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Seeking Asylum in Latvia

Guide for asylum-seekers

This guide gives you information on:

- How to apply for asylum
- What happens during the asylum procedure
- Where you can go for help

**Every foreigner has the right to seek asylum in Latvia.
If you fear you will face persecution, torture or other
serious human rights violations in your home country,
you have the right to apply for asylum here.**

Basic information on Latvia

The Republic of Latvia is a country situated in Eastern Europe, with a population of 2.2 million people. The official language is Latvian. Russian is also widely used and many people speak English and German. Latvia is a democratic, parliamentary republic, which in 2004 joined the European Union (EU)¹.

Who has the right to asylum in Latvia?

Latvia is party to the 1951 Convention relating to the Status of Refugees which defines who qualifies as a refugee. It also defines the rights and obligations of refugees.

You can get asylum in the Republic of Latvia if you risk serious violations of human rights and freedoms in your home country for reasons of your:

- Race
- Religion
- Nationality
- Membership of a particular social group
- Political views

If such circumstances are found in your case and you are not able to get protection from your state you will be granted *refugee status* in Latvia and a permanent residence permit.

You can also be granted asylum in Latvia if your life, physical integrity or freedom will be in danger if you return to your home country because of:

- Generalized violence
- Foreign aggression
- Internal armed conflicts
- Massive violations of human rights

If such circumstances are found in your case, you will be granted an *alternative status* and a temporary residence permit, which will be reviewed every year.

In short, you can apply for asylum if you fear you would be harmed if you return to your home country and that you would not be able to obtain protection from your state.

¹ The member states of the EU: Austria, Belgium, Bulgaria, Cyprus, the Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italia, Latvia, Lithuania, Luxembourg, Malta, Netherlands, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden and the United Kingdom.

What does it mean to apply for asylum?

By submitting an application for asylum, you are asking the Government of Latvia to protect you from being sent back to your home country. You are also asking for the right to remain in Latvia as a refugee.

Where do I submit my application?

You apply for asylum by submitting an asylum application to the State Border Guard (hereafter written also SBG). You can do this:

- At the border-crossing point before entering Latvia, or
- At any of the State Border Guard territorial units, if you are already in Latvia

You can apply for asylum even if you entered Latvia illegally (with falsified documents or without a passport/visa). If you enter Latvia illegally it is important that you immediately contact the State Border Guard or the Police and tell them you wish to apply for asylum and that your documents are falsified.

How do I submit my asylum application?

Submitting the application

The asylum application shall be in writing and include your name, date, reasons for applying for asylum and your signature and must be submitted **in person** to the SBG as soon as you arrive in Latvia. In case you already live in Latvia, you need to submit the application when you find out that your home country is not safe to return to. You will also have to give a reasonable explanation for why you have not asked for asylum earlier.

If you have difficulties to write, the SBG will help you fill in the application. If you are an unaccompanied child (minor), you should submit your asylum application in the same way as described above.

Unaccompanied minors in asylum proceedings

An unaccompanied minor is a person below 18 years (a minor) who has entered Latvia without an adult (who bears responsibility for the minor). An unaccompanied minor could also be a person below 18 who remained without adult supervision after having arrived in Latvia. If you are an unaccompanied minor, you are represented by the Orphan's (child custody) Court and/or their authorized representative or by the Director of the Children's Care Centre during the asylum proceedings.

Language

You can write your application in a language you understand. However, it is easier for the SBG to understand your application immediately if you submit it in one of these languages: Latvian, English, Russian or French.

Documentation

For the purposes of identification, the SBG will take your photograph and fingerprints. The SBG will also make a record of your travel route. You must hand over all the documents in your possession which can prove your identity and nationality. You also have to give details about your travel route, any stay in other countries and the reasons why you wish to seek asylum. **Do not destroy your personal documents!** This may have a negative impact on your asylum application. It is also your duty to tell the truth and to cooperate in good faith with the SBG and other institutions involved in the asylum procedure.

Asylum-seeker's identity card

After you submit your asylum application, you will receive an asylum-seeker's identity document **within three days**. The identity document is valid for the time period during which your application is being examined. This identity document gives you the right to stay in Latvia, including in the asylum-seekers' reception centre.

What if I have been to another EU country before coming to Latvia?

In the EU countries as well as in Norway, Iceland, Switzerland and Liechtenstein, there are rules about which country is responsible for examining an asylum application. These rules are called the Dublin Regulation. You can only apply for asylum in one of these countries (a so called *Dublin country*). Only one country should consider the asylum application.

