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**EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW**

**REPUBLIC OF LATVIA**

**DRAFT LAW**

**on Citizenship**

REPUBLIC OF LATVIA  
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On Citizenship

Chapter I  
**GENERAL REGULATIONS**

**Terms used in the Law**

**Apatrides, stateless persons** — persons without citizenship, or persons who are not subjects of any State.

**Foreigners** — foreign citizens or subjects.

**Bipatrides** — persons with more than one citizenship, or persons who are subjects of more than one State.

**Dual citizenship** — a case when a person is a citizen or a subject of more than one State.

**Naturalization** — to admit to citizenship.

**Expatriation** — to lose citizenship.

**Repatriation** — the return of citizens, for permanent residence, to the State of their citizenship in accordance with the law or an international agreement.

**Reintegration** — to renew citizenship.

**Option** — the voluntary decision of a bipatriide, in accordance with the law or an international agreement, to retain one of his/her citizenships and to relinquish the other citizenships.

**Domicile** — depending on the context — the place of one's permanent residence, or the time-period during which one has resided there.

**Ipso facto** — the legal consequences automatically resulting from the juridical fact.

**Second World War emigrants** — in the comprehension of this Law — Republic of Latvia citizens, who in the period from June 17, 1940 until August 21, 1991 in fleeing from the terror of the USSR and German occupational regimes left Latvia as refugees, were deported or left Latvia before June 17, 1940 and have not been able to return for the aforementioned reasons, and their descendants.

**Article 1. Republic of Latvia citizenship**

Republic of Latvia citizenship is a person's stable political and legal link with the Republic of Latvia.

The essence of Republic of Latvia citizenship is constituted by the total of the mutually interrelated rights and obligations of both a citizen and the State.

## **Article 2. Possession of Republic of Latvia citizenship**

Republic of Latvia citizens are:

- 1) persons who were Republic of Latvia citizens on June 17, 1940 in accordance with Latvia's August 23, 1919 Law "On Citizenship" in that wording which was effective on June 17, 1940, and their descendants. These persons testify their belonging to the Republic of Latvia body of citizens by registering in the procedure stipulated by the Republic of Latvia Council of Ministers, and by receiving Republic of Latvia passports: in Latvia — by July 1, 1992, and abroad — at Republic of Latvia diplomatic and consular offices without any time-limit upon showing permission for expatriation if this is required by the legislative acts of their country of residence;
- 2) persons who have received Republic of Latvia citizenship in accordance with Republic of Latvia legislative acts;
- 3) persons who have received Republic of Latvia citizenship in accordance with regulations of international agreements ratified by the Republic of Latvia Saeima.

## **Article 3. Equality of citizenship**

Republic of Latvia citizens are equal in their rights and obligations, irrespective of the way in which they receive citizenship.

## **Article 4. Republic of Latvia citizenship legal standards**

Legal standards on Republic of Latvia citizenship are determined by the Republic of Latvia Satversme (Constitution), this Law and other normative acts and international agreements ratified by the Republic of Latvia Saeima.

## **Article 5. Effect of marriage upon citizenship**

The Republic of Latvia citizen's marriage to a foreigner or apatriote, as well as the divorce of such a marriage does not entail a change of the spouse's citizenship.

If one spouse acquires or loses Republic of Latvia citizenship, the citizenships of the other spouse and the children born by this marriage do not change *ipso facto*, except under the circumstances stipulated by Articles 27 and 28 of this Law.

## **Article 6. Retainment of Republic of Latvia citizenship in foreign countries**

While residing in a foreign country, the Republic of Latvia citizen retains Republic of Latvia citizenship, irrespective of the time period spent there.

## **Article 7. Protection of the Republic of Latvia citizen in a foreign country**

The Republic of Latvia citizen in a foreign country is under Republic of Latvia protection.

## **Article 8. Impermissibility of Republic of Latvia citizen extradition**

The Republic of Latvia does not extradite its citizen to a foreign country.

