulation No. 564 "Regulations Regarding Residence Permits".
[74] Pursuant to Subparagraph 12.7 of the Cabinet Regulation No. 564 "Regulations Regarding Residence Permits".
[75] The rate of state fee for reviewing the documents required for requesting the residence permit is EUR 99.60.
[76] 1 October 2013 Cabinet Regulation No. 1034 "Regulations Regarding the State Fee for Examination of the Documents Necessary for the Requesting a Visa, Residence Permit or the Status of a Long-term Resident of the European Community in the Republic of Latvia and the Services Related Thereto".- Latvijas Vēstnesis, No. 200, 14.10.2013 - [entered into force on 01.01.2014]
[77] Source: Information provided by the experts of the Office of Citizenship and Migration Affairs.
[78] Source: Information provided by the experts of the Office of Citizenship and Migration Affairs.
[79] Branches are located in Riga, Daugavpils, Jelgava, Liepaja and Cesis.
[80] Information Centre for Immigrants.-Available at http://www.integration.lv.

http://maciunmacies.valoda.lv. Third-country nationals are offered free Latvian language training courses when funding from the European Union funds is available.

The International Migration Organisation project "Security and Tolerance – Preconditions for the Successful Integration of Immigrants in Latvia, Stage V" was completed in 2015, where the Latvian language and integration courses for women were organised. The project ran for five years with the aim of promoting inclusion of third-country nationals in Latvian society through educational and information activities for women as well as organising activities for society cohesion involving third-country nationals and residents of Latvia[81].

### Access to employment and self-employed activity[82]

Family members of third-country nationals of certain categories have access to the labour market and performing self-employment activities.

Free access to the labour market and performance of self-employed activities is available to family members of highly qualified third-country nationals and third-country investors as well as family members of refugees and persons that have obtained subsidiary status.

Family members of other categories must apply for a residence permit with the right to employment.[83]

Currently, the draft amendments of the Immigration Law are being discussed that would provide for granting the right to employment and performance of self-employed activities of family members of those third-country nationals who are employed in Latvia themselves.

### Access to vocational guidance and training

Certain categories of third-country nationals have access to training.

In accordance with the Support for Unemployed Persons and Persons Seeking Employment Law[84], access to the mainstream active labour market policy measures and training is granted to the following categories of persons:

- a citizen or non-citizen of Latvia or a person holding a permanent residence permit in Latvia, or their spouse holding a temporary residence permit in Latvia;
- a person holding a temporary residence permit in connection with granting subsidiary status in Latvia, or a family member of such person who is holding a temporary residence permit in Latvia;
- a person holding a permanent residence permit in connection with granting refugee status in Latvia, or a family member of such person who is holding a permanent residence permit in Latvia;
- a person holding a European Union long-term resident's residence permit in connection to granting the European Union long-term resident status in Latvia, or a spouse of such person holding a temporary residence permit in Latvia.

Some measures are adjusted to the needs of persons who have language barriers (such as language courses without the use of intermediary languages). Third-country nationals are involved in the active labour market policy measures and training based on their needs, thereby contributing to their social and economic integration. The State Employment Agency[85] is implementing a targeted approach to the

[81] Stage V of the project "Security and Tolerance – Preconditions for the Successful Integration of Immigrants in Latvia" completed. - Available at http://iom.lv/lv/integration. (researched on 25.11.2016)
[82] In addition to Directive 2003/86/EC, there are further Legal Migration Directives containing specific provisions on access to employment of family members of certain sponsors, for example, family members of Blue Card holders or ICTs. Please elaborate on such specificities in the above answer.
[83] Source: Information provided by the experts of the Office of Citizenship and Migration Affairs.
[84] Support for Unemployed Persons and Persons Seeking Employment Law. - Latvijas Vēstnesis, No. 80, 29.05.2002 – [entered into force on 01.07.2002]
[85] The national employment service in Latvia.

profiling of unemployed by looking for the job, preparing individual plans, providing career counselling and job search assistance as well as offering relevant employment and training activities.

