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If a whole or part of a paragraph has been amended, the date of the amending regulation appears in square brackets at the end of the paragraph. If a whole paragraph or sub-paragraph has been deleted, the date of the deletion appears in square brackets beside the deleted paragraph or sub-paragraph.

Republic of Latvia

Cabinet

Regulation No. 675

Adopted 30 August 2011

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

*Issued pursuant to*

*Section 2.1, Paragraph two of the Immigration Law*

**I. General Provisions**

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

2. The norms included in this Regulation shall apply to:

2.1. a Union citizen who moves to take up residence or resides in the Republic of Latvia and his or her family member who accompanies him or her or moves together with him or her;

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

*[2 May 2012]*

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

3.1. the spouse of the Union citizen;

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

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

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

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

4.2. a partner with whom the Union citizen has a relationship lasting for at least two years or a partner with whom the Union citizen has a registered partnership. Within the meaning of this Regulation, the term “partner” shall be used to safeguard the rights provided for in this Regulation and shall not cover the recognition of any such partnership which has been the basis for granting the right of entry or residence.

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

6. For a Union citizen or his or her family member to establish, in the Republic of Latvia, an employment relationship or to become a self-employed person, he or she need not acquire the right to employment.

*[7 July 2015]*

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

7.1. the number of the registration certificate;

7.2. the given name (names) and surname of the person;

7.3. the personal identity number;

7.4. the date of issuance of the registration certificate;

7.5. the declared place of residence.

7.1 A Union citizen or his or her family member who is also a Union citizen is entitled, instead of the document referred to in Paragraph 7 of this Regulation, to request an identity card of the Union citizen, in which a note “*Savienības pilsoņa reģistrācijas apliecība*” [Registration Card of the Union Citizen] has been made.

*[2 May 2012]*

8. Where a Union citizen, or his or her family member who is also a Union citizen, is entitled to reside in the Republic of Latvia permanently, he or she shall be issued an identity card of the Union citizen (hereinafter – permanent residence card), in which a note “*Savienības pilsoņa pastāvīgās uzturēšanās apliecība*” [Permanent Residence Card of the Union Citizen] has been made.

*[2 May 2012]*

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

*[2 May 2012]*

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

*[2 May 2012]*

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

12. The document referred to in Paragraph 7 of this Regulation shall be approved by the seal of the Office of Citizenship and Migration Affairs (hereinafter – the Office), and it shall be signed by the official who issued such document.

*[2 May 2012]*

12.1The documents referred to in Paragraphs 7.1, 8, 9, 10, and 11 of this Regulation shall be issued in accordance with this Regulation and the legal acts in which the content of personal identification documents and the procedures for issuing them are specified.

*[2 May 2012]*

13. [7 July 2015]

14. Possession of the documents referred to in Paragraphs 7, 7.1, 8, 9, and 10 of this Regulation, as well as of the statement referred to in Paragraph 49 may not be made a precondition for the exercise, by the Union citizen or his or her family member, of a right or the receipt of a service provided by a State administration institution, where entitlement to such right may be attested by any other means of proof.

*[2 May 2012]*

15. Upon request by the State Border Guard, the State Labour Inspectorate or the Office, a Union citizen or his or her family member shall submit documentary evidence certifying the conditions specified in this Regulation for residing in the Republic of Latvia.

15.1 Upon residing in the Republic of Latvia, a Union citizen and his or her family member shall need a valid travel document.

*[7 July 2015]*

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

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

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

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

*[2 May 2012]*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27.4. he or she acquires education at an educational institution registered with the Register of Education Institutions of the Republic of Latvia and he or she has sufficient resources for himself or herself not to become a burden on the social assistance system, as well as a valid document issued by a Member State certifying that the person is entitled to receive in the Republic of Latvia the necessary medical or emergency medical assistance, or he or she holds a health insurance policy. Within the meaning of this Regulation sufficient resources are monthly income which conform to at least the level of income of a person in need specified in legal acts;

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

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

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

*[7 July 2015]*

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

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

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

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

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

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

29.2. has been registered with the State Employment Agency in the status of an unemployed person or a job seeker and, prior to his or her registration, has been employed for more than a year and a break in employment has arisen due to circumstances beyond his or her control;

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

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

*[7 July 2015]*

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

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

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

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

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

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

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

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

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

33. The condition referred to in Sub-paragraph 31.1 of this Regulation regarding the length of residence and employment and the condition referred to in Sub-paragraph 31.2 of this Regulation regarding the length of residence shall not apply, where the spouse of the Union citizen is or has been a citizen of Latvia, but has lost the citizenship of Latvia upon entering into a marriage with a Union citizen.