#### Article 9. Dual citizenship

The Republic of Latvia citizen cannot simultaneously be a citizen or a subject of another country and he/she cannot fulfill the obligations of another country's citizen or subject.

If the Republic of Latvia citizen is also simultaneously considered a citizen or subject of another country in accordance with its laws, then in legal relations with the Republic of Latvia, he/she is solely considered a Republic of Latvia citizen.

An adult Republic of Latvia citizen loses his/her Republic of Latvia citizenship if he/she voluntarily obtains naturalization in another country.

#### Article 10. Latvian emigrant citizenship

The Republic of Latvia citizens, who emigrated from Latvia during World War II, and who attained naturalization in the countries of their residence until August 21, 1991 may register at any time in accordance with the procedures stipulated by Article 34 of this Law, upon showing permission of expatriation if the corresponding country's laws allow expatriation. Then they may receive the passport of a Republic of Latvia citizen pursuant to the procedure stipulated by the Republic of Latvia Council of Ministers (in conformity with the Republic of Latvia Supreme Council October 5, 1991 Resolution).

**R.Rikards' version:** Republic of Latvia citizens who during the period from June 17, 1940 until August 21, 1991 in fleeing from the terror of the USSR and German occupational regimes left Latvia as refugees, were deported and have not been able to return to Latvia for the aforementioned reasons and who within this period have attained naturalization in the countries of their residence, and their descendants, retain Republic of Latvia citizen's rights.

### Chapter II ACQUISITION OF REPUBLIC OF LATVIA CITIZENSHIP

#### Article 11. Methods of acquiring Republic of Latvia citizenship

Republic of Latvia citizenship is acquired:

- 1) at birth;
- 2) through naturalization;
- 3) in other ways stipulated by Republic of Latvia legislative acts; or
- 4) in accordance with the requirements of international agreements ratified by the Republic of Latvia Saeima.

#### Article 12. Citizenship of a child whose parents are Republic of Latvia citizens

A child, who is born to parents who are both Republic of Latvia citizens is a Republic of Latvia citizen irrespective of his/her place of birth.

#### Article 13. Citizenship of a child who has one parent who is a Republic of Latvia citizen

If a child is born to parents, one of whom is a Republic of Latvia citizen and the other one — a foreigner, the child is a Republic of Latvia citizen, provided he/she:

- 1) is born in Latvia; or

- 2) is born outside Latvia, but presently both parents or the one with which the child lives are permanent residents of Latvia.

In the aforementioned cases, upon mutual consent of the parents, they may choose the other (not Latvia's) state citizenship for the child.

If one parent, at the moment of the child's birth, is a Republic of Latvia citizen and the other a foreigner and the permanent residence of both parents is located outside of Latvia, the child's citizenship is determined upon the parents' agreement.

If one parent, at the moment of the child's birth, is a Republic of Latvia citizen and the other parent is an apatride or the other parent is unknown, the child is a Republic of Latvia citizen irrespective of his/her place of birth.

#### Article 14. Citizenship of apatride children

The child of an apatride when born in Latvia, obtains Republic of Latvia citizenship.

#### Article 15. Citizenship of orphans

Foundlings in Latvia, whose parents are unknown, as well as orphans residing in Latvia's orphanages and boarding schools, are Republic of Latvia citizens.

#### Article 16. Citizenship of a child born aboard a plane or ship

Children born aboard a ship or plane, which is registered in Latvia, are considered born in the territory of Latvia.

### Chapter III NATURALIZATION

#### Article 17. Basic principles for naturalization of apatrides and foreigners

Foreigners and apatrides may be naturalized upon their request in accordance with this Law, irrespective of their race, national identity or sex.

Yearly quotas for the naturalization of Republic of Latvia permanent residents are determined by the Republic of Latvia Supreme Council (Saeima).