### Right to apply for autonomous right of residence

A family member has an autonomous right to apply for a residence permit independent of the sponsor.

A family member, after five years of residence in Latvia with a temporary residence permit, can request the permanent residence permit, which grants autonomous rights to reside in Latvia. If a third-country national receives a permanent residence permit then also his/her minor child has the right to apply for a permanent residence permit.[86]

### Other rights granted to family members in Latvia

Family members of a third-country national are entitled to the support from the state and local governments.

The right to the support provided by the state and local governments is dependent on the status of residence of the family member in the country. Persons that have been granted a permanent residence permit have more extensive support available than persons that are residing in Latvia with temporary residence permits.

**Healthcare**

Family members that are nationals of third countries and are holders of a permanent residence permit can receive medical services funded from the national budget and their own resources. The children of such persons as well as children of refugees and persons that have been granted subsidiary status can receive medical services free of charge.

Spouses of citizens and non-citizens of Latvia that are holders of temporary residence permit in Latvia are entitled to pregnancy care and childbirth assistance free of charge. [87,88]

Services specified in the health insurance policy are available to family members holding temporary residence permits as well as these people can use healthcare services at their own expense.

**State social benefits and social assistance**

Latvian laws provide that the right to receive state social benefits[89] is granted to third-country nationals holding a permanent residence permit.

[86] Pursuant to Part 1 of Section 24 of the Immigration Law.
[87] In the procedure set forth by the Cabinet.
[88] Medical Treatment Law. - Latvijas Vēstnesis, No. 167/168, 01.07.1997 - [entered into force on 01.10.1997]
[89] Regularly paid state social benefits are the following:
1) state family benefit;
2) maternity benefit;
3) allowance for the guardian for the child's maintenance;
4) remuneration for performance of duties of the guardian;
5) remuneration for performance of duties of the foster family;
6) allowance for the compensation of transport costs for disabled people that are having difficulties in moving;
7) state social security benefit;
8) remuneration for care for the adopted child;
9) benefit for caring for a disabled child;
10) allowance for a disabled person who needs care.
(2)State social benefits paid once are the following:
1) child birth benefit;
2) burial allowance;
3) remuneration for adoption.

The same amount of social assistance as provided by the state and local government to citizens is available to family members holding a permanent residence permit.[90]

Social services guaranteed by the state as well as legal and social assistance is not available to third-country nationals holding temporary residence permits[91].

Third-country nationals legally working in Latvia may receive benefits that are related to the payment of social security contributions, but cannot receive benefits that are paid to citizens of Latvia regardless of the paid social security contributions. Latvia has entered into the bilateral cooperation agreements with Russia, Ukraine, Belarus, the United States and Canada, which set forth that working record accumulated by a third-country national in Latvia is transferred to the country of origin of the third-country national.[92]

There are 6 types of benefits available to a person legally employed in Latvia:

- sickness allowance;
- maternity and paternity benefit;
- parental benefit;
- burial allowance;
- disability benefit;
- compensation for the accident at work.[93]

The procedure of receipt of social services and social assistance is determined by the local governments, therefore, the amount and procedure of receipt of social support may vary in different municipalities. Moreover, the local governments are providing social services only on the basis of individual needs and resources of the person carried out by a social work professional.

Unemployment benefit

A third-country national may become an unemployed and receive the unemployment benefit if:

- he/she holds a permanent residence permit,
- he/she is a spouse of a person holding a permanent residence permit,
- he/she is a refugee or a family member of a refugee holding a permanent residence permit;
- he/she is a person that has been granted subsidiary status or a family member of such person holding a temporary residence permit;

A family member, after five years of residence in Latvia with a temporary residence permit, can request the permanent residence permit or the European Union long-term resident status in Latvia. The following persons may be admitted to citizenship of Latvia through naturalisation:

- that have reached the age of 15;

whose place of permanent residence on the date of filing the naturalisation application for not less than the last five years has been in Latvia, of which a total break of one year is admissible, which may not be during the last year before the date of filing the naturalisation application. For a third-country national or a stateless person the five-year period is counted from the date of receipt of the permanent residence permit.

