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30 September 2014 [shall come into force from 8 October 2014].

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

Republic of Latvia

Cabinet

Regulation No. 976

Adopted 24 September 2013

Procedures for the Recognition of a Child of Stateless Persons or Non-citizens who has been Born in Latvia after 21 August 1991 as a Latvian Citizen

*Issued pursuant to
Section 3.¹, Paragraph six of the Citizenship Law*

I. General Provisions

1. The Regulation prescribes the procedures, by which a child shall be recognised as a Latvian citizen in accordance with Section 3.¹, Paragraphs two, three and four of the Citizenship Law, as well as the procedures, by which it is recognised that a judgment of conviction has been adopted without complying with the principle of fair trial or of proportionality of the punishment.

2. An application for recognising a child as a Latvian citizen (hereinafter - application) shall be examined by the Office of Citizenship and Migration Affairs (hereinafter - Office).

3. The decision to recognise the child as a Latvian citizen shall be taken by the head of the Office or his or her authorised official.

II. Submission of an Application

4. In order to recognise a child who has not attained 15 years of age as a Latvian citizen in accordance with Section 3.¹, Paragraph two of the Citizenship Law, the legal representative of the child shall submit an application to the territorial division of the Office, presenting a personal identification document, and, if necessary, the document referred to in Paragraph 6 of this Regulation or submit an application to the Office electronically (Annex) in accordance with the procedures laid down in laws and regulations.

5. If a child in accordance with Section 3.¹, Paragraph three of the Citizenship Law after attaining 15 years of age wishes to be recognised as a Latvian citizen, he or she shall submit an application to the territorial division of the Office, presenting a personal identification document, a photograph (3 x 4 cm) and, if necessary, the document referred to in Paragraphs 6 and 7 of this Regulation.

6. If a child who has attained 15 years of age has been convicted of committing such a serious or especially serious criminal offence in another country, which may be classified as a serious or especially serious criminal offence also in Latvia, however, a competent international organisation or international court has recognised that the judgment has been adopted without complying with the principle of fair trial or of proportionality of the punishment, he

or she, upon submitting an application to the Office, shall present a corresponding adjudication of the international organisation or international court or information, which is accessible to the public and can be verified, that the judgment was rendered without complying with the principle of fair trial or of proportionality of the punishment.

III. Documents to be Appended to the Application

7. If one of the parents of the child has died abroad, the person referred to in Paragraphs 4 and 5 of this Regulation shall present a document regarding the fact of death of the parent or a court adjudication regarding declaring the parent presumed dead.

8. The person referred to in Paragraphs 4 and 5 of this Regulation, upon confirming the permanent place of residence in Latvia, shall submit one or, if necessary, several of the following documents to the Office:

8.1. a statement from the employer regarding employment;

8.2. a document regarding receipt of a benefit;

8.3. a statement from an educational institution;

8.4. a certification of an official of a local government that the person resides in the administrative territory of the respective local government;

8.5. documents proving that the person has conducted economic or financial activities in the territory of Latvia during the specific time period;

8.6. another document confirming the permanent place of residence of the person in Latvia.

9. The person shall submit the documents referred to in Sub-paragraphs 8.1, 8.2, 8.3, and 8.4 of this Regulation, if they are at his or her disposal.

10. A child who has attained 15 years of age shall present one of the documents referred to in Section 21, Paragraph two of the Citizenship Law.

11. If a child who has attained 15 years of age is to be exempted from testing the fluency in the Latvian language in accordance with Section 21, Paragraph one, Clause 1 of the Citizenship Law, he or she shall present a certificate of disability or a decision of the State Medical Commission for the Assessment of Health Condition and Working Ability to determine disability (if such are at his or her disposal).

12. If a child who has attained 15 years of age is to be exempted from testing the fluency in the Latvian language in accordance with Section 21, Paragraph one, Clause 2 of the Citizenship Law, he or she shall present a certificate of general basic education and a document confirming that he or she has acquired basic education in the Latvian language, acquiring more than half of the basic educational programme therein.

IV. Examination of the Application

13. If a child who has attained 15 years of age has not submitted any of the documents referred to in Paragraph 10, 11 or 12 of this Regulation, the Office shall send him or her for testing the fluency in the Latvian language provided for in the laws and regulation regarding acquisition of citizenship through naturalisation.

14. If the documents referred to in Sub-paragraph 8.1, 8.2, 8.3, 8.4 or Paragraph 11 of this Regulation have not been submitted, the Office shall request an opinion from the following institutions:

14.1. the local government and the State Education Quality Service - on whether the child who has not attained 15 years of age complies with the requirement referred to in Section 3.¹, Paragraph two, Clause 2 of the Citizenship Law;

14.2. the local government, the State Revenue Service, the State Social Insurance Agency or the local government social service office and the State Education Quality Service - on conformity of the person with the requirement referred to in Section 3.¹, Paragraph two, Clause 4 of the Citizenship Law or Section 3.¹, Paragraph three, Clause 2 of the Citizenship Law;

14.3. the State Medical Commission for the Assessment of Health Condition and Working Ability - on conformity of the person with the requirement referred to in Section 21, Paragraph one, Clause 1 of the Citizenship Law.