If, before coming to Latvia, you have been to another country that has signed the Dublin Regulation, your asylum application should be examined by the Dublin country you first arrived in. Latvia could request the country where you have been to accept you back and to examine your application for asylum.

Such a request may be sent in the following situations:

- Your fingerprints were taken in another Dublin country (and stored in a common database called EURODAC)
- If you have a residence document or visa issued by another Dublin country

- If you first entered another Dublin country before your arrival to Latvia (irrespective of whether you did it legally or irregularly)
- If you are an unaccompanied minor and a member of your family lives in another Dublin country
- If you have a family member, who lives in another Dublin country as a refugee
- If you have a family member, who applied for asylum in another Dublin country

What happens if another Dublin country is to consider my asylum application?

If a request is made for another Dublin country to consider your asylum application, there are two options:

- 1) The other Dublin country will agree to examine your application. If so, you will be sent to that country and your asylum procedure will continue there.
- 2) The other Dublin country will not agree to examine your application. If so, you will be allowed to stay in Latvia and your application for asylum will be examined here.

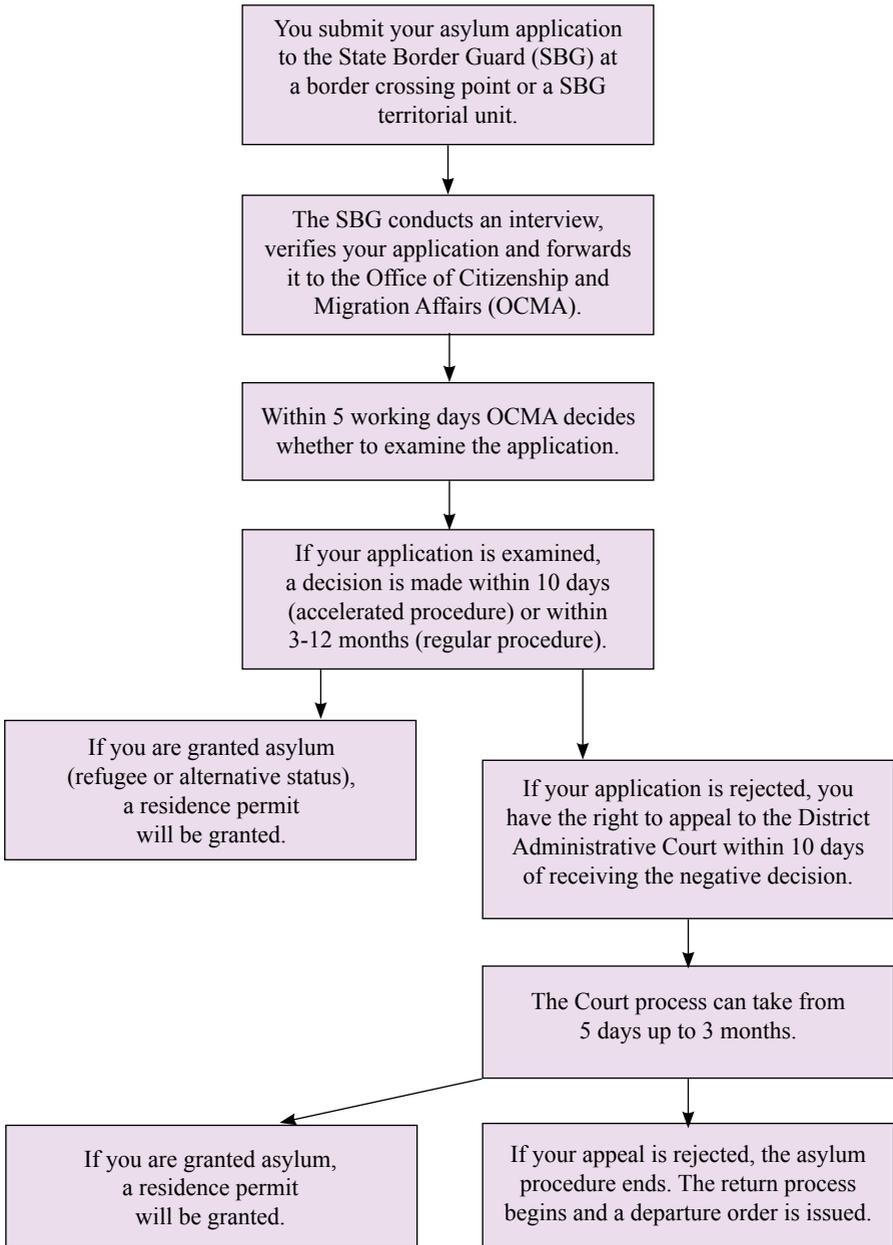
The decision on which country is responsible for your application in Latvia is made by the Asylum Affairs Division of the Office of Citizenship and Migration Affairs (hereafter written OCMA).

