



**EUROPEAN MIGRATION
NETWORK**



**OFFICE OF CITIZENSHIP AND
MIGRATION AFFAIRS**

SMALL SCALE STUDY

**FAMILY REUNIFICATION
IN THE REPUBLIC OF LATVIA
2002 – 2006**

July 2007, Riga

TABLE OF CONTENTS

EXECUTIVE SUMMARY	3
1. FAMILY REUNIFICATION IN LATVIA	4
1.1. BACKGROUND INFORMATION	4
1.2. DEFINITIONS	5
1.3. METHODOLOGY	6
2. NATIONAL FAMILY REUNIFICATION POLICY IN LATVIA	7
2.1. OVERVIEW OF THE NATIONAL FAMILY REUNIFICATION POLICY AT THE END OF 2006	12
a) IMPLEMENTATION OF OPTIONAL CLAUSES OF THE DIRECTIVE	12
b) CONDITIONS FOR GRANTING ENTRY AND RESIDENCE	26
c) POLICY AND PRACTICE WITH REGARD SPECIFIC ARTICLES	28
d) APPLICATIONS TO CERTAIN GROUPS	33
2.2. DEVELOPMENT OF FAMILY REUNIFICATION POLICY 2002 - 2006	36
3. STATISTIC DATA	37
4. CONCLUSIONS	47
BIBLIOGRAPHY OF SOURCES	48

EXECUTIVE SUMMARY

The topic of the fourth Small Scale Study by the European Migration Network is “Family Reunification”.

The objective is to provide an overview on implementation of national and European Union legislation regarding family reunification in the time period between 2002 and 2006, and to examine the scope and structure of this category.

In order to better understand the phenomenon, commonalities and differences will be established by applying systematic comparison of the studies submitted by the national contact points of the European Migration Network.

Part 1 of the study provides information on the objective and scope of the study and its relationship to Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, explains the terms and definitions used in the study, and sets the purpose of the small scale study for the Synthesis Report on family reunification in the European Union.

Part 2 reviews the national migration policy with respect to family reunification in Latvia, including discussions on family reunification policy between 2002 and 2006, application of optional clauses of the Directive in practice, conditions for entry and residence, and policy and practice with regard to specific articles of the Directive.

Part 3 provides statistical data on structure and scope regarding family reunification.

Conclusions provide findings on family reunification policy and its development, on family structure and number, and on the effect of the family reunification phenomenon on migration.

The study uses normative acts, information on family reunification available on the internet, as well as information and statistics provided by the Office of Citizenship and Migration Affairs, an institution involved in the study.

Total number of pages is 49, including 14 tables.

1. FAMILY REUNIFICATION IN LATVIA

1.1. Background Information

Migration policy embraces such delicate issues as employment opportunities, social harmony, cultural diversity, as well as border control, enforcing legislation and state security. Several legislative acts have been drafted that harmonize national legislation with respect to entry and residence of third country nationals in the European Union.

Many Member States of the European Union nowadays regard family reunification a big part of migration. Discussions on integration of these groups of people into society have had an impact on the European Union policy on entry and residence of third country nationals in the European Union.

The objective of the Council Directive 2003/86/EC of 22 September 2003¹ on the right to family reunification (hereinafter – Directive) is to set conditions for utilizing family reunification rights for third country nationals who legally reside in a Member State of the European Union. The Directive was the first legal document of the European Union addressing legal migration.

The Directive states that family reunification is a necessary way of making family life possible. Family reunification helps create socio-cultural stability that facilitates economic and social cohesion.

The objective of this study is to provide an overview of implementation of national legislation with respect to family reunification in the period between 2002 and 2006 and to examine the scope and structure of this particular group.

By using the above mentioned Directive as the basic guideline, the situation regarding family reunification and its development between 2002 and 2006 will be described.

The object of the study is a foreign national who arrives in Latvia due to family reunification. The subject of the study is the effectiveness of Latvia's national family reunification policy.

To reach the objective of the study the following tasks have been set forth: review national family reunification policy in Latvia, including discussions on family reunification policy between 2002 and 2006, and analyze statistical information on family reunification to determine the scope, structure and influence of this group on society in Latvia.

¹ Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification, *Oficiālais Vēstnesis* (Official Herald), L 251, 03 October 2003, pp. 12-18

The most important task of the study is to determine how effective the family reunification policy in Latvia is.

To better understand the phenomenon of family reunification in the European Union a Synthesis Report will combine the various findings provided in studies done by national contact points of the European Migration Network. Through systematic comparison commonalities and differences between Member States of the European Union with respect to family reunification will be determined and analyzed.

1.2. Definitions

The study uses the following terms:

- ✓ Sponsor is a third country national residing lawfully in a Member State and applying, or whose family members apply for family reunification to be joined with him/her².
- ✓ Foreign national is any person who is not a citizen or a non-citizen of Latvia.
- ✓ Refugee is any third country national or stateless person enjoying refugee status within the meaning of the Geneva Convention relating to the status of refugees of 28 July 1951, as amended by the Protocol signed in New York on 31 January 1967³.
- ✓ Family reunification is the entry into and residence in a Member State by family members of a third country national residing lawfully in that Member State in order to preserve the family unit, whether the family relationship arose before or after the resident's entry⁴.
- ✓ Family members are: a spouse, under-age children (including those under custody) and other individuals under guardianship of a third country national, provided that they have a right to enter and reside in Latvia due to family reunification.
- ✓ Letter of invitation is a document whereby the individual issuing it assumes responsibilities, as set by the law, towards the foreign national who he/she is inviting to obtain a residence permit and stay in the Republic of Latvia.
- ✓ Unaccompanied minors are third country nationals or stateless persons below the age of eighteen who arrive on the territory of the Member States unaccompanied by an adult responsible by law or custom, and for as long as

² Source: Directive 2003/86/EC; Article 2 (c)

³ Source: Directive 2003/86/EC; Article 2 (b)

⁴ Source: Directive 2003/86/EC; Article 2 (d)

they are not effectively taken into the care of such a person, or minors who are left unaccompanied after they entered the territory of the Member States⁵.

- ✓ Third country national is any person who is not a citizen of the Union within the meaning of Article 17(1) of the Treaty⁶.
- ✓ Residence permit is any authorisation issued by the authorities of a Member State allowing a third country national to stay legally in its territory, in accordance with the provisions of Article 1(2)(a) of Council Regulation (EC) No 1030/2002 of 13 June 2002⁷ laying down a uniform format for residence permits for third country nationals⁸.

1.3. Methodology

In accordance with the work plan of the European Migration Network (hereinafter – Network) and based on the majority view of the national contact points of the Network a decision was made to work on a small scale study “Family Reunification”.

The study is designed based on the initial specification proposed by the Network’s Netherlands contact point and later developed jointly with the Network’s co-ordinators, the Berlin Institute for Comparative Social Research, experts from other national contact points and the European Commission.

The Office of Citizenship and Migration Affairs and its experts were engaged in preparing the study in order to reach the overall objective, namely, to provide an overview on implementation of national legislation of Latvia with respect to family reunification between 2002 and 2006 and to examine the scope and structure of this specific category.

To expand the scope of the information for analysis and to include the most recent articles and views on family reunification the Internet was also used.

The study makes use of current legislation, relevant articles published on the internet and in newspapers, and statistics and other information provided by the Office of Citizenship and Migration Affairs.

⁵ Source: Directive 2003/86/EC; Article 2 (f)

⁶ Source: Directive 2003/86/EC; Article 2 (a)

⁷ Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third country nationals, *Oficiālais Vēstnesis* (Official Herald), L 157, 15 June 2002, pp. 1-7

⁸ Source: Directive 2003/86/EC; Article 2 (e)

2. NATIONAL FAMILY REUNIFICATION POLICY IN LATVIA

National family reunification policy in the Republic of Latvia is determined by Part IV of the Immigration Law⁹, Part III of the Asylum Law¹⁰ and the following Regulations by the Cabinet of Ministers:

- ✓ Cabinet of Ministers Regulations No. 652 of 30 August 2005 “Procedure for Family Reunification in the Republic of Latvia for a Refugee and for an Individual having been granted an Alternative Status”¹¹ that establish the procedure for a refugee family reunification and for reviewing an application for family reunification received from an individual who has been granted an alternative status in accordance with Paragraph 2 Article 35 Part 1 of the Asylum Law¹² and who has resided in the Republic of Latvia for at least two years since receiving the status and whose family members have received residence permits.
- ✓ Cabinet of Ministers Regulations No. 586 of 18 July 2006 “Protocol for Entry and Residence in the Republic of Latvia of Citizens of Member States of the European Union and European Economic Area, and of Confederation of Switzerland, and their Family Members”¹³ that establish the procedure for entry and residence in the Republic of Latvia of citizens of Member States of the European Union and European Economic Area, and of Confederation of Switzerland, and their family members, and the procedure for deporting the above-mentioned individuals from the Republic of Latvia.
- ✓ Cabinet of Ministers Regulations No. 813 of 3 October 2006 “Residence Permit Regulations”¹⁴ that establish the application, issuance, registration and annulment procedures for residence permits.