#### Article 18. Prerequisites for naturalization

Only those persons can be granted Republic of Latvia citizenship, who:

- 1) have a command of the Latvian language at a conversational level (the examination procedure is stipulated by a specific regulation confirmed by the Republic of Latvia Supreme Council);
- 2) have continuously resided in Latvia for no less than 16 years prior to the submission of the naturalization request.  
The length of the domicile is not affected by a lengthened stay outside of Latvia if this is associated with acquiring an education or a business trip outside of Latvia;
- 3) have acquired permission of expatriation from the country of his/her previous citizenship, if so required by that country's law;
- 4) know the fundamental principles of the Republic of Latvia Satversme (Constitution); and
- 5) have sworn the Republic of Latvia citizen's oath.

In order to receive Republic of Latvia citizenship, one must observe all the stipulations of this Article and Article 20.

**Article 19. Groups of persons to whom certain stipulations of Article 18 are not applied**

The stipulations of Article 18 are not applied to:

- a) minors and other incapacitated family members, who receive Republic of Latvia citizenship together with their parents (adopters), guardians or trustees;
- b) persons, who in accordance with Article 1 of the August 23, 1919 Law "On Citizenship" were entitled to Republic of Latvia citizenship, and their descendants, if they reside permanently in Latvia and if they have learned the Latvian language at a conversational level;
- c) repatriates among deported Latvians, Latvian colonists, refugees, and their descendants;
- d) persons, who were not Republic of Latvia citizens but legally entered Latvia and were permanently residing there on June 17, 1940, and their descendants, except those persons, who entered Latvia in accordance with the stipulations of the October 5, 1939 Pact on Mutual Assistance signed between Latvia and the USSR;
- e) persons, who have been individually granted Latvian SSR citizenship by the Latvian SSR Supreme Soviet Presidium decrees during the time period until May 4, 1990;
- f) a Republic of Latvia citizen's spouse if he/she has lived in marital union at least five years, except in the regulations of this Law's Article 18, Paragraphs 1, 3, 4 and 5;
- g) persons with outstanding accomplishments which benefit the Republic of Latvia;
- h) exceptional artists, academicians, economists and cultural figures, as well as outstanding athletes;
- i) persons who, proceeding from the fulfillment of their official duties or the obligations of their job position, have sworn an oath of loyalty to the Republic of Latvia, except in the regulations of this Law's Article 18, Paragraphs 1 and 4; and
- j) former Estonian and Lithuanian citizens, who are permanently residing in Latvia, and their descendants, except in the regulation of Article 18, Paragraphs 1, 4 and 5.

**Article 20. Reasons for naturalization refusal**

Republic of Latvia citizenship is not granted to persons who:

- 1) through illegal methods turn against Republic of Latvia's independence, its democratic, parliamentary state system, or the existing state power in Latvia if this fact is proved by documents;

J.Lagzdins' version:

... if it has been established by a court decree:

- 2) have been convicted with imprisonment for intentional criminal acts and who have not been pardoned or have not had their punishments annulled, or have been called to criminal responsibility at the time when the issue on their naturalization is being decided;
- 3) are representatives of foreign state authorities, administrative bodies or institutions of law enforcement;

- 4) are serving in the armed forces, internal troops, security service or police of a foreign country;
- 5) after June 17, 1940 have chosen the Republic of Latvia as their place of residence after demobilization from the USSR Armed Forces, USSR Interior Armed Forces or State security services and who, when called into this service, did not permanently reside in Latvia;
- 6) have participated in or supported the attempted *coup d'état* in January, 1991 or the August *coup d'état* of the same year, if this fact is proven by documents;
- 7) have committed international crimes, crimes against humanity or war crimes, if it has been established by a court decree;
- 8) have been terrorists or have participated in mass repressions, if this fact has been proved by documents;
- 9) after May 4, 1990 have spread chauvinism, fascism, nationalism, communism or other totalitarian ideas, as well as have inflamed national or racial discord or hatred, if this fact is proven by documents;
- 10) have been sent into Latvia after June 17, 1940 as USSR Communist Party and Komsomol personnel;
- 12) are registered in medical institutions for drug addicts and/or chronic alcoholics;
- 13) have been secret informants or secret collaborators with the former USSR (LaSSR) KGB or with special services of another foreign country if this fact is proven by documents; or
- 14) live without a legal source of income.