Latvian law states that you should be informed if the Dublin Regulation applies in your case. You should receive information about this in writing and in a language you understand. You will also be informed about the waiting time and replies received from another Dublin country concerning your application for asylum.

If you disagree with this decision, you can first appeal to the Head of the OCMA. If you disagree with the decision of the Head of the OCMA, you may appeal to the District Administrative Court. Please note that your appeal to the Court will not postpone your transfer to another Dublin country. However, in your complaint to the Court, you can request to suspend your transfer until a final decision is made by the judge.

How will my asylum application be processed in Latvia?

Your asylum application will go through the following steps:



The interview – an important part of the asylum application procedure

Why do I have to be interviewed?

The interview by the SBG is your opportunity to tell the Latvian authorities why you have left your home country and applied for asylum in Latvia. The interview plays a very important role in the application for asylum. During the interview you must explain all the reasons for requesting asylum. You will need to provide a detailed and well-grounded explanation of all relevant factors related to why you fled your home country. This includes, for example, details of addresses where you have stayed before coming to Latvia, what you experienced in your home country before you fled, dates, names of relatives and persons you fear etc.

Who will conduct the interview?

The interview is conducted by a representative of the SBG and, if required, with the participation of an interpreter. **The interview is confidential.** This means that the information you give in the interview will not be shared with anyone outside the institutions involved in the asylum procedure, unless you give your consent in writing.

What kind of information should I provide in the interview?

It is important to keep in mind that information, which might initially seem unimportant, may later be of critical importance to your application. During the interview it is important to tell the truth and to provide all evidence, documents and attestations etc. in support of the application. If only copies of documents are submitted during the interview, you must make every attempt to obtain the originals. These documents should then be submitted to the OCMA, which decides on the granting of refugee or alternative status. Not submitting original documents might have a negative influence on your application.

Can I speak my own language?

You may request an interpreter to be present during the interview. If you feel that the interpreter does not fully understand your statements, or that he or she is attempting to influence the content of the discussion, you have the right to reject the use of that interpreter. This can be done by, for example, asking the SBG official who is present at the interview, to change the interpreter. The interview may be recorded using sound and/or video recording, and if so, you should be informed about this before the interview.

Can I obtain transcripts of the interview?

After the formal interview, you have the right to request a transcript of the interview. Before signing the record of the interview **it is important to carefully review the transcript**, if needed with the assistance of the interpreter/translator. Each and every recorded contradiction of fact or misunderstanding may have a negative impact on your application for asylum.

Can I work while my asylum application is being processed?

If examination of your asylum application lasts longer than 12 months, you may work while staying as an asylum-seeker in Latvia.

What could be the reasons for not examining my asylum application in substance?

Your asylum application will not be examined in substance if:

- a) You have already received asylum in another EU member state
- b) You have already received asylum in a state which is not part of the EU and which is considered safe for you to return to
- c) You have, on your way to Latvia, temporarily stayed in a non-EU country in which you could have applied for and been granted asylum, or
- d) You have submitted a new application for asylum in Latvia after your initial application was rejected, and your new application does not contain any significant new information.

What happens if my application is rejected?

If your application has been rejected, the return process begins. You will be required to leave the European Union (not only Latvia but all the member states of the EU), preferably voluntarily. You may be able to return to your home country by taking part in the Voluntary Return Programme, explained in more detail below.

Can I apply for asylum several times in Latvia?

If your first application has been rejected by both the OCMA and the District Administrative Court, the asylum procedure ends. However, you have the right to submit a new application for asylum **if the conditions in your home country have changed significantly since you applied the first time.**

The OCMA will evaluate if the changes in circumstances are significant enough to consider your new asylum application.

If your new application is not accepted for further review, you may appeal this decision in the District Administrative Court. You will not be considered an asylum-seeker while an appeal with regard to a new application is being processed.

Am I entitled to a lawyer?