⁹ Immigration Law, Latvijas Vēstnesis (Latvia Herald), No. 169, 20 November 2002

¹⁰ Asylum Law, Latvijas Vēstnesis (Latvia Herald), No. 48, 27 March 2002

¹¹ Cabinet of Ministers Regulations No. 652 of 30 August 2005 “Procedure for Family Reunification in the Republic of Latvia for a Refugee and for an Individual having been granted an Alternative Status”, Latvijas Vēstnesis (Latvia Herald), No. 138, 01 September 2005

¹² Paragraph 2 Article 35 Part 1 of the Asylum Law establishes that alternative status is granted to an individual who does not qualify for a refugee status in accordance with Article 23 of the Asylum Law and only if there is ground to believe that the individual requires protection due to external or internal military conflict that prohibits the individual from returning to his/her country of citizenship; or if the individual is a stateless person in his/her country of previous residence

¹³ Cabinet of Ministers Regulations No. 586 of 18 July 2006 “Protocol for Entry and Residence in the Republic of Latvia of Citizens of Member States of the European Union and European Economic Area, and of Confederation of Switzerland, and their Family Members”, Latvijas Vēstnesis (Latvia Herald), No. 114, 20 July 2006

¹⁴ Cabinet of Ministers Regulations No. 813 of 3 October 2006 “Residence Permit Regulations”, Latvijas Vēstnesis (Latvia Herald), No. 171, 26 October 2006.

- ✓ Cabinet of Ministers Regulations No. 108 of 13 February 2007 “Regulations on Application Fees for Processing Visa, Residence Permit or the Status of the Permanent Resident of the European Union in the Republic of Latvia Applications and Related Services”¹⁵ that establish the price for application fees for processing visa, residence permit or the status of the permanent resident of the European Union in the Republic of Latvia and related services, as well as the procedure for paying the application fee and the list of individuals exempt from paying the fee.
- ✓ Cabinet of Ministers Regulations No. 107 of 13 February 2007 “Regulations on the Procedure of Examining the Information when Processing Visa or Residence Permit Applications from Foreign Nationals”¹⁶ that establish the procedure for examining the information provided to determine whether the foreign national’s entry will not cause a threat to national security and/or social order, when the visa or residence permit application is being processed for foreign nationals who are either citizens of a country subject to additional security check, or who have been granted status of a stateless person or a refugee in the source country.

Foreign nationals can receive either temporary residence permit or permanent residence permit due to family reunification in the Republic of Latvia.

Entry and residence of foreign nationals in the Republic of Latvia is being documented and overseen by the Office of Citizenship and Migration Affairs, State Border Guard, Diplomatic and Consular Missions of the Republic of Latvia and the Consular Department of the Ministry of Foreign Affairs¹⁷, in accordance with their respective mandates.

As established by the Immigration Law, family members have the right to apply for a temporary residence permit in the Republic of Latvia for the time period that the sponsor (also a foreign national) has received his/her residence permit for, if the sponsor’s residence permit has been granted based on one of the following instances:

¹⁵ Cabinet of Ministers Regulations No. 108 of 13 February 2007 “Regulations on Application Fees for Processing Visa, Residence Permit or the Status of the Permanent Resident of the European Union in the Republic of Latvia Applications and Related Services”, *Latvijas Vēstnesis (Latvia Herald)*, No. 28, 16 February 2007

¹⁶ Cabinet of Ministers Regulations No. 107 of 13 February 2007 “Regulations on the Procedure of Examining the Information when Processing Visa or Residence Permit Applications from Foreign Nationals”, *Latvijas Vēstnesis (Latvia Herald)*, No. 28, 16 February 2007

¹⁷ In accordance with Article 3 Part 1 of the Immigration Law

- ✓ once per calendar year and no longer than for six months if the sponsor is a relative of a citizen or non-citizen of Latvia or of a foreign national holding a permanent residence permit, and the level of the relationship constitutes up to a third generation relative on a vertical kinship line, or up to a third degree relative on a horizontal line, or up to a third degree relative by marriage;
- ✓ for a time period not exceeding five years, if the sponsor is a business representative or a sole founder of a commercial company registered in the Commercial Register;
- ✓ for the time period of authorization given to the sponsor but not exceeding five years, if the sponsor is either an officially registered member of a company and has an authorization to represent the company, or a board member, a council member, a purchasing manager, an administrator, a liquidator, an individual authorized to represent a business person (a foreign business person) in a company's branch activities;
- ✓ for a time period not exceeding one year if the sponsor is self-employed;
- ✓ for the time period of employment but not exceeding five years;
- ✓ for a time period not exceeding four years, if the sponsor is a representative of a foreign business person;
- ✓ for the time period noted in the plan for collaborative scientific work but not exceeding four years;
- ✓ for the study period at an accredited educational establishment in the Republic of Latvia but not exceeding one year;
- ✓ for the time period the sponsor has been granted an alternative status for in accordance with the procedure of the Asylum Law;
- ✓ for the time period necessary to implement an international treaty or a project in which the Republic of Latvia is a partner;
- ✓ for the time period necessary to provide assistance to public or municipal institutions of the Republic of Latvia but not exceeding one year;
- ✓ for the time period necessary to participate in religious activities but not exceeding one year;
- ✓ for a time period not exceeding one year if residence in the Republic of Latvia is connected with participation as an intern or trainee or in a student exchange programme at an accredited educational establishment of the Republic of Latvia or at a commercial company/business registered in the Commercial Register;

- ✓ for the time period until a court decision on divorce and establishing place of residence for a child comes into force but not exceeding one year, if the child affected by the divorce is a citizen or non-citizen of Latvia.

A spouse, an under-age child, an under-age child of a spouse of a citizen or non-citizen of Latvia or of a foreign national (sponsor) holding a permanent residence permit as well as parents of a citizen or non-citizen of Latvia and their spouses have the right to apply for a permanent residence permit, in accordance with the procedure of the Immigration Law.

A foreign national wishing to apply for a residence permit due to family reunification has to submit the following documents at the Office of Citizenship and Migration Affairs:

- a. An official application form for a residence permit.
- b. A photo.
- c. A notification on health confirming that the foreign national is free of ailments or illnesses noted in the normative documents on ailments or illnesses.
- d. A certificate on criminal record (if a foreign national is 14 years of age or older) issued by an authority of the country of nationality or the country of permanent residence if the foreign national has resided there for a period longer than 12 months.
- e. A document verifying that the foreign national has sufficient financial means for the time of residence in the Republic of Latvia.
- f. A document verifying the anticipated place of residence in the Republic of Latvia and the right to live there, e.g., property ownership or lease agreement.
- g. A marriage certificate if the sponsor is the spouse.
- h. A document verifying the relationship if the sponsor is a relative.
- i. If the application is for an under-age child, a notarized consent, or permission signed in the presence of an official of the Office of Citizenship and Migration Affairs or a Diplomatic and Consular Mission of the Republic of Latvia, of the other parent (residing outside Latvia) allowing the child to relocate to the Republic of Latvia; or a court order stating that only one parent (the one travelling to Latvia with the child) is

the child's legal guardian and there are no restrictions in place with respect to changing the place of residence.

- j. A receipt confirming the application fee payment.

In accordance with Article 29 of the Asylum Law a refugee has the right to join his/her family members who reside abroad. A spouse, under-age unmarried children (including adopted children) and children who are of age but are handicapped and under his/her custody (including adopted children) are considered to be a refugee's family members.

An under-age unmarried child has the right to give shelter to his/her mother and/or father (including adopted parents) coming from abroad. The family can reunite if it used to be a family prior to entry into the Republic of Latvia.

In accordance with Paragraphs 3, 4 and 5 of the Cabinet of Ministers Regulations No. 652 of 30 August 2005 "Protocol for Family Reunification in the Republic of Latvia for Individuals who are Considered Refugees or who have been Granted Alternative Status", a refugee has to submit the following documents to the Office of Citizenship and Migration Affairs so that the family can reunite:

- ✓ An application for a family reunification.
- ✓ A letter of invitation serving as the basis for receipt of residence permit.
- ✓ A copy of the personal identification document by presenting its original.
- ✓ A copy of a marriage certificate or an equivalent document verifying the marriage.
- ✓ Copies of valid travel documents recognized in the Republic of Latvia for the spouse and/or children.
- ✓ Copies of birth certificates for the children.

The refugee's family members, in turn, have to submit the following at a Diplomatic or Consular Mission of the Republic of Latvia:

- ✓ A residence permit application form established in normative documents.
- ✓ A copy of a valid travel document recognized in the Republic of Latvia by presenting its original.
- ✓ A copy of a marriage certificate by presenting its original.
- ✓ Copies of birth certificates for the children by presenting their originals.
- ✓ 2 photos of each family member (35 x 45 mm, showing an individual's face with no head cover).

2.1. Overview of the National Family Reunification Policy at the end of 2006

a) Practice followed for optional (“may”) clauses

Irrespective of the area covered by directives they usually contain “work articles” that Member States have to implement into their national legislation and articles containing regulations for Member States that are not always required to be introduced into national legislation.

In order to introduce certain norms set by directives into national legislation, Amendments to the Immigration Law¹⁸ (24 November 2005) and the Cabinet of Ministers Regulations No. 652 of 30 August 2005 “Protocol for Family Reunification in the Republic of Latvia for Individuals who are Considered Refugees or who have been Granted Alternative Status” have been passed, and a draft law “On Asylum in the Republic of Latvia” has been devised (presented at the meeting of state secretaries on 14 September 2006).

The first part to contain optional clauses in the Directive is Part 2 on family members, namely,

- 1) Paragraphs 1 c) and d) Article 4 of the Directive state that Member States **may authorize** the reunification of children of whom custody is shared, provided the other party sharing custody has given his/her agreement.

In accordance with the Immigration Law the Republic of Latvia allows reunification with children of whom custody is shared.

To apply for residence permit for such children, in addition to all other documents one must submit a notarized consent, or permission signed in the presence of an official of the Office of Citizenship and Migration Affairs or a Diplomatic and Consular Mission of the Republic of Latvia, of the other parent (residing outside Latvia) allowing the child to relocate to the Republic of Latvia. If the parent travelling with the child has custody and there are no restrictions in place with respect to changing the place of residence of the child without a consent of the other

¹⁸ Amendments to the Immigration Law, Latvijas Vēstnesis (Latvia Herald), No. 198, 13 December 2005

parent, a document issued by a competent authority of the respective country is required¹⁹.