[90]State Social Benefits Law. - Latvijas Vēstnesis, No. 168, 19.11.2002 – [entered into force on 01.01.2003]
[91]For example: social support and rehabilitation, the possibility to stay in the shelter and crisis centre, material benefit for low-income persons.
[92] This means that social insurance contributions paid by the third-country national in Latvia are taken into account also in the country of origin of the third-country national when calculating, for example, the amount of the unemployment benefit.
[93]Law on State Social Insurance. - Latvijas Vēstnesis, No. 274/276, 21.10.1997 - [entered into force on 01.01.1998]

### Residence permits to family members of the refugees and persons with subsidiary status

In the event when a person that has received the refugee or subsidiary status is reunited with his/her family members who are abroad, family members are not granted the refugee or subsidiary status. The status can be granted only if the person himself/herself has requested asylum in Latvia.

A family member of a refugee is issued a permanent residence permit. A family member of the person that has received subsidiary status is issued a temporary residence permit for the same period for which the temporary residence permit was issued to the person that has received subsidiary status. A family member of a refugee shall register the permanent residence permit every five years and the term of registration is not linked to the term of registration of the permanent residence permit of the refugee. The residence permit of the family member of the person that has received subsidiary status is closely linked to the term of validity of the temporary residence permit of the person that has received subsidiary status.

The rights of family members depend on the type of residence permit received and are equal to the rights of other categories of persons who have received permanent or temporary residence permit in Latvia.

A family member of the person that has received subsidiary status shall pay the following state fee for reviewing the documents submitted for requesting the temporary residence permit:[94]

- within 30 days - EUR 21.34;

- within 10 business days - EUR 42.69;

- within five business days - EUR 64.03.

A father or mother of a minor that has received subsidiary status shall pay the following state fee:[95]

- within 30 days - EUR 99.60;

- within 10 business days - EUR 241.89;

- within five business days - EUR 384.18.

A family member of the refugee shall pay the following state fee for reviewing the documents for requesting the permanent residence permit:[96]

- within 30 days - EUR 64.03;

- within 10 business days - EUR 142.29;

- within five business days - EUR 170.74.

A father or mother of a minor refugee shall pay the following state fee:[97]

- within 90 days - EUR 99.60;

- within 45 days - EUR 241.89;

[94] Pursuant to Subparagraph 5.3 of the Cabinet Regulation No. 1034 "Regulations Regarding the State Fee for Examination of the Documents Necessary for Requesting a Visa, Residence Permit or the Status of a Long-term Resident of the European Union in the Republic of Latvia and the Services Related Thereto".
[95] Pursuant to Subparagraph 5.1 of the Cabinet Regulation No. 1034 "Regulations Regarding the State Fee for Examination of the Documents Necessary for Requesting a Visa, Residence Permit or the Status of a Long-term Resident of the European Union in the Republic of Latvia and the Services Related Thereto".
[96] Pursuant to Subparagraph 5.8 of the Cabinet Regulation No. 1034 "Regulations Regarding the State Fee for Examination of the Documents Necessary for Requesting a Visa, Residence Permit or the Status of a Long-term Resident of the European Union in the Republic of Latvia and the Services Related Thereto".
[97] Pursuant to Subparagraph 5.6 of the Cabinet Regulation No. 1034 Regulations Regarding the State Fee for Examination of the Documents Necessary for Requesting a Visa, Residence Permit or the Status of a Long-term Resident of the European Union in the Republic of Latvia and the Services Related Thereto".