As an asylum-seeker, you are entitled to use the services of a lawyer at your own expense. Thus, it is important that you come to an agreement with a lawyer on legal costs in advance. It is also possible to request free-of-charge legal assistance from local non-governmental organizations (see list at the end of the brochure).

Free legal aid provided by the state is only available if your asylum application is rejected and you decide to appeal this decision. Information on how to apply for free legal aid provided by the state is included in the negative decision of the OCMA.

How will I understand everything?

- During your interview you have the right to give information and explanations in a language in which you are able to communicate.
- You have the right to receive information from the SBG and the OCMA on the application procedure and your rights and responsibilities, in a language you understand.
- The justification for a decision on the granting of asylum, or rejection and information on how to appeal a negative decision, must be translated to you in a language you understand. However, if you are represented by an authorized person or you receive free legal assistance, the OCMA may not necessarily be required to translate the decision.

Where will I be accommodated during the asylum procedure?

After you have submitted your asylum application you will most likely be transferred to the open reception centre for asylum-seekers – “Mucenieki” – near Riga, the capital of Latvia. At “Mucenieki” you will be provided with basic assistance. If you have other legal grounds to stay in Latvia, you may choose where you live.

Unaccompanied minors could be placed with a guardian appointed by the Orphan's Court (child custody court) or at a child care institution.

On what grounds and for how long can asylum-seekers be detained?

The SBG has the right to detain asylum-seekers for up to seven days under any of the following circumstances:

- The identity of the asylum-seeker has not been established
- There is a reason to believe that the asylum-seeker has dishonest intentions and will take advantage of the asylum application procedure, or
- There is a reason to believe that the asylum-seeker may be a threat to the national security or public order in the community

Asylum-seekers meeting one or several of these criteria may be detained in the SBG short-term detention facility or be transferred to the Accommodation Centre of Detained Foreigners "Daugavpils".

After seven days, the SBG may request the court to extend the period of detention. The court may extend the period of detention for up to two months or it may refuse an extension. The overall length of the detention cannot exceed the period during which the OCMA deals with the asylum application.

The SBG shall release a detained asylum-seeker if the original reasons for the detention are no longer applicable. Asylum-seekers who have been released from detention may then reside at the open reception centre for asylum-seekers, "Mucenieki".

How do I appeal against detention?

If you have been detained and a court has decided to extend the period of detention beyond the initial seven days, you may appeal this decision by the court within 48 hours of its coming into effect. The appeal must indicate the reason for disagreement with the judgment and what is being requested of the higher court. The appeal must be signed and delivered within 48 hours to the Daugavpils Court (see address at the end of this brochure).

The Court will forward the appeal to the Appeals Court (*Latgale Regional Court*). The Appeals Court may review the case in a written manner, which means that you would not be invited to an oral hearing before the Court.

What happens when a Departure Order has been issued?

If a final decision has been made and your application for asylum, in the form of refugee or alternative status in the Republic of Latvia, has been rejected, then a Departure Order is issued. This order provides a time period within which you must leave Latvia. Normally, the time period ranges between 7 to 30 days. You may leave Latvia earlier than the date stated in the Departure Order.

You may apply for an extension of the departure date for up to one year. The request shall be submitted to the official who issued the Departure Order. You will be informed about the results in writing.

If you have not left Latvia in accordance with the Departure Order, you can be detained and forcibly returned to your home country or country of permanent residence. In such a case, a Decision on Forcible Deportation is issued.

Can the Departure Order or Decision on Forcible Deportation be cancelled?

A Departure Order and/or a Decision on Forcible Deportation may be cancelled or postponed by the OCMA/SBG on humanitarian grounds.

A decision on Forcible Deportation may be cancelled and a Departure Order issued if a rejected asylum-seeker applies for the Voluntary Return Programme.

Voluntary Return Programme

The International Organization for Migration (IOM) can provide support to people who wish to return voluntarily to their home country. For example, IOM can assist with travel expenses. You will need to complete an application form which you can find at IOM's office (see contact details at end of the brochure).

Can I appeal the Departure Order or Decision on Forcible Deportation?

You have the right to appeal the Departure Order or the Decision on Forcible Deportation within seven days, starting from the day you receive the decision. An appeal shall be submitted to the Head of the OCMA or the SBG – depending on which institution issued the respective decision (see addresses at the end of this brochure).

The decision by the head of the OCMA or the SBG may be further appealed within seven days to the District Administrative Court (see the address at the end of this brochure). The Court shall make a decision in writing unless you have requested an oral hearing.