- 2) Paragraph 1 d) Article 4 of the Directive (third paragraph) states that where a child is aged over 12 years and arrives independently from the rest of his/her family, the Member State **may verify**, before authorizing entry and residence under this Directive, whether he/she meets a condition for integration provided for by its existing legislation on the date of implementation of this Directive.

Legislative acts of the Republic of Latvia on the date of implementation of this Directive do not require verification of whether the child over the age of 12 and arriving independently from the rest of his/her family meets a condition for integration.

- 3) Paragraph 2 Article 4 of the Directive states that Member States **may authorize** the entry and residence of the following family members:
 - ✓ first-degree relatives in the direct ascending line of the sponsor or his/her spouse, where they are dependent on them and do not enjoy proper family support in the country of origin, and
 - ✓ the adult unmarried children of the sponsor or his or her spouse, where they are objectively unable to provide for their own needs on account of their state of health.

The Immigration Law does not contain a specific norm allowing for issuance of temporary residence permits to these groups of individuals. However, the above-mentioned individuals have a right to apply for a temporary residence permit based on Article 23 Part 3 of the Immigration Law which states that the Minister of the Interior issues a temporary residence permit if the situation meets the international legal norms and/or national interests of Latvia, or is based on humanitarian considerations, when the specific provisions are not covered by the Immigration Law.

- 4) Paragraph 3 Article 4 of the Directive states that the Member States **may authorize** the entry and residence of the unmarried partner, being a third country national, with whom the sponsor is in a duly attested stable long-term relationship, or of a third country national who is bound to the sponsor by a

¹⁹ In accordance with Paragraph 37.2 of the Cabinet of Ministers Recommendations No. 813 of 3 October 2006 "Residence Permit Regulations"

registered partnership, and of the unmarried minor children, including adopted children, as well as the adult unmarried children who are objectively unable to provide for their own needs on account of their state of health, of such persons. Member States **may decide** that registered partners are to be treated equally as spouses with respect to family reunification.

Based on the Immigration Law, the Republic of Latvia does not issue residence permits in connection with family reunification to the unmarried partner, being a third country national, with whom the sponsor is in a duly attested stable long-term relationship, or of a third country national who is bound to the sponsor by a registered partnership, and of the unmarried minor children, including adopted children, as well as the adult unmarried children who are objectively unable to provide for their own needs on account of their state of health.

The status of registered partners does not equal the status of a spouse in the Republic of Latvia in connection with family reunification. Based on Article 35 of the Civil Law the Republic of Latvia does not allow for same-sex marriages.

- 5) Paragraph 4 Article 4 of the Directive (second paragraph) states that, by way of derogation from paragraph 1(c)²⁰, Member States **may limit** the family reunification of minor children of a future spouse and the sponsor.

In accordance with the legal norms of the Immigration Law there are no restrictions in the Republic of Latvia with respect to family reunification of minor children of a future spouse and the sponsor.

- 6) Paragraph 5 Article 4 of the Directive states that in order to ensure better integration and to prevent forced marriages Member States **may require** the sponsor and his/her spouse to be of a minimum age, and at maximum 21 years, before the spouse is able to join him/her.

²⁰ Paragraph 1 c) Article 4 of the Directive states that the Member States shall authorize entry and residence of the minor children including adopted children of the sponsor where the sponsor has custody and the children are dependent on him or her. Member States may authorize the reunification of children of whom custody is shared, provided the other party sharing custody has given his or her agreement

Since marriage in the Republic of Latvia is allowed at the age of 18²¹, there is no requirement when applying for a residence permit in the Republic of Latvia, for the sponsor to be 21 years of age before the spouse is able to join him/her.

- 7) Paragraph 6 Article 4 of the Directive states that by way of derogation, Member States **may request** that the applications concerning family reunification of minor children have to be submitted before the age of 15, as provided for by its existing legislation on the date of the implementation of this Directive.

Since both sexes are considered under-age until they reach the age of 18 in the Republic of Latvia, the applications concerning family reunification of minor children are not required to be submitted before the age of 15 in the Republic of Latvia.

- 8) Paragraph 2 Article 5 of the Directive (second paragraph) states that If appropriate, in order to obtain evidence that a family relationship exists, Member States **may carry out** interviews with the sponsor and his/her family members and conduct other investigations that are found to be necessary.

If officials of the competent authorities of the Republic of Latvia (the Office of Citizenship and Migration Affairs, State Border Guard, Diplomatic and Consular Missions of the Republic of Latvia and the Consular Department of the Ministry of Foreign Affairs) require evidence of a family relationship or other investigation deemed necessary, in accordance with Paragraph 33 of the Immigration Law, these officials have the right to conduct interviews with the foreign national and/or his/her sponsor and demand explanations and additional documents confirming the objective for entry and residence and the truthfulness of the information provided by the foreign national as well as verify all the information provided in order to make a decision on the issue or registration of the residence permit.

- 9) Paragraph 3 Article 5 of the Directive states that the application shall be submitted and examined when the family members are residing outside the territory of the Member State in which the sponsor resides. By way of

²¹ In accordance with Paragraph 32 of the Civil Law

derogation, a Member State **may**, in appropriate circumstances, **accept** an application submitted when the family members are already in its territory.

In accordance with Paragraphs 4, 5 and 6 of the Cabinet of Ministers Regulations No. 813 of 3 October 2006 "Residence Permit Regulations" the following individuals have the right to apply for a residence permit at the Office of Citizenship and Migration Affairs:

- I. A foreign national who has a valid visa in the Republic of Latvia or who does not require a visa to enter the Republic of Latvia and who is:
 - a. a teacher/professor at an accredited educational establishment;
 - b. a scientist at a state scientific institution;
 - c. a consultant (expert) providing assistance to a public or municipal institution or helping implement an international treaty or a project in which the Republic of Latvia is a partner;
 - d. a coach of Latvia's national sports team;
 - e. a professional athlete;
 - f. a student of an accredited educational establishment in the Republic of Latvia on an exchange programme;
 - g. a parent of a citizen or non-citizen of Latvia applying for a residence permit in accordance with Paragraph 30 of the Immigration Law;
 - h. an under-age child.
- II. A foreign national who does not require a visa to enter the Republic of Latvia and who is:
 - a. a business person;
 - b. a sole founder of a commercial company;
 - c. a self-employed individual;
 - d. an officially registered member of a company who has an authorization to represent the company, or a board member, a council member, a purchasing manager, an administrator, a liquidator, an individual authorized to represent a business person (a foreign business person) in a company's branch;
 - e. a specialist in the field of nuclear energy.
- III. Documents for residence permit application can be submitted also by foreign national's family members (a spouse, under-age children (including adopted children) and individuals under his/her guardianship).

10) Paragraph 4 Article 5 of the Directive states that the competent authorities of the Member State shall give the person, who has submitted the application, written notification of the decision as soon as possible and in any event no later than nine months from the date on which the application was lodged. In exceptional circumstances linked to the complexity of the examination of the application, the above time limit may **be extended**.

In accordance with Paragraph 33 Part 1 of the Immigration Law, the Office of Citizenship and Migration Affairs reviews the residence permit application and responds:

- ✓ within 30 days for temporary residence permits;
- ✓ within 90 days for permanent residence permits.

If due to objective circumstances the above timelines cannot be observed, in accordance with Paragraph 64 Part 2 of the Law on Administrative Processes²², the time limit can be extended to not exceed 4 months since the receipt of the application, and the applicant has to be notified of the delay. If more time is required to verify facts, the decision time limit can be extended to one year by the state secretary of a ministry or by the head of the municipal council, or by the director of the respective institutions if the organization does not report to the Cabinet of Ministers (ministry), and the applicant has to be notified of the delay.

The decision on extending the time limit can be appealed. The court will review the claim submitted in written form. The court decision cannot be appealed.

11) Paragraphs 1 and 2 Article 6 of the Directive state that Member States **may reject** an application for entry and residence of family members on grounds of public policy, public security or public health; and that Member States **may withdraw or refuse** to renew a family member's residence permit on grounds of public policy or public security or public health.

In accordance with Paragraph 34 Part 1 Articles 5, 7, 8, 19 and 21 of the Immigration Law the issue or registration of a residence permit is denied if:

- a. a foreign national has a health condition or illness that poses a threat to public security and public health, or if there is reason to believe that the

²² Law on Administrative Processes, Latvijas Vēstnesis (Latvia Herald), No. 164, 14 November 2001

foreign national might pose a threat to public health, except when the foreign national has arrived to treat the respective health condition or illness with an authorization from the Ministry of Health;

- b. a foreign national is on the list of the individuals banned from entering the Republic of Latvia;
- c. a court decision has determined a foreign national to be guilty of a crime committed in the Republic of Latvia or outside its borders that is punishable by the laws of the Republic of Latvia by imprisonment for no less than three years;
- d. competent authorities abroad have provided information based on which a foreign national shall be banned from entry and residence in the Republic of Latvia;
- e. the information provided by the foreign national does not confirm that there is a strong link to his/her source country and there is reason to believe that the foreign national poses an illegal immigration risk.

12) Paragraph 1 Article 7 of the Directive states that when the application for family reunification is submitted, the Member State concerned **may require** the person who has submitted the application to provide evidence that the sponsor has:

- a. accommodation regarded as normal for a comparable family in the same region and which meets the general health and safety standards in force in the Member State concerned;
- b. sickness insurance in respect of all risks normally covered for its own nationals in the Member State concerned for himself/herself and the members of his/her family;
- c. stable and regular resources which are sufficient to maintain himself/herself and the members of his/her family, without recourse to the social assistance system of the Member State concerned. Member States shall evaluate these resources by reference to their nature and regularity and may take into account the level of minimum national wages and pensions as well as the number of family members.

