

OSCE
High Commissioner
on National Minorities

His Excellency
Mr. V. BIRKAUS
Minister for Foreign Affairs
of the Republic of Latvia
RIGA
Republic of Latvia

Reference :
No 516/96/L

The Hague
14 March 1996

Dear Mr Minister,

May I first of all express my thanks for the way your Ministry organized the visit I made to your country on 21-23 January 1996. This assistance was very valuable indeed.

During my visit I have tried especially to make an assessment of the naturalization process in Latvia, where, according to official figures, the number of registered aliens and stateless persons totalled 731,078 by 10 October 1995. Permit me to say in this connection that I was impressed by the way the Naturalization Board is performing its far from easy task.

The basic concept underlying the Law on Citizenship is clearly that a person who wants to be naturalized must demonstrate willingness to integrate into Latvian society. Against this background requirements have been formulated on the knowledge of the Latvian language and the history and constitutional system of Latvia. Other states have done the same, but as far as the extent of the requirements is concerned, there are considerable differences between various states.

The advantage of this approach is that persons interested in acquiring the citizenship of a country are thus stimulated to make an effort to integrate - an effort which they might otherwise not be willing to make. If the requirements are too heavy, however, this advantage will disappear. When potential applicants conclude that they might not be able to meet the requirements, they will be far less motivated to learn the language

and to get acquainted with the history and the constitutional system of the country they are living in.

In Latvia the number of registered aliens and stateless persons is far higher than in most other states of the world: more than 28% of the total population. It is therefore especially important to promote their integration and to avoid a situation in which a high percentage of aliens will not be motivated to try to integrate.

It is against this background that I have again studied the requirements for acquiring citizenship, as formulated in Article 12 of the Law on Citizenship and the various regulations on the implementation of this law. The barriers which applicants have to overcome are numerous. To begin with, many of them will have to follow a language training course in order to be able to pass the language test. Assuming that a language training course is available in the vicinity, the applicant has to pay a fee. Especially for persons from lower income groups, this constitutes a considerable burden. The same applies for the application fee to be paid on acquiring citizenship: 30 Lats (55 US dollars). In addition, the applicant has to see to it that, in the course of the naturalization process, he produces no less than 25 documents (some of which require notarization). The language test requires more than a simple conversational knowledge of the Latvian language. And even though a history book in Latvian is being produced to help them, the questions which can potentially be asked necessitate the knowledge of more than the basic facts of Latvian history.

Polls taken in 1994 showed that an overwhelming majority of the non-citizens of Latvia were interested in acquiring Latvian citizenship. A survey carried out by the Naturalization Board at the end of 1995 amongst 1,378 pupils between the ages of 13 and 20 showed that 62.4% of them wished to become citizens of Latvia; 11% showed no interest, while 24.5% of the pupils replied that they had not thought about it (this relatively high percentage can probably be largely explained by the fact that about 85% of the correspondents had not yet reached the age of 18). A parallel survey by the Naturalization Board of 1,064 non-citizens showed that 79.4% held an interest in acquiring Latvian citizenship; 19.1% gave a negative reply. However, in stark contrast to these figures, the number of applicants of the 16-20 year age groups of non-citizens of Latvia born in Latvia which may apply for Latvian citizenship as of January 1st of this year, is very low. While the number of persons of this category which could theoretically apply since January 1st was, according to the Naturalization Board, 33,327, only 69 applied in January and 173 in February. If the number of applications from this category would remain at the level of February for the rest of the year, the total number of applications for 1996 would not exceed 2,000.

Of course I am aware that a number of non-citizens are not interested in acquiring Latvian citizenship because they want to avoid consequences such as being called up for Latvian military service or having to apply for a visa in order to visit Russia. In fact half of the minority of 11% of the pupils who showed no interest in citizenship in the survey of the Naturalization Board mentioned these reasons. But this cannot explain the wide discrepancy between the high percentage of young people interested in acquiring Latvian citizenship and the small number of them who do actually apply. In my view the number and difficulty of the barriers to be overcome in order to acquire Latvian citizenship can be the only explanation. This is confirmed by the poll conducted by the Naturalization Board. Asked about circumstances which hindered

them in acquiring the citizenship of Latvia, virtually all respondents referred to one or more requirements for citizenship mentioned in the relevant law. My conclusion is, therefore, that quite a large number of non-citizens, who show in principle an interest in integrating into Latvian society in order to get Latvian citizenship, are at present deterred from making such an effort because their perception is that they might not be able to meet the requirements.

Taking this into account, I have been wondering what practical steps could be taken to increase the number of applications for citizenship, and, as a consequence, to stimulate the process of integration of non-citizens in Latvian society. I came to the conclusion that a number of practical steps which would not even require changes in the existing Law on Citizenship could produce such a result.