15. In order to ascertain whether a child who has attained 15 years of age complies with the conditions referred to in Section 3.¹, Paragraph three, Clauses 3 and 4 of the Citizenship Law, the Office shall request an opinion from the following institutions:

15.1. the Information Centre of the Ministry of the Interior - on conformity with the requirements referred to in Section 3.¹, Paragraph three, Clause 4 of the Citizenship Law;

15.2. on conformity with the requirements referred to in Section 11, Paragraph one, Clause 1 of the Citizenship Law:

15.2.1. the Constitution Protection Bureau, the Security Police, the State Police, the State Revenue Service Finance Police and the Customs Criminal Board of the State Revenue Service, the Prison Administration, the Corruption Prevention and Combating Bureau, the Military Police and the Military Intelligence and Security Service;

15.2.2. the State Border Guard, if the declared place of residence of the person is in the border area;

15.3. the Ministry of Foreign Affairs - on conformity with the exception provided for in Section 3.¹, Paragraph three, Clause 4 of the Citizenship Law, if the person has presented the evidence referred to in Paragraph 6 of this Regulation;

15.4. other State administration institutions, if additional examination is necessary.

[30 September 2014]

16. The institutions referred to in Paragraphs 14 and 15 of this Regulation shall provide a reply to the request of the Office within 15 days, but if additional examination is necessary for the institution referred to in Paragraph 15 of this Regulation to provide the opinion - within six months.

17. The head of the Office or his or her authorised official shall take a decision to refuse to recognise a child as a Latvian citizen in the following cases:

17.1. there are no legal basis for recognition of the child as a Latvian citizen;

17.2. the child who has not attained 15 years of age:

17.2.1. does not arrive to the test of fluency in the Latvian language and within two months from the time period specified for testing does not submit documents certifying non-arrival to the test due to justifying reason;

17.2.2. fails to pass the test of fluency in the Latvian language three times or refuses to take the test;

17.2.3. in taking the test of fluency in the Latvian language specified in the Citizenship Law, has violated the provisions of taking the test.

18. A person may contest the decision of an authorised official of the head of the Office referred to in Paragraph 17 of this Regulation by submitting a submission to the head of the Office. A person has the right to appeal against the decision of the head of the Office in accordance with the procedures laid down in the Administrative Procedure Law.

V. Closing Provisions

19. Cabinet Regulation No. 520 of 5 July 2011, Procedures for Submitting and Examining an Application for Recognition of a Child as a Latvian Citizen (*Latvijas Vēstnesis*, 2011, No. 105), is repealed.

20. This Regulation shall come into force on 1 October 2013.

Prime Minister Valdis Dombrovskis

Minister for the Interior Rihards Kozlovskis

Annex
Cabinet Regulation No. 976
24 September 2013

Application for Recognition of a Child Born in Latvia after 21 August 1991 of Stateless Persons or Non-citizens as a Latvian Citizen in Accordance with Section 3.¹, Paragraph Two of the Citizenship Law

Part 1. Information regarding legal representative of the child

Given name (names) _____

Surname _____

Personal identity number -

Type of nationality _____

Telephone _____

e-mail address _____

(If you wish to receive the decision electronically without using safe electronic signature)

Part 2. Information regarding the child who is requested to be recognised a Latvian citizen in accordance with Section 3.¹, Paragraph Two of the Citizenship Law

Given name (names) _____

Surname _____

Personal identity number -

Type of nationality _____

Part 3. Information confirming permanent place of residence in Latvia

(please, indicate one or, if necessary, several certifications referred to in Sub-paragraphs 3.1, 3.2, 3.3, and 3.4 or append the documents referred to in Sub-paragraph 3.5)

3.1. Information regarding working places where the parent of the child was employed during the last five years

No.	Name and address of the working place	Date when employment relationship was commenced	Date when employment relationship was terminated

3.2. Information regarding benefits granted to the child or the parent of the child during the last five years

No.	Name of the institution	Type of the benefit

3.3. Information regarding educational institutions, in which the child or the parent of the child is studying or has studied

No.	Name of the educational institution	Date when studies were commenced	Date when studies were ended

3.4. Indicate the local government(s), the official of which may confirm that the parent of the child and the child reside in the administrative territory of the respective local government

(name(s) of the local government(s))

Or

3.5. Append (please, mark as appropriate by an x or a double-click)

document, which proves that the parent of the child has conducted economic or financial activities in the

territory of Latvia during the last five years (for example, rental contracts, documents regarding utility payments)

other evidence confirming the permanent place of residence

Part 4. Documents appended to the application (if applicable)

(please, mark as appropriate by an x or a double-click)

document confirming the fact of death of the other parent

court adjudication regarding declaring the other parent as presumed dead

Part 5. Declaration of the submitter of information

I certify that the information submitted is correct

Signature of the submitter of information*

Day

Month

Year

Date

Note. * The detail of the document "signature" shall not be completed if the electronic document has been drafted in accordance with the laws and regulations regarding the drawing up of electronic documents.

Number of documents appended for information

on

pages

Minister for the Interior Rihards Kozlovskis

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