In accordance with Paragraphs 25.3, 25.5 and 25.6 of the Cabinet of Ministers Regulations No. 813 of 3 October 2006 "Residence Permit Regulations" a foreign national wishing to receive a residence permit in the Republic of Latvia needs to submit the following documents:

- ✓ a notification on health confirming that the foreign national is free of ailments or illnesses noted in the normative documents on ailments or illnesses, or a notice issued by the Ministry of Health that it does not object to the foreign national arriving for treatment of the respective ailment or illness,
- ✓ a document verifying that the foreign national has sufficient financial means for the period of his/her stay in the Republic of Latvia,
- ✓ and a document verifying the anticipated place of residence in the Republic of Latvia and the right to live there, e.g., property ownership or lease agreement.

In addition, Paragraph 4 Part 1 Article 3 of the Immigration Law establishes that a foreign national has the right to enter and reside in the Republic of Latvia if he/she has a valid health insurance policy that guarantees coverage of health care costs in the Republic of Latvia, including return of the foreign national to his/her country of residence in case of a grave illness or death.

- 13) Paragraph 2 Article 7 of the Directive states that Member States **may require** third country nationals to comply with integration measures, in accordance with national law. With regard to the refugees and/or family members of refugees the integration measures referred to in the first subparagraph **may only be applied** once the persons concerned have been granted family reunification.

Mastering the Latvian language is one of the ways for third country nationals to be integrated in the Republic of Latvia.

If a spouse or an under-age child of a citizen or non-citizen of Latvia or of a foreign national holding a permanent residence permit, or parents of a citizen or non-citizen of Latvia and their spouses wish to apply for a permanent residence permit, in accordance with Paragraph 24 Part 5 of the Immigration Law, they have to present a certificate confirming that they have mastered the Latvian language.

The Cabinet of Ministers Regulations No. 252 of 4 April 2006 "Regulations of the Level of Proficiency in the Official Language Required and the Procedure of Testing the Level of Language Proficiency for Foreign Nationals who have the Right to Apply for a Permanent Residence Permit"²³ establish the requirements for mastering and testing the level of proficiency in the official language. Paragraph 3 of the above Regulations state that a foreign national has the right to receive a permanent residence permit if he/she has mastered the official language on Level 1 (lowest) B at least, as established by Paragraph 12.2 of the Cabinet of Ministers Regulations No. 296 of 22 August 2002 "Regulations of the Level of Proficiency in the Official Language Required for Employment and the Procedure of Testing the Level of Language Proficiency"²⁴.

- 14) Article 8 of the Directive states that Member States **may require** the sponsor to have stayed lawfully in their territory for a period not exceeding two years, before having his/her family members join him/her.

The Immigration Law does not require the sponsor (a foreign national) to have resided legally in the Republic of Latvia for no longer than two years before having his/her family members join him/her.

The exception is the individuals who have been granted alternative status in accordance with Paragraph 35 Part 1 Article 2 of the Asylum Law stating that alternative status is granted to an individual who cannot be granted a refugee status and only if there is reason to believe that the individual requires protection due to external or internal military conflict that prohibits the individual from returning to his/her country of citizenship; or if the individual is a stateless person in his/her country of previous residence. These individuals have the right to apply for family reunification when they have resided in the Republic of Latvia for at least two years after having been granted alternative status.

²³ Cabinet of Ministers Regulations No. 252 of 4 April 2006 "Regulations of the Level of Proficiency in the Official Language Required and the Procedure of Testing the Level of Language Proficiency for Foreign Nationals who have the Right to Apply for a Permanent Residence Permit", Latvijas Vēstnesis (Latvia Herald), No. 57, 2006 April 07

²⁴ Cabinet of Ministers Regulations No. 296 of 22 August 2002 "Regulations of the Level of Proficiency in the Official Language Required for Employment and the Procedure of Testing the Level of Language Proficiency", Latvijas Vēstnesis (Latvia Herald), No. 302, 29 August 2000

- 15) Paragraph 2 Article 9 of the Directive states that Member States **may confine** the application of this Chapter (Chapter V on refugee family reunification) to refugees whose family relationships predate their entry.

Chapter V of the Directive on refugee family reunification is applicable in the Republic of Latvia to refugees whose family relationships predate their entry as established by Paragraph 2 of the Cabinet of Ministers Regulations No. 652 of 30 August 2005 "Protocol for Family Reunification in the Republic of Latvia for Individuals who are Considered Refugees or who have been Granted Alternative Status" which states that a refugee family can reunite if it had been established prior to entry in the Republic of Latvia.

- 16) Paragraph 2 Article 10 of the Directive states that Member States **may authorize** family reunification of other family members not referred to in Article 4, if they are dependent on the refugee.

In accordance with Paragraph 29 of the Asylum Law, a spouse, under-age unmarried children (including adopted children) and children who are of age but are handicapped and under his/her custody (including adopted children) are considered to be a refugee's family. Therefore, the Republic of Latvia allows family reunification only for the above-mentioned individuals.

- 17) Paragraph 3 b) Article 10 of the Directive states that if the refugee is an unaccompanied minor, Member States **may authorise** the entry and residence for the purposes of family reunification of his/her legal guardian or any other member of the family, where the refugee has no relatives in the direct ascending line or such relatives cannot be traced.

Paragraph 29 of the Asylum Law allows for under-age unmarried children to provide accommodation for their mother and/or father (including adopted parents) arriving from abroad.

- 18) Paragraph 1 Article 12 of the Directive states that by way of derogation from Article 7, the Member States shall not require the refugee and/or family member(s) to provide, in respect of applications concerning those family

members referred to in Article 4(1), the evidence that the refugee fulfils the requirements set out in Article 7. Without prejudice to international obligations, where family reunification is possible in a third country with which the sponsor and/or family member has special links, Member States **may require** provision of the evidence referred to in the first subparagraph. Member States **may require** the refugee to meet the conditions referred to in Article 7(1) if the application for family reunification is not submitted within a period of three months after the granting of the refugee status.

Current legislative acts have no requirement for evidence referred to in Article 7 if family reunification is possible in a third country with which the sponsor and/or family member has special links, nor is there a requirement to meet the conditions referred to in Article 7(1) if the application for family reunification is not submitted within a period of three months after the granting of the refugee status.

19) Paragraphs 2 and 3 Article 14 of the Directive state that Member States **may decide** according to national law the conditions under which family members shall exercise an employed or self-employed activity, and that Member States **may restrict** access to employment or self-employed activity by first-degree relatives in the direct ascending line or adult unmarried children.

A family member wishing to enter into employment relations by signing an employment contract or be employed based on another legal agreement or be self-employed, requires a work permit. The Cabinet of Ministers Regulations No. 44 of 20 January 2004 "Regulations on Work Permits to Foreign Nationals"²⁵ establish the procedure for applying for and receiving a work permit. When a family member receives a work permit he/she is granted a residence permit under a different provision.

Currently, the Republic of Latvia does not restrict access to employment or self-employed activity by first-degree relatives in the direct ascending line or adult unmarried children.

²⁵ Cabinet of Ministers Regulations No. 44 of 20 January 2004 "Regulations on Work Permits to Foreign Nationals", Latvijas Vēstnesis (Latvia Herald), No. 12, 23 January 2004

20) Paragraph 1 Article 15 of the Directive states that not later than after five years of residence, and provided that the family member has not been granted a residence permit for reasons other than family reunification, the spouse or unmarried partner and a child who has reached majority shall be entitled, upon application, if required, to an autonomous residence permit, independent of that of the sponsor. Member States **may limit** the granting of the residence permit referred to above to the spouse or unmarried partner in cases of breakdown of the family relationship.

Paragraph 25 Part 2 of the Immigration Law establishes that in case of a marriage breakdown prior to issuance of a permanent residence permit to the sponsor's spouse, the temporary residence permit is annulled since the conditions under which it was granted have changed.

An exception is made when custody over an under-age child, a citizen or a non-citizen of Latvia, is granted to the parent who is not a citizen or a non-citizen of Latvia. In this instance the ex-spouse is allowed to receive a permanent residence permit.

21) Paragraphs 2 and 3 Article 15 of the Directive state that Member States **may issue** an autonomous residence permit to adult children and to relatives in the direct ascending line, and that in the event of widowhood, divorce, separation, or death of first-degree relatives in the direct ascending or descending line, an autonomous residence permit **may be issued**, upon application, to persons who have entered by virtue of family reunification.

In accordance with the current normative acts in force in the Republic of Latvia permanent residence permits are issued neither to adult children and relatives in the direct ascending line, nor in the event of widowhood, divorce, separation, or death of first-degree relatives in the direct ascending or descending line. Under special circumstances due to humanitarian considerations these individuals may receive a temporary residence permit as directed by the Minister of the Interior.

22) Paragraph 1 Article 16 of the Directive states that Member States **may reject** an application for entry and residence for the purpose of family reunification,

or, if appropriate, **withdraw** or **refuse** to renew a family member's residence permit, in the following circumstances:

- a. where the conditions laid down by this Directive are no longer satisfied;
- b. where the sponsor and his/her family member(s) do not or no longer live in a real marital or family relationship;
- c. where it is found that the sponsor or the unmarried partner is married or is in a stable long-term relationship with another person.

If there is reason to believe that the sponsor and his/her family member(s) do not or no longer live in a real marital or family relationship, or it is found that the sponsor is married or is in a stable long-term relationship with another person, the issuance and registration of a residence permit is denied and the current residence permit gets annulled.

23) Paragraph 2 Article 16 of the Directive states that Member States **may** also **reject** an application for entry and residence for the purpose of family reunification, or withdraw or refuse to renew the family member's residence permits, where it is shown that a:

- a. false or misleading information, false or falsified documents were used, fraud was otherwise committed or other unlawful means were used;
- b. the marriage, partnership or adoption was contracted for the sole purpose of enabling the person concerned to enter or reside in a Member State.