*[7 July 2015]*

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

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

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

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

34.1 Permanent residence card shall be issued for 10 years.

*[2 May 2012]*

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

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

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

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

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

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

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

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

37.3. when applying for a registration certificate or residence permit, – evidence certifying that he or she holds a valid document issued by a Member State certifying that the person is entitled to receive in the Republic of Latvia the necessary medical or emergency medical assistance, or that he or she is in possession of a valid health insurance policy and sufficient resources for himself or herself not to become a burden on the social assistance system, if the Union citizen, together with whom the respective person is residing in the Republic of Latvia, has been issued a registration certificate in accordance with Sub-paragraph 27.4, 27.5 or 27.6 of this Regulation, or if the person intends to reside in the Republic of Latvia together with a citizen of Latvia;

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

37.5. when applying for a registration certificate or a residence permit, – a document certifying the birth of a child in a non-registered partnership or documents certifying that the non-registered partnership is durable (for example, documents on a joint mortgage for acquisition of immovable property, joint immovable property or household). Upon evaluating the duration of the partnership and the submitted documents certifying the existence of partnership, personal circumstances of the submitters shall be carefully checked;

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

37.7. documents certifying the circumstances referred to in Paragraph 40 or 41 of this Regulation, where the family member of the Union citizen wishes to continue to reside in the Republic of Latvia in the event of departure or death of the Union citizen or divorce or marriage annulment;

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

*[7 July 2015]*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

46.1 Upon evaluating the amount of sufficient resources referred to in Sub-paragraphs 27.4, 27.5, and 27.6 of this Regulation, personal circumstances of the applicant shall be taken into account.

*[7 July 2015]*

47. [7 July 2015]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**VI. Restrictions to the Residence**

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

55.1. a Union citizen is unable to submit the documents referred to in Paragraph 28 or 34 of this Regulation (except the documents referred to in Sub-paragraphs 28.1 and 34.1 of this Regulation);

55.2. a family member of a Union citizen is unable to submit the documents referred to in Paragraph 37 of this Regulation (except the documents referred to in Sub-paragraph 37.1 of this Regulation);

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

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

55.5. competent State authorities have provided information indicating that the person poses a threat to public security, public policy or public health. Contracting such infectious disease by a person regarding which the World Health Organisation has issued a recommendation for the prevention of threat to public health in accordance with the international health protection rules, shall be deemed threat to public health. The condition on a threat to public health shall not apply, where the disease has been detected within three months after entry in the Republic of Latvia. The conditions referred to in this Sub-paragraph shall be applied, if the threat concerns one of the fundamental interests of the society;

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

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

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

*[7 July 2015]*

56. A Union citizen and his or her family member shall lose the right to reside in the Republic of Latvia and the following shall be annulled for him or her:

56.1. the registration certificate or the residence permit, if:

56.1.1. he or she has become an unreasonable burden on the social assistance system. This condition shall not apply to a Union citizen who is an employee or a self-employed person in the Republic of Latvia, and to his or her family member. Burden caused by the person on the social assistance system shall be evaluated by the social service office of such local government in which the person has declared his or her place of residence. Upon evaluation the duration of residence of the person in the Republic of Latvia, the requested amount of the social assistance benefit, the regularity of requesting it, as well as the reasons for requesting social assistance shall be taken into account;

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

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

56.2. the permanent residence card or the permanent residence permit, if he or she has resided outside the Republic of Latvia for more than two continuous years, except the case where the person can provide documentary evidence that such absence had justifying reasons;

56.3. the registration certificate, the permanent residence card, the residence permit or the permanent residence permit, if:

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

56.3.2. he or she has resided outside the Republic of Latvia for more than six months a year. This condition shall only apply to a family member of a Union citizen who is not a Union citizen, and shall not be applicable, if he or she has been absent due to the mandatory military service or other important reasons (for example, illness, pregnancy, childbirth, studies or work assignment in another country) once, but not more than 12 consecutive months;

56.3.3. competent State authorities have provided information indicating that the person poses a threat to public security, public policy or public health. The condition on a threat to public health shall not apply, where the illness or health disorder has been detected more than within three months after entry in the Republic of Latvia. The conditions referred to in this Sub-paragraph shall be applied, if the threat concerns one of the fundamental interests of the society.