#### Chapter IV

### LOSS OF REPUBLIC OF LATVIA CITIZENSHIP AND ITS RENEWAL

#### Article 21. Ways of losing citizenship

Republic of Latvia citizenship is lost, if:

- 1) the corresponding person voluntarily renounces his/her citizenship;
- 2) a person is deprived of citizenship with a Republic of Latvia Supreme Court decision; or
- 3) in other cases provided for both in this Law and in the international agreements ratified by the Republic of Latvia Saeima.

#### Article 22. Relinquishment of Republic of Latvia citizenship upon one's own initiative

Permission of expatriation is granted by the Government.

Expatriation may be prohibited if the person who has submitted an expatriation application:

- 1) has come of age, but has not performed the duty of mandatory State service; or
- 2) has been accused and called to responsibility, or a Court sentence corresponding to this person has come into effect and must be executed.

#### Article 23. Deprivation of citizenship

A person may be deprived of Republic of Latvia citizenship with a Republic of Latvia Supreme Court decision, if the person:

- 1) has acted against Republic of Latvia independence, or is guilty of State treason;

- 2) without the permission of competent Republic of Latvia state institutions, has entered into the service of foreign state authorities, administrative bodies, armed forces, interior troops, state security, police (militia), or other law enforcement institutions; or
- 3) upon undergoing naturalization, has deliberately given false information on him/herself, or has broken the Republic of Latvia citizen's oath taken upon naturalization.

A person's forced expatriation does not affect the citizenship of his/her family members.

A person's expatriation does not necessarily involve his/her banishment from Latvia.

#### Article 24. Procedure of citizenship renewal

A person, who has lost Republic of Latvia citizenship by the parents' choice, or in case of adoption, or who has been deprived of citizenship as the result of a legal error or an unlawful action, may, upon his/her own request and the Government's decision, reintegrate him/herself into Latvia irrespective of the time-period he/she has lived there.

A person, who has been lawfully deprived of Republic of Latvia citizenship, or who has voluntarily expatriated him/herself, may reintegrate him/herself in Latvia only through the process of naturalization. If this person permanently resides in Latvia, his/her domicile is considered from the moment of expatriation.

### Chapter V CITIZENSHIP OF CHILDREN IN CASE THE PARENTS CHANGE THEIR CITIZENSHIP, OR IN CASE OF ADOPTION

#### Article 25. Change of children's citizenship in case the citizenship of both parents is changed

If both parents become Republic of Latvia citizens, or both of them voluntarily renounce Republic of Latvia citizenship, the citizenship of their children who have not yet reached 14 years of age and live together with the parents who support them, changes, respectively.

#### Article 26. Procedure in which Republic of Latvia citizenship is acquired by children foreigners, if one of the parents is being naturalized in the Republic of Latvia

In cases when one of the parents is being naturalized in Latvia, but the other remains a foreigner, their child, foreigner, acquires Republic of Latvia citizenship, if:

- 1) the parents mutually agree;
- 2) the parents have not reached a mutual agreement, but the child's permanent place of residence is in Latvia; or
- 3) the parents live abroad separated, and the child lives with the parent who has been naturalized in Latvia.

If one of the parents has been naturalized in Latvia, but the other remains an apatriote, then their child becomes a Republic of Latvia citizen irrespective of the child's place of permanent residence.



**Article 27. Retaining Republic of Latvia citizenship for children, if one of the parents expatriates him/herself**

In cases when one of the parents expatriates him/herself, but the other retains Republic of Latvia citizenship, the child retains Republic of Latvia citizenship, if he/she permanently resides in Latvia or if he/she resides with the parent who retains Republic of Latvia citizenship.