If you do not have enough money to pay for a lawyer, you are entitled to legal aid paid by the state at the appeals procedure to the Court.

If the District Administrative Court rejects your appeal, then the judgment can only be appealed if a legal error has been made in the judgment (cassation)². It can be appealed to the Supreme Court (see the address at the end of this brochure), which reviews the complaint in writing.

USEFUL ADDRESSES:

Governmental Institutions involved in asylum proceedings

State Border Guard, Central Board (SBG)

Iekšlietu ministrijas
Valsts robežsardze, Galvenā pārvalde
Rūdolfa iela 5, Rīga, LV-1012,
Tel.: +371 67075616, +371 67075718
www.rs.gov.lv

The Central Board of the Latvian State Border Guard oversees the work with asylum-seekers and regulates activities of the State Border Guard.

SBG Daugavpils Branch

Valsts robežsardzes
Daugavpils pārvalde
A.Pumpura iela 105 B, Daugavpils, LV-5404,
Tel.: +371 65431122, +371 65403720
Fax: +371 65403700
www.rs.gov.lv

Accepts asylum applications, identifies asylum-seekers, is responsible for the initial stages of the asylum procedure, including the interview and supervises matters concerning the detention of asylum-seekers.

² It means that court has breached the norms of substantive law or of procedural law or, in adjudicating the matter, has exceeded the limits of its competence.

SBG Ludza Branch

Valsts robežsardzes
Ludzas pārvalde
Liepājas iela 2b, Ludza, LV-5701
Tel.: +371 65703900
Fax: +371 65703910
www.rs.gov.lv

Accepts asylum applications, identifies asylum-seekers and is responsible for the initial stages of the asylum procedure, including the interview.

SBG Viļaka Branch

Valsts robežsardzes
Viļakas pārvalde
Garnizona iela 19, Viļaka, LV-4583
Tel.: +371 64501927
Fax: +371 64501920
www.rs.gov.lv

Accepts asylum applications, identifies asylum-seekers and is responsible for the initial stages of the asylum procedure, including the interview.

SBG Ventspils Branch

Valsts robežsardzes
Venstpils pārvalde
Talsu iela 112, Ventspils, LV-3602
Tel.: +371 63663279
Fax: +371 63663727
www.rs.gov.lv

Accepts asylum applications, identifies asylum-seekers and is responsible for the initial stages of the asylum procedure, including the interview.

SBG Riga Branch**Return and Asylum-Seekers' unit**

Valsts robežsardzes Rīgas pārvaldes
Atgriešanas un patvēruma meklētāju dienests
Rūdolfā iela 5, Rīga, LV-1012
Tel.: +371 67075785
Fax: +371 67075721
www.rs.gov.lv

Responsible for the facilitation of interviews with asylum-seekers, for the translation of documents and for forwarding case files to the Asylum Affairs Division of the OCMA.

Oversees matters concerning the voluntary return or forcible deportation of individuals whose asylum applications have been rejected.

Office of Citizenship and Migration Affairs (OCMA)

Asylum Affairs Division

Pilsonības un migrācijas lietu pārvalde

Patvēruma lietu nodaļa

Čiekurkalna 1.līnija 1, k-3, Rīga, LV-1026

Tel.: +371 67219413, +371 67219252, +371 67219498, +371 67219412

www.pmlp.gov.lv

The OCMA reviews asylum applications and grants or rejects refugee or alternative status.

The Head of the OCMA reviews all appeals concerning returns and denial of entry, and is authorized to halt or cancel the forcible deportation of individuals.

Appeals courts and institutions

District Administrative Court

Administratīvā rajona tiesa

Antonijas iela 6, Rīga, LV-1010

Tel.: +371 67077900; +371 67077902

Fax: +371 67077908

www.tiesas.lv

Reviews all appeals of decisions by the Asylum Affairs Division of the OCMA, and can decide on granting or rejecting refugee or alternative status upon appeal.

Daugavpils Court

Daugavpils tiesa

18.novembra iela 37,

Daugavpils, LV-5403

Tel.: +371 65407732

Fax: +371 65407757

www.tiesas.lv

Reviews all requests by the State Border Guard to extend the detention of asylum-seekers.

Latgale Regional Court

Latgales apgabaltiesa

Atbrīvošanas aleja 95,

Rēzekne, LV-4601

Tel.: +371 64623695

Fax: +371 64624033

www.tiesas.lv

Reviews all appeals concerning detention decisions of the Daugavpils Court.