In accordance with Paragraph 34 Part 1 Articles 2, 13 and 15 of the Immigration Law, issuance and/or registration of a residence permit is denied if:

- ✓ a foreign national has provided false information;
- ✓ there is reason to believe that the foreign national's marriage is fictitious and contracted for the sole purpose of receiving a residence permit in the Republic of Latvia;
- ✓ there is reason to believe that adoption is fictitious and contracted for the sole purpose of receiving a residence permit in the Republic of Latvia.

In accordance with Paragraph 35 Part 1 Articles 1 and 6 of the Immigration Law, a temporary residence permit is annulled if:

- ✓ a foreign national has provided false information;
- ✓ there is reason to believe that the foreign national's marriage is fictitious and contracted for the sole purpose of receiving a residence permit in the Republic of Latvia.

In accordance with Paragraph 36 Part 1 Articles 1 and 6 of the Immigration Law, a permanent residence permit is annulled if:

- ✓ a foreign national has provided false information;
- ✓ there is reason to believe that adoption is fictitious and contracted for the sole purpose of receiving a residence permit in the Republic of Latvia.

24) Paragraph 3 Article 16 of the Directive states that Member States may **withdraw** or **refuse to renew** the residence permit of a family member where the sponsor's residence comes to an end and the family member does not yet enjoy an autonomous right of residence.

In accordance with Paragraph 35 Part 1 Article 11 of the Immigration Law, a temporary residence permit is annulled if the circumstances have changed under which a foreign national received the residence permit.

25) Paragraph 4 Article 16 of the Directive states that Member States **may conduct** specific checks and inspections where there is reason to suspect that there is fraud or a marriage, partnership or adoption of convenience. Specific checks **may also be undertaken** on the occasion of the renewal of family members' residence permit.

As noted above, if officials of the competent authorities of the Republic of Latvia (the Office of Citizenship and Migration Affairs, State Border Guard, Diplomatic and Consular Missions of the Republic of Latvia and the Consular Department of the Ministry of Foreign Affairs) require evidence of a family relationship or other investigation deemed necessary, in accordance with Paragraph 33 Part 6 of the Immigration Law, these officials have the right to conduct interviews with the foreign national and/or his/her sponsor and demand explanations and additional documents confirming the objective for entry and residence and the truthfulness of the information provided by the foreign national as well as verify all the information

provided in order to make a decision on the issue or registration of the residence permit.

Also, in accordance with Paragraph 8 of the Cabinet of Ministers Regulations No. 813 of 3 October 2006 "Residence Permit Regulations" officials of the Office of Citizenship and Migration Affairs and of Diplomatic and Consular Missions of the Republic of Latvia have the right to ask the foreign national and/or the sponsor to an interview before making a decision regarding issuance, registration or annulment of a residence permit. If necessary, both individuals may be interviewed simultaneously.

b) Conditions for Granting Entry and Residence

According to paragraph 4 of the Immigration Law, a foreign national has the right to enter and reside in the Republic of Latvia if at the same time he/she:

- ❖ has a valid travel document;
- ❖ has a valid visa, residence permit or a residence permit in the Republic of Latvia issued to a permanent resident of the European Union;
- ❖ has a valid health insurance policy that guarantees coverage of health care costs in the Republic of Latvia, including return of the foreign national to his/her country of residence in case of a grave illness or death;
- ❖ has no other obstacles for entry into the Republic of Latvia as set by the law or other normative acts;
- ❖ has sufficient financial means to reside in the Republic of Latvia and return to the source country or travel to a third country he/she has the right to enter.

In light of the categories of individuals noted by the Directive, the following individuals can apply for a residence permit and enter the Republic of Latvia due to family reunification:

- ❖ children over the age of 12 who arrive independently from the rest of the sponsor's family (last paragraph of Article 4 of the Directive);
- ❖ first-degree relatives in the direct ascending line of the sponsor or his or her spouse, where they are dependent on them and do not enjoy proper family support in the country of origin (Article 4 Paragraph 2(a) of the Directive)²⁶;

²⁶ In this case the permission to issue a temporary residence permit comes from the Minister of the Interior

- ❖ the adult unmarried children of the sponsor or his or her spouse, where they are objectively unable to provide for their own needs on account of their state of health (Article 4 Paragraph 2(b) of the Directive)²⁷;
- ❖ minor children of a future spouse or the sponsor (second paragraph of Article 4 Paragraph 4 of the Directive);
- ❖ a spouse who was married after reaching the age of 18 (Article 4 Paragraph 5 of the Directive);
- ❖ minor children who have reached the age of 15 (Article 4 Paragraph 6 of the Directive);
- ❖ a refugee whose family relationship predates his/her entry into the Republic of Latvia (Article 9 Paragraph 2 of the Directive);
- ❖ a refugee's family members – his/her spouse, their unmarried under-age children (including adopted children), and their children who are of age but are handicapped and under their custody (including adopted children);
- ❖ parents of an under-age refugee (mother and father) (including adopted parents).

The following individuals cannot apply for a residence permit due to family reunification and enter the Republic of Latvia:

- ❖ unmarried partner of the sponsor who is a third country national and with whom the sponsor is in a duly attested stable long-term relationship,
- ❖ a third country national who is bound to the sponsor by a registered partnership (Article 4 Paragraph 3 of the Directive).

No specific entry and residence conditions have been established for family members if the sponsor belongs to a specific category (e.g., the sponsor is an economic migrant, or a highly-qualified specialist, or self-employed, etc.). Individuals enter and reside in the Republic of Latvia in accordance with the procedure established by the Immigration Law.

The family reunification policy does not differ depending on whether the family relationship arose before or after the sponsor's legal entry and residence in the Republic of Latvia.

²⁷ In this case the permission to issue a temporary residence permit comes from the Minister of the Interior

c) Policy and Practice with Regard to Specific Articles

This section will examine in detail the policy and practice on specific articles of the Directive, thus providing a better insight into the effectiveness of the family reunification policy and practice.

Article 5 of the Directive

In accordance with Paragraph 32 Part 1 of the Immigration Law applications for residence permits are accepted:

- ❖ at a Diplomatic or Consular Mission of the Republic of Latvia – from foreign nationals wishing to enter the Republic of Latvia;
- ❖ at the Office of Citizenship and Migration Affairs – from foreign nationals residing legally in the Republic of Latvia and holding a residence permit of a permanent European Union resident issued in a different Member State and his/her family members if the family was established in a different Member State prior to the foreign national holding a residence permit of a permanent European Union resident issued in a different Member State applying for a temporary residence permit in the Republic of Latvia; and from foreign nationals holding residence permit in the Republic of Latvia.

Paragraphs 4, 5 and 6 of the Cabinet of Ministers Regulations No. 813 of 3 October 2006 “Residence Permit Regulations” establish the list of individuals who have the right to apply for a residence permit at the Office of Citizenship and Migration Affairs (see Part 2.1(a)(9) of this report).

Also, in accordance with Paragraph 32 Part 3 of the Immigration Law, the Head of the Office of Citizenship and Migration Affairs or his authorized official can accept an application for a residence permit at the Office of Citizenship and Migration Affairs if the situation meets the international legal norms and/or national interests of Latvia, or is based on humanitarian considerations.

In accordance with Paragraph 22 Part 3 of the Immigration Law, letters of invitation are being authorized and temporary and permanent residence permits issued, registered and annulled at the Office of Citizenship and Migration Affairs.

When applying for a residence permit and submitting documents issued abroad, these documents have to be properly legalized or authorized in accordance with Hague Convention of 5 October 1961 abolishing the requirement of legalisation

of foreign public documents, if there is no other procedure established by international agreements binding to the Republic of Latvia.

Currently, no DNA testing is being conducted in the Republic of Latvia to verify family relationships. If officials of competent authorities suspect that no family relationship exists, the State Border Guard, in accordance with Paragraph 13 Article 15 of the Border Guard Law²⁸ has the right to apply the necessary measures to establish how lawful the residence of foreign nationals in the Republic of Latvia is.

If officials of competent authorities establish that circumstances under which the foreign national was issued a residence permit have changed or no longer exist, the residence permit is annulled in accordance with Paragraph 35 Part 1 Article 11 of the Immigration Law.

In case of a marriage breakdown prior to issuance of a permanent residence permit to the spouse of a citizen or non-citizen of Latvia, his/her temporary residence permit gets annulled, except the cases when the custody of an under-age child, a citizen or non-citizen of Latvia, is granted by court to the parent who is not a citizen or non-citizen of Latvia. In this instance the ex-spouse is allowed to receive a permanent residence permit.

The Republic of Latvia recognizes the fact of marriage if a marriage certificate is submitted that has been properly legalized or authorized in accordance with Hague Convention of 5 October 1961 abolishing the requirement of legalisation of foreign public documents, if there is no other procedure established by international agreements binding to the Republic of Latvia.

The Republic of Latvia does not recognize polygamous marriages. Paragraph 38 of the Civil Law prohibits an individual from marrying again if he/she is already married.

Family members may enter the Republic of Latvia together with the individual requiring support.

Article 7 of the Directive

As mentioned above (see Part 2.1(a)(11) of this report), to apply for a residence permit in the Republic of Latvia, one has to submit a notification on health; documents verifying that the foreign national has sufficient financial means for the length of his/her stay in the Republic of Latvia, and documents confirming the anticipated place of residence in the Republic and his/her right to reside there.

²⁸ Border Guard Law, Latvijas Vēstnesis (Latvia Herald), 329/330, 16 December 1997

Currently there is no requirement for a document verifying that the accommodation is regarded as normal for a comparable family in the same region and meets the general health and safety standards.