If the parent with whom the child lives, expatriates him/herself and leaves Latvia to permanently reside outside of Latvia, the child loses Republic of Latvia citizenship.

**Article 28. Naturalization resulting from adoption**

If Republic of Latvia citizens adopt an underaged foreigner, the child is naturalized.

If an underaged foreigner is adopted by spouses, one of whom is a Republic of Latvia citizen, but the other is a foreigner, the child receives Republic of Latvia citizenship in the following cases:

- 1) following the adopters' mutual agreement; and
- 2) if the domicile of both parents, or of the parent with whom the child lives, is in Latvia.

**Article 29. Retaining or losing Republic of Latvia citizenship in cases when minors are adopted by foreigners**

In cases when an underaged Republic of Latvia citizen is adopted by foreigners or by spouses one of whom is a Republic of Latvia citizen, but the other, a foreigner, the child retains Republic of Latvia citizenship, if the place of permanent residence for the adopters, or for the one with whom the child lives, is in Latvia.

An underaged Republic of Latvia citizen who is adopted by foreigners, may be expatriated upon the request of the adopters, if the permanent place of residence of both the spouses is outside Latvia.

An underaged Republic of Latvia citizen who is adopted by apatrides, or by spouses one of whom is a Republic of Latvia citizen, but the other, an apatriide, retains Republic of Latvia citizenship irrespective of the parents' place of residence.

In case of adoption annulment, the change of the child's citizenship may be reconsidered.

**Article 30. Necessity of receiving the minor's consent to change his/her citizenship**

For a minor aged 14 to 18 years, citizenship may be changed in conformity with the parents' (adopters') citizenship only upon the minor's written consent.

If the minor's citizenship has been changed to adhere to the parents' or adopters' citizenship without the written consent of the minor, then, upon coming of age, he/she is entitled to renew his/her Republic of Latvia citizenship irrespective of the time-period he/she has resided in Latvia.

If a marriage has occurred between a Republic of Latvia citizen and a foreigner and if the child has acquired a foreign state's citizenship, then, upon coming of age, he/she has the right to naturalize him/herself in Latvia without a domicile qualification.

## **Chapter VI INTERNATIONAL AGREEMENTS**

### **Article 31. Application of international agreements**

If an international agreement which has been ratified by the Republic of Latvia Supreme Council (Saeima), provides for regulations other than those in this Law, the regulations of the international agreement should be applied.

## **Chapter VII STATE INSTITUTIONS' AUTHORITY ON CITIZENSHIP ISSUES, THE SETTLING OF CITIZENSHIP ISSUES AND DOCUMENTATION**

### **Article 32. Institutions authorized in naturalization and expatriation issues**

Decisions on issues of naturalization and voluntary expatriation are adopted by the Government. These decisions may be appealed in Court.

Upon the request of the Citizenship and Immigration Department or a law enforcement institution, forced expatriation is executed by the Republic of Latvia Supreme Court.

In accordance with Article 19, Paragraphs e), g) and h) of this Law, naturalization is carried out by the Government, following a recommendation confirmed at a Republic of Latvia Supreme Council (Saeima) plenary session.

#### **Version of the Supreme Council Resolution:**

In accordance with Article 19, Paragraphs e), g) and h) of this Law, naturalization is carried out by the Republic of Latvia Supreme Council Presidium on the basis of a statute confirmed by the Republic of Latvia Supreme Council.

### **Article 33. Submission and review of applications**

Applications on issues of Republic of Latvia citizenship are addressed to the Government, but are submitted to a branch of the Citizenship and Immigration Department depending on the applicant's permanent place of residence provided that it is in Latvia.

Persons residing abroad may submit applications to the Republic of Latvia diplomatic and consular representative offices. The Citizenship and Immigration Department and its local branches, as well as the Republic of Latvia diplomatic and consular representative offices must accept all applications and complaints on the issues of citizenship.