- within 10 business days - EUR 384.18;

A child up to 16 years of age is exempt from payment of the state fee for reviewing the documents for requesting the residence permit within 30 days.[98]

The amount of state fee for issuance of the identity card (residence permit) within 10 business days is EUR 14.23, and within 2 business days it is EUR 28.46.[99]

### Conditions applying to sponsors and/ or family members after admission for the purpose of family reunification

After the family reunification certain conditions apply to both the sponsor and the family member.

Once a year the Office of Citizenship and Migration Affairs checks whether the conditions that allowed the third-country national to receive the temporary residence permit have remained. A temporary residence permit is annulled if:

- a third-country national or his or her sponsor has provided false information or the documents submitted have been obtained unlawfully or have been forged;
- a third-country national does not have the necessary financial resources for residence in Latvia;
- a third-country national has been included in the list or it has been determined that he or she is prohibited from entering the Schengen territory;
- a third-country national by a judgment of a court has been found guilty of committing such criminal offence in the Republic of Latvia or outside it, for which a sentence is provided for by the laws of the Republic of Latvia – deprivation of liberty for a time period which is longer than two years;
- a third-country national has joined a foreign military service;
- there is a reason to believe, that a third-country national has entered into a marriage of convenience in order to receive a residence permit in the Republic of Latvia;
- the sponsor withdraws the invitation in writing;
- the sponsor has lost his/her legal status or the right of residence in Latvia;
- the third country national has not fulfilled all the conditions provided for by the decision to issue a residence permit;
- a third-country national has exited for permanent residence in another state;
- a third-country national provided another third-country national residing illegally in Latvia with a place of residence;
- it has been established by a judgment of a court that the third-country national has helped another third-country national to enter illegally into Latvia;
- the sponsor resides outside Latvia for a time period longer than six months during a year, except in the case where the inviter is a seafarer or fulfils military service in the National Armed Forces of the Republic of Latvia or civil service outside Latvia or a residence permit is issued to the spouse of the sponsor and there is a child in their family;

[98] Pursuant to Subparagraph 10.8 of the Cabinet Regulation No. 1034 "Regulations Regarding the State Fee for Examination of the Documents Necessary for Requesting a Visa, Residence Permit or the Status of a Long-term Resident of the European Union in the Republic of Latvia and the Services Related Thereto".
[99] Pursuant to Paragraph 4 of the 21 February 2012 Cabinet Regulation No. 133 "Regulations on the State Fee for the issue of Personal Identification Documents".

- the spouses do not conform to the conditions of Section 26, Paragraph three of this Law or there is a basis for considering that the marriage does not in fact exist;
- the temporary residence permit has been refused registration or a third-country national has not submitted the documents for the registration of a residence permit within three months from the day of registration of the residence permit laid down in Immigration Law;
- competent State institutions have provided information which constitutes grounds for prohibiting a third-country national from residing in the territory of the Republic of Latvia or another Schengen Agreement Member State;
- there are grounds for considering that the real reason of a third-country national for applying for a residence permit does not conform to what has been indicated in the submitted documents;
- a third-country national has been employed during the last year, but he or she did not have the right to employment;
- a third-country national has employed another foreigner during the last year who does not have the right to employment.[100]

Once a 5 years the Office of Citizenship and Migration Affairs checks whether the conditions that allowed the third-country national to receive the permanent residence permit have remained. The permanent residence permit is annulled if:

• a third-country national has provided false information;

• a third-country national has included in the list of those persons for whom entry in the Republic of Latvia is prohibited;

• a third-country national has been by a judgment of a court has been found guilty of committing a serious or especially serious criminal offence in Latvia;

• a third-country national resides continuously outside Latvia for more than 12 months, except in the case where the absence has been declared in accordance with the procedures stipulated by the Cabinet and he or she has a documentarily certified justifiable reason (circumstances non-dependent on a person or acquisition of education);

• a third-country national exits or has exited for permanent residence in another state;

• there is a reason to believe that the established adoption is fictitious and established in order for the third-country national to receive a residence permit in Latvia;

• a third-country national has lost the refugee status or it has been withdrawn;

• a third-country national is a member of the family of a person who has lost the refugee status;

• the third-country national has been granted the status of the long-term resident of the European Union in Latvia;

• a third-country national has acquired Latvian citizenship;

- a third-country national has not submitted the documents for registration of a residence permit within six months after the day of registration laid down for a permit.[101]

[100] Pursuant to Immigration Law Section 35 of the Immigration Law.
[101] Pursuant to Immigration Law Section 36 of the Immigration Law.