I suggest the following:

1. A change is desirable in the procedure for the language test. At present applicants must score sufficient marks both for the written (writing and reading) section and the oral section of the language test. In conformity with the opinion of the experts on the subject I would recommend that the total score for the written and the oral sections of the test ought to determine whether a candidate has passed the test.
2. A change is also desirable in the history and constitutional tests. Several of the questions which could potentially be asked in this field require a detailed knowledge of the history and constitution of Latvia. I would recommend a reduction of these requirements to the basic facts of Latvian history and the main elements of the constitutional system.
3. A reduction of the fee to be paid on receiving citizenship is also advisable. According to the two parallel polls conducted by the Naturalization Board, 18.7% and 17.5%, respectively, of the respondents stated that they could not afford to pay 30 Lats. I therefore suggest that, apart from the reductions granted to special categories, a 50% reduction of the fee for all applicants be introduced as soon as possible.

I also should like to make one recommendation regarding the Law on Citizenship. Article 21 of the law exempts from taking the Latvian language test persons who have acquired a general education in a school with the Latvian language as a language of instruction and persons with category I invalid status, if such status has been permanently conferred upon them. I would make a plea to extend these exceptions to include persons over the age of 65. It is a well-known fact that elderly persons find it extremely difficult to acquire a basic knowledge of a language they were not familiar with previously.

Finally, please allow me to express my concerns about the cuts foreseen in the 1996 budget for the Naturalization Board, including a reduction of Lats 87,000 in the salary fund. One of the likely consequences is the closure of a number of branches of the Naturalization Board in various parts of Latvia. The resulting complications for potential applicants might lead to a further drop of the number of persons actually

applying. I express the hope, therefore, that ways can be found in the near future to restore the old budget.

These were the suggestions I wanted to submit to your Government, Mr Minister. I am looking forward with great interest to your reply.

Yours sincerely,

[signature]
Max van der Stoel
OSCE High Commissioner
on National Minorities

**MINISTRY FOR FOREIGN AFFAIRS
REPUBLIC OF LATVIA**

No 31/335-2818

22 April 1996

H.E. Mr. Max van der Stoel
OSCE High Commissioner
on National Minorities

Excellency,

I would like to thank you for your letter No 516/96/L of 14 March 1996 containing observations from your recent visit to Latvia.

Your letter has been distributed to relevant authorities and persons, including the Naturalization Board, the National Human Rights Office and the Saeima (Parliament) Standing Committees on Foreign Affairs, Legal Affairs, and Human Rights and Social Affairs. The Ministry of Foreign Affairs has not yet received any comments from the above-mentioned Saeima Standing committees, as well as from the National Human Rights Office. However, these authorities have taken note of your recommendations.

The Naturalization Board informed us that a new substantive book "The Basic Issues of Latvian History and the State Constitutional Principles" has been issued recently. This book contains basic information about Latvian history and the constitution in easy-to-understand language. Each chapter is also summarized in Russian and English. Thus, the testing requirements for history and the Constitution are reduced to the basic facts in this book.

The Naturalization Board has also recommended that the naturalization fee be reduced by 50% for students aged 16 to 20, day students, and orphans. On 20 February 1996 the Cabinet of Ministers affirmed the previous naturalization fee for 1996. However, the issue concerning reduction of the fee for several categories of inhabitants will possibly be discussed in 1997.

The Law on Citizenship stipulates that the person being naturalized is tested for both written and oral knowledge of the Latvian language, and this provision is being interpreted by both segments being evaluated separately. Therefore, this policy cannot be changed without amending the law itself, which at this point in time would not be an immediate process.

The same applies for persons over the age of 65. The Naturalization board strongly supports the freeing of these persons from the written part of the language test, however, this would entail an amendment to Article 21 of the Law on Citizenship.

The budget cut for the Naturalization Board is indeed a very painful issue. Regrettably, due to the severe budgetary constraints the Government of Latvia faces at the moment, the budget of many state institutions has been cut.

I would like to emphasize that the Government of Latvia is committed to the strengthening of social integration in Latvia. One of the most important steps and means of integration is Latvian language training for those inhabitants of Latvia who do not possess knowledge of the Latvian language. As you may know, Excellency, only about 25% of non-Latvians living in this country know Latvian in addition to another language. Therefore, the Government of Latvia has successfully co-operated with the UNDP in drafting the National Programme for Latvian language training, which was approved on 31 October 1995. The project is currently being finalized, and it will utilize the modern teaching concept of "Latvian as a Second Language" for minority school students and adults. The project will also include activities to support operational delivery of language training and develop managerial and implementation capacities to sustain the National Programme beyond the lifetime of the project. Phase 1 will cover two years (mid-1996 to mid-1998) and will be financed by the UNDP with very significant co-sharing by major bilateral donors (approximately 4 million USD). The Government has established a working groups responsible for the implementation of this project.

Excellency, I can assure you that the suggestions made in your letter have received the most serious consideration, and you will be informed of any new developments.

I look forward to continuous and successful cooperation in the future.

Yours sincerely,

[signature]

Valdis Birkavs

Minister of Foreign Affairs of Latvia