Supreme Court of the Republic of Latvia

Augstākā tiesa

Brīvības bulvāris 36, Rīga, LV – 1511

Tel.: +371 67020350

Fax.: +371 67020351

www.at.gov.lv

Reviews appeals of Departure Orders or Decisions on Forcible Deportation if a legal error has been made in the judgment (cassation).

Office of the Ombudsman

Tiesībsarga birojs

Baznīcas iela 25, Rīga, LV-1010

Tel.: +371 67686768

www.tiesibsargs.lv

Reviews individual complaints, submissions, provides consultations on human rights issues and monitors forced deportation proceedings.

Free of charge legal aid

Legal Aid Administration

Juridiskās palīdzības administrācija

Brīvības gatve 214, Rīga, LV-1039

Tel.: +371 80001801

Fax: +371 67514209

www.jpa.gov.lv

Provides state legal aid to persons not able to afford legal aid at their own expense.

Latvian Centre for Human Rights

Latvijas Cilvēktiesību centrs

Alberta iela 13, Rīga, LV-1010

Tel.: +371 67039290, +371 67039338

Fax: +371 67039291

www.humanrights.org.lv

An independent non-governmental organization, which provides legal assistance for asylum-seekers and irregular immigrants in Latvia.

International Refugee Organization

United Nations High Commissioner for Refugees (UNHCR)

Regional Office for the Baltic and Nordic Countries

Ynglingagatan 14, 6th fl., SE-113 47, Stockholm, Sweden

Tel.: + 46 8 457 48 75

Fax: + 46 8 457 48 97

www.unhcr.fi

UNHCR is an international organization mandated by the United Nations to lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee problems. UNHCR's primary purpose is to safeguard the rights and well-being of refugees. UNHCR strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, and to return home voluntarily.

Accommodation for asylum-seekers

Asylum-seekers reception centre “Mucenieki”

Iekšlietu ministrijas Pilsonības un migrācijas lietu pārvaldes

Patvēruma meklētāju izmitināšanas centrs “Mucenieki”

Jaunceltne-2, Ropažu novads, LV-2137

Tel.: +371 67901125

www.pmlp.gov.lv

At this centre, asylum-seekers are provided with accommodation, psycho-social assistance, medical help and other support while their asylum applications are being examined.

Accommodation Centre of Detained Foreigners “Daugavpils”

Iekšlietu ministrijas Valsts robežsardzes Daugavpils pārvaldes

Aizturēto ārzemnieku izmitināšanas centrs

“Daugavpils” (AĀIC “Daugavpils”)

A.Pumpura iela 105 B, Daugavpils, LV-5417

Tel. (Phone on the ground floor): +371 65403720

This centre is responsible for the accommodation of detained asylum-seekers.

Support services

The Society Shelter “Safe House”

NVO “Patvērumš „Drošā māja””

Lāčplēša iela 29 – 3,

LV-1011, Rīga

Tel.: +371 67898343 (only Latvian-speaking)

+371 29152855 (also English speaking)

E-mail: drosa.maja@apollo.lv

www.patverums-dm.lv

The Society Shelter “Safe House” provides support services to victims of human trafficking, legal immigrants, asylum-seekers, refugees and persons granted alternative protection in Latvia.

Resource Center for Women “Marta”

Biedrība Resursu centrs sievietēm “Marta”

Brīvības iela 183/1 – 30

Rīga, LV-1012

Tel.: +371 67378539

Fax: +371 67378538

www.marta.lv

Provides women free of charge legal aid, psychological and social workers' support in Latvian, Russian and English.

Latvian Human Aid Centre

Latvijas Humānās palīdzības centrs

Laboratorijas iela 1, Rīga, LV-1009

Tel.: +371 67515109

www.lhpc.lv

Provides clothing.

Latvian Red Cross

Latvijas Sarkanais Krusts

Šarlotes iela 1 d, Rīga, LV-1001

Tel.: +371 67336651

Fax: +371 67336652

www.redcross.lv

Provides, amongst other things, counselling, information, support, clothing and shelter to people in need.

Voluntary Return

International Organization for Migration IOM

Starptautiskā migrācijas organizācija

UN House (ANO māja), Pils 21, Rīga, LV-1050, Latvia

Tel.: +371 67503626, +371 67503627

E-mails: imezs@iom.int; ggegere@iom.int.

www.iom.lv

IOM is an international organization which, amongst other things, assists individuals to voluntarily return to their home countries. IOM also provides assistance in the re-integration process.

