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EUROPEAN COMMISSION FOR DEMOCRACY THROUGH LAW

REPUBLIC OF LATVIA

**LAW ON THE STATUS OF FORMER USSR CITIZENS
WHO DO NOT HAVE THE CITIZENSHIP OF THE REPUBLIC OF LATVIA
OR ANY OTHER STATE**

LAW

On the Status of Former USSR Citizens Who do not Have the Citizenship of the Republic of Latvia or of any Other State

Article 1. Persons under this Law

(1) Persons under this Law are former USSR citizens residing in the Republic of Latvia, as well as temporarily residing abroad (studies, work contract, imprisonment, etc.) who had been residing and had "propiska" with no time restrictions irrespective of the status of the dwelling premises stated in their "propiska" on the territory of Latvia before July 1, 1992, and are not citizens of the Republic of Latvia or of any other state, and their under age children if they are not citizens of the Republic of Latvia or of any other state.

(2) The legal status of persons who have entered the Republic of Latvia after July 1, 1992, is determined by the Law of the Republic of Latvia "On Foreigners' and Stateless Persons' Entrance to and Stay in the Republic of Latvia".

(3) This Law shall not apply to the following persons:

- 1) military experts engaged into the operation and dismantling of the military facility of the Russian Federation deployed on the territory of the Republic of Latvia and civilians on a mission to Latvia with the aforementioned task;
- 2) persons who have been demobilized from the active service after January 28, 1992, if such persons were not permanently residing on the territory of Latvia as of the date of their enlistment and are not members of families of the citizens of the Republic of Latvia;
- 3) spouses and members of families of persons listed in Paragraphs 1 and 2 of Part 3 of this Article who reside together with them including children and other dependents if such persons have arrived to Latvia in connection with the service of the servicemen of the Armed Forces of the Russian Federation (USSR) irrespective of the date of their arrival to Latvia.

Article 2. Rights and obligations of persons under this Law

(1) Economical, social, individual, and other rights and liberties of persons under this Law as well as their obligations shall be determined by Chapter 3 of the Constitutional Law "Rights and Obligations of a Citizen and a Person".

(2) Persons under this Law shall enjoy the rights apart from those listed in the aforementioned Law:

- 1) the right to freely select a place of residence in any part of the territory of Latvia, to freely leave Latvia and return to Latvia if they reserved their permanent place of residence in Latvia in accordance with the procedures determined by the law;
- 2) the right to receive from abroad their spouses, dependent children and parents in accordance with the procedure determined by the law;
- 3) the right for not being expelled from Latvia except for cases when such an expulsion is executed in accordance with the law and with the procedures determined by the law, and a foreign state has agreed to receive an expelled person; expulsion to a country where a person will be persecuted for his/her race, religious belief, or ethnic origin, and a collective expulsion shall not be admissible;
- 4) to preserve their native tongue, culture, and traditions in the framework of a cultural autonomy if those do not contradict the laws of the Republic of Latvia;
- 5) to receive assistance of an interpreter during court proceedings; to enjoy the right of choice of a language of communication in accordance with the "Law on Languages" at state and self-government institutions.

(3) State and self-government institutions shall provide the observance of the rights listed in this Article and shall not allow any restriction of these rights in laws, regulations, instructions, decrees, and other acts issued by self-government bodies.

(4) The rights and liberties listed in this Article can be restricted only in the cases provided for by and in accordance with Article 44 of the Constitutional Law "The Rights and Obligation of a Citizen and a Person".

Article 3. Non-citizen's passport

(1) The identification document of a person under this Law shall be a passport of a non-citizen of the Republic of Latvia. Before the issuance of the non-citizen's passport the fact of being covered by this Law shall be certified by a former USSR passport with a personal code of a resident of the Republic of Latvia or by an identification document issued by the Republic of Latvia with a personal code of a resident of the Republic of Latvia.

(2) The form of a personal identification document shall be approved by the procedure of its issuance shall be determined by the Cabinet of Ministers of the Republic of Latvia. A personal identification document shall bear the personal code of the inhabitant of the Republic of Latvia.

(3) A holder of the non-citizen's passport has the right to go abroad in accordance with a corresponding procedure and to return to Latvia without producing any additional documents.

(4) The non-citizen's passport shall be issued to persons upon their reaching the age of 16. Should a subject of this Law aged under 16 be going abroad without being accompanied by his/her parents, the non-citizen's passport can be issued to him/her before reaching the age of 16.

(5) Information on children under age who have not reached the age of 16 shall be included into non-citizen's passports of their parents or other legally responsible non-citizens.

Article 4. The receipt and the return of the non-citizen's passport

(1) The non-citizen's passport shall be issued according to the procedure determined by the Cabinet of Ministers upon producing a passport of the citizen of the USSR bearing the personal code of a resident of the Republic of Latvia or other identification document issued by the Republic of Latvia bearing the personal code of a resident of the Republic of Latvia, and upon certifying by a signature that a recipient of a non-citizen's passport does not have citizenship of any other state.

(2) Should a person under this Law fail to exchange a former USSR passport for a non-citizen's passport within a time frame determined by the Cabinet of Ministers of the Republic of Latvia without any valid reason, his/her status shall

be determined by the Law of the Republic of Latvia "On Foreigners and Stateless Persons' Entrance to and Stay in the Republic of Latvia".

(3) Should a person who have received a non-citizen's passport receive citizenship of any other state, he/she should declare it in accordance with the procedure established by the Cabinet of Ministers within the term of one month and to return his/her passport.

Article 5. Concluding regulation

(1) Article 2.4 of this Law shall apply also to the stateless persons and their descendants who do not have and did not have citizenship of any state and who had been permanently residing and have a permanent "propiska" (with no time restrictions) on the territory of Latvia before July 1, 1992.

(2) Article 2 of this Law shall also apply to citizens of other states and their descendants who have been residing and have a permanent "propiska" with no time restrictions irrespective of the status of the dwelling premises stated in their "propiska" on the territory of Latvia before July 1, 1992, and who are not the citizens of Latvia except for persons listed in Article 1, Part 3 of this Law.

(3) Temporary residents permits shall be annulled for persons who are not demobilized servicemen of the Armed Forces of the Russian Federation and their family members and who have been permanently residing in the dwelling premises managed by the Dwelling Departments of the Armed Forces of the USSR (Russian Federation), and data on such persons shall be included into the Register of Inhabitants in accordance with the Law "On the Register of Inhabitants".