No requirement to meet specific integration measures due to family reunification is enforced either towards the sponsor or his/her family members. Current integration measures were mentioned in Part 2.1(a)(13) of this report.

Article 8 of the Directive

As mentioned above (see Part 2.1(a)(11) of this report), the Immigration Law does not require the sponsor (foreign national) to have legally resided in the Republic of Latvia for no longer than two years prior to family members joining him/her.

The exception is the individuals who have been granted alternative status in accordance with Paragraph 35 Part 1 Article 2 of the Asylum Law stating that alternative status is granted to an individual who cannot be granted a refugee status and only if there is reason to believe that the individual requires protection due to external or internal military conflict that prohibits the individual from returning to his/her country of citizenship; or if the individual is a stateless person in his/her country of previous residence.

These individuals have the right to apply for family reunification when they have resided in the Republic of Latvia for at least two years after having been granted alternative status.

Article 9 of the Directive

As mentioned above (see Part 2.1(a)(15) of this report), Chapter V of the Directive on refugee family reunification is applicable in the Republic of Latvia to refugees whose family relationships predate their entry as established by Paragraph 2 of the Cabinet of Ministers Regulations No. 652 of 30 August 2005 "Protocol for Family Reunification in the Republic of Latvia for Individuals who are Considered Refugees or who have been Granted Alternative Status" which states that a refugee family can reunite if it had been established prior to entry in the Republic of Latvia.

Article 12 of the Directive

As mentioned above (see Part 2.1(a)(18) of this report), a refugee has to submit the following documents at the Office of Citizenship and Migration Affairs regarding family reunification in accordance with the Cabinet of Ministers Regulations

No. 652 of 30 August 2005 "Procedure for Family Reunification in the Republic of Latvia for a Refugee and for an Individual having been granted an Alternative Status":

- ✓ An application for a family reunification.
- ✓ A letter of invitation serving as the basis for receipt of residence permit.
- ✓ A copy of the personal identification document by presenting its original.
- ✓ A copy of a marriage certificate or an equivalent document verifying the marriage.
- ✓ Copies of valid travel documents recognized in the Republic of Latvia for the spouse and/or children.
- ✓ Copies of birth certificates for the children.

The refugee's family members, in turn, have to submit the following at a Diplomatic or Consular Mission of the Republic of Latvia:

- ✓ A residence permit application form established in normative documents.
- ✓ A copy of a valid travel document recognized in the Republic of Latvia by presenting its original.
- ✓ A copy of a marriage certificate by presenting its original.
- ✓ Copies of birth certificates for the children by presenting their originals.
- ✓ 2 photos of each family member (35 x 45 mm, showing an individual's face with no head cover).

Article 13 of the Directive

If a sponsor is issued a temporary residence permit, his/her family members have the right to apply for a temporary residence permit for the same time period.

A spouse of a citizen or non-citizen of Latvia or of a foreign national holding a permanent residence permit who applies for a residence permit for the first time has the right to apply for a temporary residence permit for one year.

Article 14 of the Directive

There are no specific requirements in the Republic of Latvia with respect to employment or self-employment of family members of the sponsor. The sponsor's family members receive no favourable treatment regarding social assistance and/or accommodation.

Article 15 of the Directive

Based on Paragraph 24 Part 1 Article 7 of the Immigration Law, if a family member has continuously had a temporary residence permit in the Republic of Latvia for at least five years he/she has the right to apply for a permanent residence permit.

Article 16 of the Directive

In accordance with Paragraph 34 Part 1 Articles 2, 13 and 15 of the Immigration Law, issuance and/or registration of a residence permit is denied if:

- ✓ a foreign national has provided false information;
- ✓ there is reason to believe that the foreign national's marriage is fictitious and contracted for the sole purpose of receiving a residence permit in the Republic of Latvia;
- ✓ there is reason to believe that adoption is fictitious and contracted for the sole purpose of receiving a residence permit in the Republic of Latvia.

In accordance with Paragraph 35 Part 1 Articles 1 and 6 of the Immigration Law, a temporary residence permit is annulled if:

- ✓ a foreign national has provided false information;
- ✓ there is reason to believe that the foreign national's marriage is fictitious and contracted for the sole purpose of receiving a residence permit in the Republic of Latvia.

In accordance with Paragraph 36 Part 1 Articles 1 and 6 of the Immigration Law, a permanent residence permit is annulled if:

- ✓ a foreign national has provided false information;
- ✓ there is reason to believe that adoption is fictitious and contracted for the sole purpose of receiving a residence permit in the Republic of Latvia.

Article 17 of the Directive

The Republic of Latvia has no normative acts regarding the nature and solidity of the person's family relationships, the duration of his/her residence in the Member State, or the existence of family, cultural and social ties with his/her country of origin. Every case is examined separately.

Article 18 of the Directive

In accordance with Paragraph 76 Part 1 of the Law on Administrative Processes and Paragraph 40 of the Immigration law, an appeal regarding the decision to deny issuance of, or to annul, a residence permit can be submitted to the Head of the Office of Citizenship and Migration Affairs within 30 days since the decision takes force.

The decision of the Head of the Office of Citizenship and Migration Affairs to deny or annul a residence permit, in turn, can be appealed in court as prescribed by law.

d) Applications to Certain Groups

Paragraph 2 Article 3 of the Directive states the categories of individuals the Directive is not applied to. The Directive shall not apply where the sponsor is:

- a) applying for recognition of refugee status whose application has not yet given rise to a final decision;
- b) authorised to reside in a Member State on the basis of temporary protection or applying for authorisation to reside on that basis and awaiting a decision on his status;
- c) authorised to reside in a Member State on the basis of a subsidiary form of protection in accordance with international obligations, national legislation or the practice of the Member States or applying for authorisation to reside on that basis and awaiting a decision on his status.

However, in accordance with the definition of family members cited in the Directive, even the family members of the above-noted sponsors have the right to reunite with their sponsor. Therefore, an examination of relevant national normative acts follows.

If the sponsor has applied for a refugee status but the final decision has not yet been reached (Paragraph 2(a) Article 3 of the Directive), a decision on family reunification will be made after the final decision to grant or deny a refugee status to the sponsor is available.

If the sponsor is authorized to reside in a Member State on the basis of temporary protection, his/her rights are granted by the Council Directive

2001/55/EC²⁹ of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. No specific procedure has been established for these individuals with respect to family reunification in the Republic of Latvia.

If the sponsor is authorised to reside in a Member State on the basis of a subsidiary form of protection in accordance with international obligations, national legislation or the practice of the Member States, in accordance with Paragraph 40 of the Asylum Law, he/she has the right to reunite with his/her family in the manner established by the Immigration Law.

If the sponsor has applied for a residence permit on the basis of temporary protection or a subsidiary form of protection in accordance with international obligations and awaits a decision on status, a decision on family reunification will be made after the final decision to grant the status to the sponsor is available.

The Cabinet of Ministers Regulations No. 586 of 18 July 2006 "Protocol for Entry and Residence in the Republic of Latvia of Citizens of Member States of the European Union and European Economic Area, and of Confederation of Switzerland, and their Family Members" establish the procedure for entry and residence in the Republic of Latvia of citizens of Member States of the European Union and European Economic Area, and of Confederation of Switzerland, and their family members. The regulations contain the legal norms set by Directive 96/71/EC³⁰ of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, and Directive 2004/38/EC³¹ 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

²⁹ Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof, *Oficiālais Vēstnesis* (Official Herald), L 212, 07 August 2001, pp. 12 – 23

³⁰ Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services, *Oficiālais Vēstnesis* (Official Herald), L 018, 21 January 1997, pp. 1-6

³¹ 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 (the document pertains to EEA), *Oficiālais Vēstnesis* (Official Herald), L 158, 30 April 2004, pp. 77–123

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 (the document pertains to EEA).

The main differences in regulating entry to the Republic of Latvia of family members of third country nationals and those of citizens of Member States of the European Union and European Economic Area, and of Confederation of Switzerland (hereinafter – family members of Union citizens) are as follows:

- ❖ Family members of Union citizens submit their applications for registration certificate or a residence permit in the Republic of Latvia on the territory of the Republic of Latvia and not at a Diplomatic or Consular Mission of the Republic of Latvia.
- ❖ Family members of Union citizens are not required to provide a radiologist's report on the results of an x-ray or fluoroscopic examination, a certificate on criminal record issued by a competent authority of the country of nationality or the country of permanent residence if a foreign national had resided there for longer than 12 months, a document verifying that the applicant has sufficient financial means, or a document verifying the anticipated place of residence in the Republic of Latvia and the right to live there.

In accordance with Paragraph 30 of the Cabinet of Ministers Regulations No. 586 of 18 July 2006 “Protocol for Entry and Residence in the Republic of Latvia of Citizens of Member States of the European Union and European Economic Area, and of Confederation of Switzerland, and their Family Members”, to apply for a registration certificate or a permanent residence permit for a family member who is or is not a Union citizen, the respective family member presents a valid travel document and submits the following:

- ❖ A residence permit application form established in normative documents.
- ❖ A copy of a document verifying the fact of marriage or relationship.
- ❖ A confirmation that the family member of a Union citizen has a valid European Health Insurance card; a notice issued by a Member State of the European Union of European Economic Area that the individual is entitled to receive medical care as provided by national health services in the Republic of Latvia; or a valid health insurance policy and sufficient financial means in order not to burden the social assistance system (third country nationals provide this document when the stay of a citizen of the European Union in the Republic of Latvia is not connected to employment).