If the refugee or the person that has obtained subsidiary status loses or is deprived of the granted status[102], the residence permit of their family member is annulled.[103]There is an exception in the case where a refugee or the person that has obtained subsidiary status has obtained the citizenship of Latvia.

In addition, the above conditions when the residence permit may be annulled are taken into account.

Information regarding the ground to obtain a residence permit is being examined - in the event of the temporary residence permit[104] when the repeated residence permit is issued, but in the event of the permanent residence[105] permit - upon registration. In general, the information is verified as soon as it becomes available to the Office of Citizenship and Migration Affairs.

The residence permit of the third-country national is annulled if he/she fails to perform any of the conditions.

The officials of the Office of Citizenship and Migration Affairs are evaluating each case individually and take a decision whether the residence permit should be annulled.[106]

### Challenges

For minor asylum seekers there exists a challenge to study in the Latvian language because they do not have sufficient knowledge of the language to fully learn the lessons. Children are learning Latvian through the school subjects. In order to make the work of teachers easier, the Latvian Language Agency has developed many different tools to assist foreign students in learning Latvian.[107]

The experience of the State Employment Agency shows that third-country nationals have a challenge to get involved in the labour market of Latvia or the active labour market policy measures due to the lack of sufficient knowledge of Latvian. Given this challenge, changes have been made - a person may participate in the three language courses over one year, not in two language courses, as before. The aim of the language courses is to provide smoother language learning possibility by dividing each language level in two sublevels. New forms of learning are developed, which provide for combining Latvian language training with employment.[108]

One of the challenges in the healthcare area[109] is the cultural differences, because it is not acceptable in every culture for a doctor of the opposite sex to provide medical assistance to the person. Similarly, there was a challenge to provide for translation services 24 hours a day. The association Shelter "Safe House" is currently providing 24-hour translation services in urgent cases.[110]

One of the criteria of the Citizenship Law[111] sets forth that a third-country national, to receive citizenship of Latvia, must waive his/her previous citizenship.[112] For citizens of individual third countries it is complicated to waive their citizenship because such procedure does not exist in the country of their citizenship or it is very time consuming.[113]

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[102] Pursuant to Chapter X of the Asylum Law.
[103]In the procedure set forth by the Immigration Law.
[104] Subsidiary status.
[105] Refugee status.
[106] Source: Information provided by the experts of the Office of Citizenship and Migration Affairs.
[107] Children of asylum seekers meet with difficulties in the schools of Latvia.- Available at: http://www.diena.lv/raksts/latvija/zinas/patveruma-mekletaju-berniem-latvijas-skolas-klajas-gruti-14158519. (researched on 24.10.2016)
[108] Source: Ministry of Welfare.
[109] The above challenges are faced by all third-country nationals, regardless of their residence status in Latvia.
[110] Source: Ministry of Health.
[111] Citizenship Law. - Latvijas Vēstnesis, No. 93, 11.08.1994 - [entered into force on 25.08.1994]
[112] A person must submit a notice of waiver of his/her previous citizenship and must submit the expatriation permit of the country of previous citizenship, if such is provided by the laws of that country, or a document certifying the loss citizenship. A non-citizen or a stateless person shall submit a certification that he/she does not have citizenship of another country. These requirements do not apply to a person who has been granted refugee status in Latvia.
[113] Source: Information provided by the experts of the Office of Citizenship and Migration Affairs.

Case law of international as well as national courts has not significantly affected the family reunification policy or practices of Latvia.

