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Citizenship policy in Latvia

Working session 1: Democratic institutions

In accordance with the doctrine of state succession in national and international law, the Republic of Latvia retained the legal personality of the state that, *de facto*, lost its independence in 1940 as a result of occupation by the USSR, followed by Nazi Germany, and then again by the USSR in 1945. The Baltic States were the only three members of the League of Nations that did not regain independence immediately after the Second World War.

The occupation of Latvia in contravention of international law, and the persistence of *de iure* independence of the Republic of Latvia throughout the Soviet occupation was recognized by our Western partners, and was accepted by other states, international organizations and tribunals, among them the European Court of Human Rights.

On 4 May 1990, the Republic of Latvia declared the restoration of its independence with all legal consequences - restoring the body of law (including the Constitution, Civil Code, Property Law, the Law on Citizenship, etc.) and democratic institutions.

On 17 September 1991, the Baltic States became members of the United Nations. And the USSR ceased to exist in December 1991. The Baltic States are not successor states of the USSR.

An integral part of restoration of independence of the Republic of Latvia was the restoration of the status and rights of those persons who were recognized as Latvia's citizens under the 1919 Law on Citizenship, as well as their descendants.

At the same time, Latvian authorities recognised that a group of persons, who had immigrated during the period of Soviet occupation and who lost their USSR citizenship after the dissolution of the Soviet Union but who had never been citizens of the Republic of Latvia or their descendants, were permanently residing in Latvia.

Since these individuals were not eligible for automatic acquisition of Latvia's citizenship, a special temporary status was established for former USSR citizens: the status of "former citizens of the USSR without the citizenship of the Republic of Latvia or any other country" (*hereinafter* "non-citizens").

Non-citizens of Latvia are not stateless persons. The protection provided to non-citizens in Latvia extends beyond that which is required by the 1954 Convention Relating to the Status of Stateless Persons.

Non-citizens enjoy equal protection under the law both in Latvia and while living or travelling abroad, and are the only group of persons, in addition to citizens, who are granted permanent residence in Latvia *ex lege*. They can have permanent residence in a foreign country while retaining all rights and privileges, *inter alia*, to travel freely and to return back to Latvia at any time. Non-citizens have the same social guarantees as Latvian citizens including, for example, with regard to pensions and unemployment benefits. As to political rights - the only significant difference between Latvian

citizens and non-citizens is the right to vote and to work in the civil service or occupy posts directly related to national security.

Non-citizens are able to become citizens of Latvia through a simple naturalization procedure, and currently almost 142,000 persons have been granted citizenship of the Republic of Latvia in this manner. Latvia's authorities stress that the status of non-citizens is considered temporary in nature.

Naturalization

The percentage of non-citizens has dropped to 12.7% (276 797) in July 2014 compared to 29% (approximately 730 000) in 1995, when the naturalization process began. 83.7% of Latvia's residents are now citizens.

More than 98% of the children born in Latvia in 2013 are Latvian citizens.

Latvia continues to encourage non-citizens to apply for citizenship both through passage of legislation which facilitates naturalization and also by engaging in public information campaigns.

Since their introduction, the Latvian language and history exams have been simplified. The naturalization fee has been reduced for a large number of socially disadvantaged persons.

Amendments to the Citizenship Law - 9 May 2013

On 9 May 2013, Saeima (Parliament) adopted Amendments to the Citizenship Law (*hereinafter* – Amendments), which came into effect on 1 October 2013.

The overall aim of the Amendments is to adjust the Citizenship Law taking into account developments since 1998, and to further simplify citizenship acquisition and the naturalization process.

In accordance with the Amendments, Latvian citizenship is granted automatically to children of stateless persons and non-citizens: one parent's consent is sufficient to register a newborn child whose parents are stateless or non-citizens as a citizen of Latvia at the time of the birth registration at the Civil Registry Office.

In June 2014, approximately eight months since the amendments to the Citizenship Law have come into force, a positive trend can be clearly observed - the number of newborns (whose parents are both non-citizens) that are registered as Latvia's citizens has risen from 52% to 88%.

According to the Amendments, a child under the age of 15 that has not been registered as a citizen of Latvia at the time of the registration of their birth can be registered as a citizen with an application submitted by one of the parents. Between 15-18 years of age, a child can themselves apply to be registered as a citizen.

The Amendments also provide that pupils who have acquired more than half of the basic educational program in the Latvian language are exempt from all naturalization

examinations and are registered as citizens upon submitting a naturalization application in accordance with the standard procedures.

Since restoration of independence in 1991, Latvia has engaged in a challenging long-term effort to promote societal integration. We believe that the Amendments to the Citizenship Law attest to yet another expression of Latvia's will and interest to further consolidate and integrate its society.