- ❖ A document confirming the fact of joint ownership or the fact that the individual is supported by a Union citizen or his/her spouse, if the application for a residence permit is for the individual who is being supported.
- ❖ A notarized consent, or permission signed in the presence of an official of the Office of Citizenship and Migration Affairs or a Diplomatic and Consular Mission of the Republic of Latvia by either both parents or by a guardian allowing the child to leave for the Republic of Latvia, if the application for a registration certificate or a residence permit is for an under-age child. If the child will reside in the Republic of Latvia with only one of the parents, the permission is required from the other parent. If the child's legal guardian travels with the child and there are no restrictions in place with respect to changing the place of residence without the consent from the other parent, a court decision or a decision from other competent authority or official is to be provided.

2.2. Development of Family Reunification Policy between 2002 and 2006

In order to introduce the norms established by Council Directive 2003/86/EC into national legislation, the Cabinet of Ministers Regulations No. 652 "Procedure for Family Reunification in the Republic of Latvia for a Refugee and for an Individual having been granted an Alternative Status" were passed on 30 August 2005, amendments to the Immigration Law were passed on 24 November 2005, and a draft "Law on Asylum in the Republic of Latvia" has been devised that was presented at the meeting of state secretaries on 14 September 2006 and has been passed on to respective ministries and organizations for harmonizing.

During 2002-2006 no major political or public discussions on the family reunification policy or the content of the Directive and implementation of its norms into the national legislation took place.

No modifications to the family reunification policy in the Republic of Latvia are anticipated in the near future.

3. NUMBER AND COMPOSITION OF FAMILY MEMBERS

On 1 January 2006 foreign nationals (including citizens of the European Union) numbered approximately 38,000 or 1.6%³² of the total population in Latvia. Compared to other European Union countries where foreign nationals constitute a much higher percentage of the total population (approximately 5%), the number of foreigners in Latvia is quite small.

From 2002 to 2006 Latvia issued a total of **26,370** first, repeat or renewed temporary residence permits and a total of **15,722** first, repeat or renewed permanent residence permits (see Tables 3.1 and 3.2). These numbers do not include residence permits issued due to replacement of documents or at registration.

Table 3.1
Temporary Residence Permits Issued, 2002 – 2006³³

Year	First	Repeat	Renewed	Total
2002	2,171	2,174	225	4,570
2003	2,444	2,399	399	5,242
2004	2,061	2,768	687	5,516
2005	2,396	2,301	546	5,243
2006	2,928	2,342	529	5,799
Total	12,000	11,984	2,386	26,370

First and repeat temporary residence permits constitute equal portions (45%) of the total number of temporary residence permit issued.

Table 3.2
Permanent Residence Permits Issued, 2002 – 2006³⁴

Year	First	Repeat	Renewed	Total
2002	1,258	757	15	2,030
2003	1,413	729	32	2,174
2004	1,914	897	80	2,891
2005	3,317	769	35	4,121
2006	3,238	1,228	40	4,506
Total	11,140	4,380	202	15,722

Permanent residence permits issued for the first time constitute 70% of the total number of permanent residence permits.

Statistics show that the number of residence permits issued grows at a constant rate without big jumps. The growth in the number of residence permits might

³² Data provided by the Central Statistic Bureau

³³ Data provided by the Office of Citizenship and Migration Affairs

³⁴ Data provided by the Office of Citizenship and Migration Affairs

be explained by a liberal migration policy that makes the country accessible to foreign nationals.

The largest number of temporary residence permits due to family reunification in 2002-2006 were issued to spouses of citizens and non-citizens of Latvia (46.6% and 22% respectively) (see Table 3.3).

Table 3.3
Temporary Residence Permits Issued in 2002 – 2006
Due to Family Reunification³⁵

Reason for Residence	2002	2003	2004	2005	2006	Total
Spouse of a citizen of Latvia	750	798	1,421	1,407	2,087	6,463
Spouse of a non-citizen of Latvia	446	381	698	655	858	3,038
Under-age children or children under custody of a spouse of a citizen of Latvia	83	69	120	88	159	519
Under-age children or children under custody of a spouse of a non-citizen of Latvia	...	15	65	62	52	194
Spouse of a foreign national	46	41	66	67	111	331
Under-age children or children under custody of a spouse of a foreign national	5	2	3	5	15	30
Parents and spouses of parents of a citizen of Latvia	...	101	229	203	391	924
Parents and spouses of parents of a non-citizen of Latvia	...	316	582	320	658	1,876
Spouse and children of a foreign national whose parent is a citizen of Latvia	...	30	98	121	179	428
Foreign national under custody or guardianship	...	...	11	19	26	56
Total	1,330	1,753	3,293	2,947	4,536	13,859

... incomplete or unreliable data

The above table includes the temporary residence permits issued due to replacement of documents or at registration.

Similarly, the largest number of permanent residence permits due to family reunification in 2002-2006 were issued to spouses of citizens and non-citizens of Latvia (46% un 22% respectively) (see Table 3.4).

³⁵ Data provided by the Office of Citizenship and Migration Affairs

Table 3.4
Temporary Residence Permits Issued in 2002 – 2006
Due to Family Reunification³⁶

Reason for Residence	2002	2003	2004	2005	2006	Total
Spouse of a citizen of Latvia	377	377	988	761	840	3,343
Spouse of a non-citizen of Latvia	259	254	381	305	418	1,617
Under-age children or children under custody of a spouse of a citizen of Latvia	28	24	63	58	63	236
Under-age children or children under custody of a spouse of a non-citizen of Latvia	8	12	31	31	45	127
Child of a citizen of Latvia who is a foreign national	71	56	88	105	163	483
Child of a non-citizen of Latvia who is a foreign national	100	52	186	252	288	878
Child of a foreign national who is also a foreign national	61	29	72	71	118	351
Spouse of a foreign national	14	17	36	31	33	131
Under-age children or children under custody of a spouse of a foreign national	1	...	2	5	4	12
Parents and spouses of parents of a citizen of Latvia	...	1	1	...	...	2
Parents and spouses of parents of a non-citizen of Latvia	...	...	...	...	...	...
Spouse and children of a foreign national whose parent is a citizen of Latvia	...	...	...	...	...	...
Total	919	822	1,848	1,619	1,972	7,180

... incomplete or unreliable data

The above table includes the permanent residence permits issued due to replacement of documents or at registration.

By citizenship, the most temporary residence permits in Latvia in 2002-2006 due to family reunification were issued to citizens of Russia (48.8%), Ukraine (15.2%), Belarus (10.5%) and Lithuania (5.04%). Citizens of other countries do not reach the threshold of 5% (see Table 3.5).

³⁶ Data provided by the Office of Citizenship and Migration Affairs

Table 3.5
Temporary Residence Permits Issued
Due to Family Reunification,
By Citizenship, 2002 – 2006³⁷

Citizenship	2002	2003	2004	2005	2006	Total
Russia	574	752	1,648	1,476	2,318	6,768
Ukraine	167	276	480	420	768	2,111
Belarus	125	171	306	319	536	1,457
Lithuania	113	169	234	136	47	699
Israel	15	31	69	73	125	313
Armenia	38	30	58	79	92	297
Azerbaijan	26	23	44	39	67	199
USA	27	28	27	30	71	183
Moldova	6	11	34	41	51	143
Kazakhstan	9	15	29	22	48	123
Other	230	247	364	312	413	1,566
Total	1,330	1,753	3,293	2,947	4,536	13,859

By citizenship, the most permanent residence permits in Latvia in 2002-2006 due to family reunification were issued to citizens of Russia (58.3%), Ukraine (12.4%), Belarus (7.9%) and Lithuania (5.3%). Citizens of other countries do not reach the threshold of 5% (see Table 3.6).

Table 3.6
Permanent Residence Permits Issued
Due to Family Reunification,
By Citizenship, 2002 – 2006³⁸

Citizenship	2002	2003	2004	2005	2006	Total
Russia	498	434	1,195	976	1,085	4,188
Ukraine	130	121	168	188	286	893
Belarus	77	64	125	118	183	567
Lithuania	47	38	95	106	97	383
Armenia	30	11	20	33	31	125
USA	18	11	18	18	44	109
Azerbaijan	8	16	17	18	20	79
Israel	5	10	19	11	16	61
Kazakhstan	6	8	8	14	9	45
Moldova	5	5	7	11	16	44
Other	95	104	176	126	185	686
Total	919	822	1,848	1,619	1,972	7,180

Valid temporary residence permits in Latvia on 1 January 2005, 1 January 2006 and 15 January 2007 were held by a total of 25,088 individuals, of which 10,497 (41.8%) were females and 14,951 (58.2%) were males (see Table 3.7).

³⁷ Data provided by the Office of Citizenship and Migration Affairs

³⁸ Data provided by the Office of Citizenship and Migration Affairs

Table 3.7
Number of Valid Temporary Residence Permits
Held at the Beginning of Year (01 Jan 2005 – 15 Jan 2007)³⁹

	01 Jan 2005		01 Jan 2006		15 Jan 2007	
	Females	Males	Females	Males	Females	Males
	3,160	4,269	3,310	4,693	4,027	5,629
Total	7,429		8,003		9,656	

Valid permanent residence permits in Latvia on 1 January 2005, 1 January 2006 and 15 January 2007 were held by a total of 87,283 individuals, of which 41,171 (47.2%) were females and 46,112 (52.8%) were males (see Table 3.8).

Table 3.8
Number of Valid Permanent Residence Permits
Held at the Beginning of Year (01 Jan 2005 – 15 Jan 2007)⁴⁰

	01 Jan 2005		01 Jan 2006		15 Jan 2007	
	Females	Males	Females	Females	Males	Females
	12,279	14,697	13,902	15,585	14,990	15,830
Total	26,976		29,487		30,820	

The most of all temporary residence permits issued due to family reunification were held on 1 January 2005, 1 January 2006 and 15 January 2007 by spouses of citizens and non-citizens of Latvia (48% and 22% respectively) (see Table 3.9).