Persons mentioned in Article 19, subsection d) of this Law, submit applications to the institutions indicated in the first and second subsection of this Article, and are naturalized provided that they have lost the previous citizenship.

If the application has been submitted in Latvia, response must be given no later than within a period of three months, and if abroad — within a period of six months.

Applications for citizenship concerning those persons who have not reached 18 years of age, who are incapacitated, or are unable to submit the application unaided due to their health condition or other circumstances, are submitted by the legal representatives of those persons.

Foreign citizens must enclose a document which proves the respective State's attitude on the issue of this person's intention to naturalize himself/herself in Latvia with their applications for naturalization in Latvia.

**Article 34. Investigation of the validity of Republic of Latvia citizenship and the settlement of disputes**

The validity of a person's affiliation to Republic of Latvia citizenship residing in Latvia, is investigated by the Citizenship and Immigration Department and its sections, but the validity of a person's affiliation to Republic of Latvia citizenship if the person is living abroad is investigated by the Republic of Latvia diplomatic or consular offices.

Submittal of evidence on issues of citizenship is the responsibility of the person concerned.

Disputes concerning issues of citizenship are settled by the court.

**Article 35. Republic of Latvia Registry of Citizens**

The Republic of Latvia Registry of Citizens is formed by the Citizenship and Immigration Department.

**Article 36. Submittal of repeated applications**

Persons whose applications concerning citizenship issues have been rejected, may only repeatedly submit them one year after the adoption of the previous decision.

**Article 37. Documents certifying citizenship**

Republic of Latvia citizenship is certified by the Republic of Latvia citizen's passport and birth certificate.

**Article 38. Citizen's oath**

**Version 1**

Upon receiving a Republic of Latvia citizen's passport, all persons who naturalize themselves in Latvia, as well as persons mentioned in this Law's Article 10, must sign the following Republic of Latvia citizen's oath:

**Version 2**

Upon receiving a Republic of Latvia citizen's passport, all persons must sign the following Republic of Latvia citizen's oath:

**Version 3**

Upon receiving a Republic of Latvia citizen's passport, all naturalized persons must sign the following Republic of Latvia citizen's oath:

"I, (name, surname), born (birthplace, date), vow loyalty solely to the Republic of Latvia. I completely and forever renounce the citizenship of any other state, as well as the loyalty and subjection to any other state.

I undertake to be loyal to the Republic of Latvia Constitution, to honestly observe the Republic of Latvia Constitution and laws, to protect them within all my powers, and to comply to Latvia's legally established institutions of State power.

I undertake to defend, in the procedure stipulated by law — and, be it necessary, without sparing my life — the sovereignty and independence of the Republic of Latvia."

### Chapter VIII PROCEDURAL REGULATIONS

Article 38. The procedure by which the standards of the Law take effect

The standards of this Law for determining the body of Republic of Latvia citizens take effect as of the moment of this Law's adoption, but the naturalization process begins no sooner than on July 1, 1992 in accordance with the stipulations of this Law's Chapter III.

If no less than ten per cent of Republic of Latvia citizens who have the right to participate in a referendum, will have submitted, by July 1, 1992 to the Republic of Latvia Supreme Council a request to confirm in a Republic of Latvia citizens' referendum the regulations for naturalization stipulated in this Law's Chapter III, then the regulations for naturalization stipulated in Chapter III will take effect if the majority of Republic of Latvia citizens who have the right to vote will have voted for them.

Chairman, Supreme Council  
Republic of Latvia

A.Gorbunovs

Secretary, Supreme Council  
Republic of Latvia

I.Daudišs

Riga, 1999

The authenticity of the translation is confirmed by  
Secretary of the Supreme Council  
of the Republic of Latvia. For purposes of  
interpretation, the original Latvian text is to be  
regarded as official.

I.Daudišs