*[7 July 2015]*

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

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

59. The voluntary return decision shall be taken where the Union citizen or his or her family member poses a genuine, present and sufficiently serious threat to public security or public policy which concerns any of the fundamental interests of the society. Prior criminal convictions may not constitute grounds for a return decision.

*[7 July 2015]*

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

61. Where a family member resides in the Republic of Latvia together with a Union citizen, in respect of whom a voluntary return decision has been taken, the respective family member may continue to reside in the Republic of Latvia:

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

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

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

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

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

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

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

67. A decision related to a residence restriction shall be notified to a Union citizen and his or her family member in writing in the language which he or she understands or which he or she should understand, in a way that the content of the decision and the consequences caused would be understandable.

*[7 July 2015]*

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

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

70. A Union citizen and his or her family member is entitled to defend his or her interests in the court in relation to a residence restriction in person, except the cases where the entry and residence of the person in the Republic of Latvia may pose serious threat to public policy or public security, or where examination of the issue in the court is related to a prohibition to enter the Republic of Latvia.

*[7 July 2015]*

**VII. Closing Provision**

*[7 June 2016]*

71. The information indicated in Section III, Paragraph 5 of Annex to this Regulation regarding the identification code of the person entered in the travel document shall be indicated starting from 1 July 2017.

**Informative Reference to European Union Directives**

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

Prime Minister V. Dombrovskis

Acting for the Minister for the Interior,

the Minister for Justice A. Štokenbergs

**Annex**

Cabinet Regulation No. 675

30 August 2011

*[7 July 2015; 7 June 2016 / See Paragraph 71 of the Regulation]*

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

Application shall be filled in in block letters

**I. Purpose of Your entry**

|  |  |
| --- | --- |
| 1. Reason of residence |  |

2. Preferred duration of residence:

|  |  |
| --- | --- |
| a) permanently |  |
| b) for a time period to (date) |  |

**II. Personal data**

|  |  |
| --- | --- |
| 1. Given name (names) |  |
| 2. Surname |  |
| 3. Surname at birth |  |
| 4. Previous given names, surnames if changed |  |
| 5. Date of birth (day, month, year) |  |
| 6. If the date of birth has been changed, specify the previous date of birth |  |

7. Place of birth:

|  |  |
| --- | --- |
| a) state |  |
| b) province, state, area |  |
| c) district, town, populated area |  |

Fill in Paragraphs 8 and 9 of this Section if your expected residence is related to family reunification and a birth certificate is necessary to prove kinship.

8. Birth registration:

|  |  |
| --- | --- |
| a) entry number in the register |  |
| b) date |  |
| c) state |  |
| d) institution |  |

9. Birth Certificate:

|  |  |
| --- | --- |
| a) number |  |
| b) date of issue, |  |
| c) issuing state |  |
| d) issuing authority |  |

10. Gender:

|  |  |
| --- | --- |
|  | male |
|  | female |

|  |  |
| --- | --- |
| 11. Citizenship (citizenships) (nationality) |  |

|  |  |
| --- | --- |
| If you are a stateless person, specify the state of residence |  |

|  |  |
| --- | --- |
| 12. Ethnicity |  |

|  |  |
| --- | --- |
| 13. Address of the place of residence abroad |  |
| telephone number |  |

14. Address of expected place of residence in Latvia:

|  |  |  |  |
| --- | --- | --- | --- |
| a) municipality |  |  |  |
| b) rural territory of the municipality | |  |  |
| c) town |  | |  |
| d) city |  | |  |
| e) village |  | |  | |
| ) street |  |  |  |
| g) name of the house/individual farm | |  |  |
| h) house number | |  |  |
| i) block number | |  |  |
| j) apartment number | |  |  |
| k) telephone number |  |  |  |

15. Legal grounds for declaring the place of residence (to be filled in if the anticipated address of the place of residence is your declared address of the place of residence in Latvia)

|  |  |
| --- | --- |
|  | Property rights |
|  | Right to use, the grounds for acquisition of which are: |

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| a) written rental agreement | | | | | | |  | | |
|  | |  | |  | | | (indicate the given name (names), surname or title of the renter) | | |
| b) lease agreement | | | |  | | |  |
|  | |  | | (indicate the given name (names), surname or title of the lessor) | | | |
| c) marriage | |  | |  | | |  |
|  | | (indicate the given name (names), surname of the spouse) | | | | | |
| d) kinship | | | |  | | |  |
|  | |  | | (indicate the given name (names), surname of the person with whom you are in kinship) | | | |
| e) agreement with the owner | | | | | | |  |
|  | |  | |  | | | (indicate the given name (names), surname or title of the owner) |
| f) other legal grounds | | | | |  | | |
|  | |  | |  | (indicate the legal grounds) | | |

