Republic of Latvia

Cabinet

Instruction No. 4

Adopted 26 August 2014

**Procedures for Examining an Application Regarding Permission to Retain the Citizenship of Latvia or Another Country**

*Issued pursuant to*

*Section 72, Paragraph one, Clause 2*

*of the State Administration Structure Law*

1. The Instruction prescribes:

1.1. the procedures, by which an application to the Cabinet of such citizen of Latvia regarding a permission to retain the citizenship of Latvia, who has obtained the citizenship of a country not referred to in Section 9, Paragraph one, Clauses 1, 2, 3, and 4 of the Citizenship Law, shall be examined;

1.2. the procedures, by which an application to the Cabinet of such person regarding a permission to retain the citizenship of another country, who is a citizen of a country not referred to in Section 9, Paragraph two of the Citizenship Law and obtains the citizenship of Latvia in accordance with Section 2, Paragraph one, Clause 2 or 4 of the Citizenship Law, shall be examined;

1.3. the competence of the authorities, which are involved in preparation of a draft Cabinet order regarding permission or refusal to permit to retain the citizenship of Latvia or citizenship of another country (hereinafter – draft Cabinet order).

2. An application of the person referred to in Sub-paragraphs 1.1 and 1.2 of this Instruction shall be examined and a draft Cabinet order shall be prepared by the Office of Citizenship and Migration Affairs (hereinafter – the Office).

3. If the Office establishes that the person who has submitted the application referred to in Sub-paragraph 1.1 or 1.2 of this Instruction does not comply with the conditions referred to in Section 9, Paragraph one, Clause 5 of the Citizenship Law or in Section 2, Paragraph one, Clause 2 or 4 of the Citizenship Law, it shall inform the person and shall not prepare a draft Cabinet order.

4. In order to prepare a draft Cabinet order, the Office shall request the following information:

4.1. from the Constitution Protection Bureau, the Security Police, the State Police, the Financial Police of the State Revenue Service, the Customs Criminal Board, the Prison Administration, the Corruption Prevention and Combating Bureau and the Military Police information whether a person:

4.1.1. has, by his or her behaviour or actions, caused threats to the State of Latvia and public safety, the democratic constitutional structure of the State, State independence and territorial inviolability;

4.1.2. has acted against the independence of the Republic of Latvia, the democratic parliamentary structure of the State or the existing State power in Latvia;

4.1.3. after 4 May 1990, has propagated fascist, chauvinist, national-socialist, communist or other totalitarian ideas or incited ethnic or racial hatred or discord;

4.1.4. is related to terrorism or acts in an anti-state or criminal organisation;

4.1.5. is related to money laundering;

4.2. from the State Border Guard the information referred to in Sub-paragraphs 4.1.1, 4.1.2, 4.1.3, 4.1.4, and 4.1.5 of this Instruction, if the declared place of residence of the person is in the border area or the last declared place of residence was in the border area;

4.3. from the Defence Intelligence and Security Service:

4.3.1. information whether the person is serving in the armed forces or military organisation of any other country;

4.3.2. the information referred to in Sub-paragraphs 4.1.1, 4.1.2, 4.1.3, 4.1.4, and 4.1.5 of this Instruction;

4.4. from the Centre for the Documentation of the Consequences of Totalitarianism information whether the person has been an employee of the U.S.S.R. or Latvian S.S.R. national security service, intelligence service or counter-intelligence service;

4.5. from the Information Centre of the Ministry of the Interior information whether the person has been convicted in Latvia or any other country for committing such a criminal offence, which may be qualified as a criminal offence also in Latvia during examination of the application referred to in Sub-paragraphs 1.1 and 1.2 of this Instruction;

4.6. from the State Revenue Service, the Information Centre of the Ministry of the Interior, the Ministry of Foreign Affairs in relation to granting financial assistance to a person who has found himself or herself in an emergency situation in a foreign country, and from the Maintenance Guarantee Fund of the Ministry of Justice information whether the person has carried out the liabilities of tax or any other payments in relation to the State of Latvia.

5. In order for the Cabinet to be able to establish whether there are important State interests for permitting that the citizenship of Latvia is retained for the person, or to take a decision to permit the person to retain the citizenship of another country, in addition to the information indicated in Paragraph 4 of this Instruction the Office may request information regarding the person from other State administration institutions according to their competence.

6. The Office shall not request:

6.1. the information referred to in Sub-paragraph 4.4 of this Instruction regarding a person who was born after 4 May 1990 or was a minor on 4 May 1990;

6.2. from the Ministry of Foreign Affairs the information referred to in Sub-paragraph 4.6 of this Instruction regarding a person who has submitted the application referred to in Sub-paragraph 1.2 of this Instruction;

6.3. from the Maintenance Guarantee Fund of the Ministry of Justice the information referred to in Sub-paragraph 4.6 of this Instruction, if information regarding the child of the person has not been included in the Population Register.

7. The institution referred to in Paragraphs 4 and 5 of this Instruction shall provide a reply to the request of the Office within one month, but if additional examination is necessary for provision of a reply – within six months.

8. The Office shall append the following documents to the draft Cabinet order, determining restricted access use for them:

8.1. information regarding the application referred to in Sub-paragraph 1.1 or 1.2 of this Instruction and the documents appended thereto (if any);

8.2. information regarding the reply provided by the institution referred to in Paragraphs 4 and 5 of this Instruction and other essential information, if such is at the disposal of the Office.

9. A draft Cabinet order shall be submitted to the Cabinet not later than two months prior to expiry of the time period for taking of the Cabinet decision determined in Section 9, Paragraph one, Clause 5 of the Citizenship Law.

10. After the Ministry of the Interior has submitted the draft Cabinet order to the Cabinet, the Office shall inform the respective person thereof.

Prime Minister Laimdota Straujuma

Minister for the Interior Rihards Kozlovskis