Table 3.9
Number of Valid Temporary Residence Permits
Due to Family Reunification
Held at the Beginning of Year (01 Jan 2005 – 15 Jan 2007)⁴¹

Reason for Residence	01 Jan 2005	01 Jan 2006	15 Jan 2007	Total
Spouse of a citizen of Latvia	1,802	1,983	2,275	6,060
Spouse of a non-citizen of Latvia	1,054	929	844	2,827
Under-age children or children under custody of a spouse of a citizen of Latvia	151	128	149	428
Under-age children or children under custody of a spouse of a non-citizen of Latvia	50	62	46	158
Souse of a foreign national	92	101	117	310
Under-age children or children under custody of a spouse of a foreign national	6	6	12	24
Parents and spouses of parents of a citizen of Latvia	201	271	361	833

³⁹ Data provided by the Office of Citizenship and Migration Affairs

⁴⁰ Data provided by the Office of Citizenship and Migration Affairs

⁴¹ Data provided by the Office of Citizenship and Migration Affairs

Parents and spouses of parents of a non-citizen of Latvia	496	519	599	1,614
Spouse and children of a foreign national whose parent is a citizen of Latvia	75	120	157	352
Foreign national under custody or guardianship	18	22	26	66
Total	3,945	4,141	4,586	12,672

The most of all permanent residence permits issued due to family reunification were also held on 1 January 2005, 1 January 2006 and 15 January 2007 by spouses of citizens and non-citizens of Latvia (48% un 20% respectively) (see Table 3.10).

Table 3.10
Number of Valid Permanent Residence Permits
Due to Family Reunification
Held at the Beginning of Year (01 Jan 2005 – 15 Jan 2007)⁴²

Reason for Residence	01 Jan 2005	01 Jan 2006	15 Jan 2007	Total
Spouse of a citizen of Latvia	2,959	3,138	3,071	9,168
Spouse of a non-citizen of Latvia	1,228	1,300	1,334	3,862
Under-age children or children under custody of a spouse of a citizen of Latvia	174	203	204	581
Under-age children or children under custody of a spouse of a non-citizen of Latvia	127	137	133	397
Child of a citizen of Latvia who is a foreign national	380	431	488	1,299
Child of a non-citizen of Latvia who is a foreign national	766	863	900	2,529
Child of a foreign national who is also a foreign national	273	287	315	875
Spouse of a foreign national	99	105	106	310
Under-age children or children under custody of a spouse of a foreign national	28	26	13	67
Parents and spouses of parents of a citizen of Latvia	2	2	3	7
Parents and spouses of parents of a non-citizen of Latvia	0	0	0	0
Spouse and children of a foreign national whose parent is a citizen of Latvia	0	0	1	1
Total	6,036	6,492	6,568	19,096

By gender, valid temporary residence permits due to family reunification in Latvia on 1 January 2005, 1 January 2006 and 15 January 2007 were held by 6,434 (50.8%) females and 6,238 (49.2%) males (see Table 3.11).

⁴² Data provided by the Office of Citizenship and Migration Affairs

Table 3.11
Number of Valid Temporary Residence Permits,
By Gender⁴³

Reason for Residence	01 Jan 2005		01 Jan 2006		15 Jan 2007		Total	
	F	M	F	M	F	M	F	M
Spouse of a citizen of Latvia	711	1,091	757	1,226	865	1,410	2,333	3,727
Spouse of a non-citizen of Latvia	522	532	461	468	413	431	1,396	1,431
Under-age children or children under custody of a spouse of a citizen of Latvia	60	91	55	73	68	81	183	245
Under-age children or children under custody of a spouse of a non-citizen of Latvia	26	24	31	31	22	24	79	79
Spouse of a foreign national	57	35	60	41	67	50	184	126
Under-age children or children under custody of a spouse of a foreign national	2	4	3	3	6	6	11	13
Parents and spouses of parents of a citizen of Latvia	156	45	215	56	290	71	661	172
Parents and spouses of parents of a non-citizen of Latvia	421	75	444	75	528	71	1393	221
Spouse and children of a foreign national whose parent is a citizen of Latvia	34	41	60	60	76	81	170	182
Foreign national under custody or guardianship	5	13	6	16	13	13	24	42
Total	1,994	1,951	2,092	2,049	2,348	2,238	6,434	6,238
	3,945		4,141		4,586		12,672	

Valid permanent residence permits due to family reunification in Latvia on 1 January 2005, 1 January 2006 and 15 January 2007 were held by 19,096 foreign nationals, of which 8,511 (44.6%) were females and 10,585 (55.4%) were males (see Table 3.12).

⁴³ Data provided by the Office of Citizenship and Migration Affairs

Table 3.12
Number of Valid Permanent Residence Permits,
By Gender⁴⁴

Reason for Residence	01 Jan 2005		01 Jan 2006		15 Jan 2007		Total	
	F	M	F	M	F	M	F	M
Spouse of a citizen of Latvia	1,165	1,794	1,259	1,879	1,243	1,828	3,667	5,501
Spouse of a non-citizen of Latvia	583	645	633	667	665	669	1,881	1,981
Under-age children or children under custody of a spouse of a citizen of Latvia	99	75	109	94	107	97	315	266
Under-age children or children under custody of a spouse of a non-citizen of Latvia	64	63	66	71	63	70	193	204
Child of a citizen of Latvia who is a foreign national	193	187	212	219	241	247	646	653
Child of a non-citizen of Latvia who is a foreign national	359	407	404	459	416	484	1,179	13,50
Child of a foreign national who is also a foreign national	123	150	130	157	147	168	400	475
Spouse of a foreign national	60	39	66	39	67	39	193	117
Under-age children or children under custody of a spouse of a foreign national	13	15	11	15	6	7	30	37
Parents and spouses of parents of a citizen of Latvia	2	0	2	0	2	1	6	1
Parents and spouses of parents of a non-citizen of Latvia	0	0	0	0	0	0	0	0
Spouse and children of a foreign national whose parent is a citizen of Latvia	0	0	0	0	1	0	1	0
Total	2,661	3,375	2,892	3,600	2,958	3,610	8,511	10,585
	6,036		6,492		6,568		19,096	

By citizenship, valid temporary residence permits due to family reunification in Latvia on 1 January 2005, 1 January 2006 and 15 January 2007 were held mostly by

⁴⁴ Data provided by the Office of Citizenship and Migration Affairs

citizens of Russia (58.3%), Ukraine (12.4%), Belarus (7.9%) and Lithuania (5.3%). Citizens of other countries do not reach the threshold of 5% (see Table 3.13).

Table 3.13
Number of Valid Temporary Residence Permits,
By Citizenship (Top 10)⁴⁵

Citizenship	01 Jan 2005	01 Jan 2006	15 Jan 2007	Total
Russian	1,845	1,888	2,043	5,776
Ukraine	603	636	711	1,950
Belarus	402	434	489	1,325
Lithuania	274	288	315	877
Armenia	101	96	80	277
Israel	74	82	100	256
Azerbaijan	58	58	59	175
USA	46	49	67	162
Moldova	35	41	47	123
Kazakhstan	35	40	45	120
Other	472	529	630	1,631
Total	3,945	4,141	4,586	12,672

Similarly, valid permanent residence permits due to family reunification in Latvia on 1 January 2005, 1 January 2006 and 15 January 2007 were held mostly by citizens of Russia (58.4%), Ukraine (12.5%), Belarus (7.8%) and Lithuania (5.3%). Citizens of other countries do not reach the threshold of 5% (see Table 3.14).

Table 3.14
Number of Valid Permanent Residence Permits,
By Citizenship (Top 10)⁴⁶

Citizenship	01 Jan 2005	01 Jan 2006	15 Jan 2007	Total
Russian	3,561	3,807	3,790	11,158
Ukraine	763	821	811	2,395
Belarus	475	508	515	1,498
Lithuania	314	342	362	1,018
Armenia	94	110	119	323
USA	91	93	103	287
Azerbaijan	65	67	66	198
Israel	49	55	60	164
Moldova	43	47	45	135
Kazakhstan	34	41	42	117
Other	547	601	655	1,803
Total	6,036	6,492	6,568	19,096

Analysis of statistic data shows that the largest number of immigrants continue to come from the neighbouring countries, Russia, Ukraine, Belarus, and Lithuania.

⁴⁵ Data provided by the Office of Citizenship and Migration Affairs

⁴⁶ Data provided by the Office of Citizenship and Migration Affairs

The number of immigrants does not change significantly. Besides, 60% of all foreign nationals living in Latvia have acquired the citizenship of another country while residing in Latvia; thus becoming foreign nationals in their country of residence.

CONCLUSIONS

- ❖ The Republic of Latvia has successfully introduced the norms established by the Directive into the national legislation.
- ❖ The family reunification policy in Latvia is favourable. With the new Immigration Law coming into force on 1 May 2003, the norms of the Directive were incorporated at once, thus eliminating a transition period.
- ❖ Most of the optional clauses of the Directive are incorporated into practice in the Republic of Latvia.
- ❖ Legislation of the Republic of Latvia does not establish strict integration criteria for foreign national wishing to reunite with their families.
- ❖ Most of the individuals referred to in the Directive can enter and reside in the Republic of Latvia with the exception of unmarried partners of sponsors and individuals bound to the sponsor by a registered partnership.
- ❖ Family members of a sponsor can enter and stay in the Republic of Latvia at the same time as the sponsor.
- ❖ No special entry and residence conditions exist for family members of a sponsor belonging to a specific category (for example, economic immigrant, highly qualified specialist).
- ❖ No significant political or public discussions regarding family reunification, or the content and implementation of the Directive into national legislation have taken place in the Republic of Latvia.

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