## ANNEX 1

## 1STATISTICAL ANNEX

| | | Total number of family reunification applications in Latvia | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Year** | | **2011** | | | **2012** | | | **2013** | | | **2014** | | | **2015** | | | **2016** | | |
| | | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** |
| ***Status of the sponsor*** | | | | | | | | | | | | | | | | | | | |
| Beneficiaries of international protection:<br>- Refugees<br>- Beneficiaries of subsidiary protection;<br>- Unaccompanied minors (UAMs). | | 0 | 0 | 0 | NI | NI | 6 | 0 | 0 | 0 | NI | NI | 1 | 0 | 0 | 0 | NI | NI | 14 |
| Persons admitted for | | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI |

| | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| remunerated activities* | | | | | | | | | | | | | | | | | | |
| Persons admitted for study purposes | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI |
| Other categories of migrants (please specify) | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI |
| Total | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |

**Total number of successful family reunification applications in Latvia**

| **Year** | **2011** | | | **2012** | | | **2013** | | | **2014** | | | **2015** | | | **2016** | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** |
| ***Status of the sponsor*** | | | | | | | | | | | | | | | | | | |
| Beneficiaries of international protection:<br>- Refugees<br>- Beneficiaries of subsidiary protection;<br>- Unaccompanied minors (UAMs). | 0 | 0 | 0 | NI | NI | 2 | NI | NI | 4 | NI | NI | 1 | 0 | 0 | 0 | NI | NI | 14 |
| Persons admitted for | NI | NI | NI | 199 | 175 | 374 | 92 | 153 | 245 | 126 | 235 | 361 | 158 | 340 | 498 | 94 | 141 | 235 |

| | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| remunerated activities* | | | | | | | | | | | | | | | | | | |
| Persons admitted for study purposes | NI | NI | NI | 58 | 33 | 91 | 7 | 8 | 15 | 9 | 13 | 22 | 12 | 24 | 36 | 6 | 8 | 14 |
| Other categories of migrants (please specify) | NI | NI | NI | 1057 | 841 | 1898 | 991 | 1322 | 2383 | 1421 | 1902 | 3323 | 485 | 559 | 1044 | 90 | 195 | 285 |
| Total | NI | NI | NI | 1314 | 1049 | 2365 | 1090 | 1483 | 2647 | 1556 | 2150 | 3707 | 655 | 923 | 1578 | 190 | 344 | 548 |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | |
| | | **Total number of rejected family reunification applications in Latvia** | | | | | | | | | | | | | | | | |
| **Year** | **2011** | | | **2012** | | | **2013** | | | **2014** | | | **2015** | | | **2016** | | |
| | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** | **Male** | **Female** | **Total** |
| ***Status of the sponsor*** | | | | | | | | | | | | | | | | | | |
| Beneficiaries of international protection:<br>- Refugees<br>- Beneficiaries of subsidiary protection;<br>- Unaccompanied minors (UAMs). | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI |
| Persons admitted for | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI |

| | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| remunerated activities* | | | | | | | | | | | | | | | | | | |
| Persons admitted for study purposes | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI |
| Other categories of migrants (please specify) | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI |
| Total | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI | NI |
| | | | | | | | | | | | | | | | | | | |
| (*) 'Persons admitted for remunerated activities' includes employed, self-employed, business owners, highly qualified workers under the Directive 2009/50/EC (Blue Card), highly qualified workers under national labour permits for (highly) skilled workers, seasonal workers and intra-corporate transferees | | | | | | | | | | | | | | | | | | |
| (**) Data on BIP until October 31. | | | | | | | | | | | | | | | | | | |

Statistical data include the information about all temporary residence and permanent residence permits issued to third-country nationals for the purpose of family reunification. The data are obtained by means of the statistical report form, from a specific data warehouse where data from the Register of Residence Permits are stored.

# ANNEX 2

# Sources and Literature

## Sources

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