Additional address (if any):

|  |  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- | --- |
| a) municipality |  | | |  | | | | |  |
| b) rural territory of the municipality | | | | | |  | | | | |  |
| c) town | |  | | | | | | | | |  |
| d) city | |  | | | | | | | | |  |
| e) village | |  |  | | | | | | | |  |
| f) street | |  | | | |  | | | | |  |
| g) name of the house/individual farm | | | | | |  | | | | |  |
| h) house number | | | | |  | | | | | |  |
| i) block number | | | | |  | | | | | |  |
| j) apartment number | | | | |  | | | | | |  |
| k) time period from | | | | |  | | until |  | | |  |

**III. Travel document valid for receipt of a residence permit**

1. Type and number of the travel document

2. Issuing state, issuing authority

3. Date of the issuance

4. Period of validity

5. Identification code of the person entered in the travel document \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**IV. Right of Residence in Another Country**

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

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

a) yes

b) no

2. Legal status in the country of residence:

|  |  |
| --- | --- |
| a) a refugee |  |
| b) permanent residence permit |  |
| c) temporary residence permit |  |
| d) visa |  |

**V. Marital status**

1. Specify marital status:

a) single

b) married

c) divorced

d) widow(er)

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

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

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

**VI. Information regarding relatives**

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

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

|  |  |
| --- | --- |
| a) given name (names), surname |  |
| b) date of birth |  |
| c) sex |  |
| d) citizenship |  |
| e) marital status |  |
| f) address of the place of residence |  |

2. Your parents:

|  |  |
| --- | --- |
| a) given name (names), surname |  |
| b) date of birth |  |
| c) sex |  |
| d) citizenship |  |
| e) marital status |  |
| f) address of the place of residence |  |

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

|  |  |
| --- | --- |
| a) given name (names), surname |  |
| b) date of birth |  |
| c) sex |  |
| d) citizenship |  |
| e) marital status |  |
| f) address of the place of residence |  |

|  |  |
| --- | --- |
| g) date of establishment of the guardianship or trusteeship |  |
| h) country and institution  of establishment of the guardianship or trusteeship |  |
| i) entry number in the register  of establishment of the guardianship or trusteeship |  |
| j) time period for which the guardianship or trusteeship has been established |  |

**VII. Additional Information**

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

|  |  |
| --- | --- |
| a) given name (names), surname |  |
| b) date of birth |  |
| c) address and telephone of the place of residence |  |

**VIII. Declaration**

Please read and certify with your signature the text with the following content:

**I hereby acknowledge that:**

1. I have provided complete and true information, when applying for the document certifying the right of residence.

2. I will reside (I reside) at the place of residence to be declared.

3. I hereby undertake to inform in writing, within three days, the Office of Citizenship and Migration Affairs in case the circumstances, on the basis of which I have

received the document certifying the right of residence have ceased to exist or have changed or I have departed for permanent residence abroad.

4. I recognise the right of the Office of Citizenship and Migration Affairs to interview me and the person inviting me, and to request explanations, as well as to verify the information provided by me.

5. I have not been diagnosed with infectious diseases referred to in the Cabinet Regulation specifying the procedures for mandatory medical and laboratory examination, mandatory and forced isolation and treatment in cases of infectious diseases, which would preclude me from the right to obtain a document certifying the right of residence, or I possess a document issued by the competent authority of a Member State of the European Union or the European Economic Area, or by the Swiss Confederation, which certifies the right to receive regular health care services.

6. I have the necessary means of subsistence for residence in the Republic of Latvia (specify the type and amount thereof)

Note. The abovementioned requirement does not apply to employees and self-employed persons.

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

Signature\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**IX. Service notes**

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

2. Official who received the documents:

|  |  |
| --- | --- |
| position |  |
| given name (names), surname |  |
| signature |  |

|  |  |
| --- | --- |
| Date |  |

|  |  |
| --- | --- |
| Notes |  |

3. Case number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |
| --- | --- |
| 4. The decision (term of validity of the document certifying the right of residence, |  |
| grounds for issuing the document certifying the right of residence, kind, type) |  |

5. Personal identity number \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

6. Official who prepared the decision:

|  |  |
| --- | --- |
| position |  |
| given name (names), surname |  |
| signature |  |

Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Acting for the Minister for the Interior,

Minister for Justice A. Štokenbergs