

EVERYONE HAS THE RIGHT TO SEEK ASYLUM.

Information leaflet
for asylum-seeker

Introduction

You are in Latvia now. Latvia is a European Union member state in Eastern Europe. The official language is Latvian.

You can submit an application for asylum if you are afraid of suffering after returning to your country of origin and if you cannot get protection from your state.

In Latvia written communication is of great importance.

You have to put everything in writing especially if you are turning to the authorities with a request. Therefore, if you have any problems please always try to express them in writing as well. You can do that in your mother tongue, or in any other language that you speak.

NOTE!

Everyone has the right to seek asylum. Everyone is entitled to protection against *refoulement* in compliance with international law.

Asylum – refugee and alternative status (if you have such situation...)

If you left your country of origin because your fundamental rights and freedoms are under serious threat, you have been persecuted or there is a risk of being persecuted upon return to your country of origin because of your race, religion, nationality, political opinion or membership of a particular social group and if your state (the government) is unable or unwilling to protect you, you can get asylum in Latvia. If either of the above-mentioned circumstances is established, you will be granted refugee status and a permanent residence permit in Latvia.

If you left your country of origin because your life, physical integrity or freedom is under threat because of the armed conflict, generalized violence in the country, external aggression or massive human rights violations, or there is a threat of either of the above-mentioned circumstances on the return to the country of origin, you may also be granted an asylum in Latvia. If either of the above-mentioned circumstances is established you will be provided with an alternative status and a temporary residence permit, which is reviewed each year.

What you need to do to apply for asylum?

You should apply for asylum as soon as reasonably possible in written or orally. This can be at the airport or seaport where you arrive, or any other border-crossing point. You can also apply for asylum after you have arrived in Latvia. You have to submit an application at any State Border Guard (hereafter also SBG) territorial unit, to the representatives of the Office of Citizenship and Migration Affairs (hereafter also OCMA), the State Police (hereafter also SP) or the Prison Administration (hereafter also PA).

You can apply for asylum at any of these institutions in your mother tongue or another language you can communicate. If you speak English, Russian or French, it would be better if you write an application in one of these languages, as most officials speak one of these languages and could understand it without a translation. However, you should be given the opportunity to choose the language of communication. You should inform the SBG, OCMA, SP or PA about any special needs (e.g., related to your physical or mental state). It is preferable to do it on the day when you submit your application for asylum.

NOTE!

You have a right to information in all stages of the procedure. State officials have a duty to provide it. Please ask them for the clarifications.

What is next?

Either on the same day you apply for asylum or soon after, you will have an “initial interview”, where the SBG will ask about your personal data, your photograph and your fingerprints will be taken. The SBG will also ask some questions to determine other individual circumstances. You must hand over all the documents and possession which can prove your identity and nationality. It is in your best interest not to destroy your personal documents!

NOTE!

All your documents are very important. Please keep them safe.

Each application for asylum will be forwarded to the OCMA within 10 working days. If the application was submitted at the border-crossing point or in a transit zone, the OCMA will receive it in 2 working days.

Within 10 working days, if you are in Latvia, or within 5 working days, if you are at the border-crossing point or in a transit zone, the OCMA decides whether to

examine the application. If you have already asked for asylum in another European country, then the OCMA can decide that your asylum procedure will have to take place there (this is called the Dublin procedure). If you do not have to go to another country to have your asylum application examined, then you will have a substantial interview (more detailed than initial interview) conducted by a representative of the OCMA. During this interview you can say what happened to you, why and how you had to leave your home country and to explain reasons why you cannot return there. This interview will be conducted within 2 months after the OCMA decides on examining your application. Remember to carefully think over what you will say before the interview.

You have a right to communicate and receive the responses in language you understand and also to ask an interpreter.

NOTE!

For all the procedural actions on your application an interpreter will be provided as needed. If you do not understand the interpreter, or if you feel that the interpreter does not translate exactly what you say, you should inform the official conducting the interview about it. You can also request to change the interpreter. If your application is examined, a decision should be made within 20 working days (accelerated procedure) or within 3 months (regular procedure) after the day of your substantial interview, but not later than 6-15 months after the date of the registration of your application for asylum.

During the examination of your application you will most likely be accommodated in the reception centre for asylum-seekers “Mucenieki” (near Riga, the capital of Latvia) or anywhere else if any alternative accommodation is available to you. If you are detained, you will be transferred to Accommodation Centre of Detained Foreigners.

Restrictive measures

The SBG has the power to use a restrictive measure, but they will give reasons that it is necessary. The restrictive measures include a) registration at a territorial unit of the SBG and b) detention. If the authorities decide to apply the restrictive measure to you, they will inform you in writing and also explain it in language you understand why they are doing this. The SBG will also inform you how to challenge the decision about applying a restrictive measure as well as about the possibility to request the state free legal assistance and

representation (how to get free legal aid). If you want to get the state free legal aid, you should submit the application to the SBG. The SBG will send a request for legal assistance to the Legal Aid Administration, an authority which is responsible for the provision of legal assistance. It is also possible to request free-of-charge legal assistance from local non-governmental organizations (see list at the end of the leaflet).

Legal assistance

As an asylum-seeker, you are entitled to use the services of a lawyer at your own expense. Thus, it is important that you come to an agreement with a lawyer on legal costs in advance. If you have little or no money, you are likely to be entitled to state free legal assistance to help with your asylum claim. Under state free legal assistance, it is possible to appeal to the Administrative District Court decisions of the OCMA. If you want to get the state free legal assistance, you should submit the application to the SBG or the OCMA.

After you received your decision

You will receive your decision from the OCMA.

This can be a positive decision (your asylum application was accepted and you can stay here either with a refugee status (*bēglis*) or with subsidiary protection (*alternatīvais statuss*)). If you have the refugee status then you get an ID card which is valid for 5 years, and if you get subsidiary protection then your ID card will be valid for 1 year.

You can have medical assistance, can go to school or university, and have social services just like the Latvian people. You have a right to work too. You can try to locate your family members and bring them to Latvia, which is called family reunification. However, you should know that is a long and complicated process.

If you have refugee status, you will receive the monthly allowance 139 EUR during 12 months (or during 10 months period with two months allowances payment in the first month, if the amendments in the law have been adopted at the time you read this text), if you have alternative status – during 9 months (or during 7 months period with two months allowances payment in the first month, if the amendments in the law have been adopted at the time you read this text). The monthly allowance for every second or third member of the family or for those under 18 is 97 EUR. There is a possibility to become a Latvian citizen. If you have refugee status, after 5 years you can apply for citizenship on grounds prescribed by law. If you get subsidiary protection, then after 10 years of residence you can file your application for citizenship.

NOTE!

Any decision or action of the SBG or the OCMA can be challenged in the established procedure. If you want to challenge the OCMA's decision or the decision on restrictive measure you can ask for the state free legal aid.

You can also receive a negative decision (your application was rejected). If your decision is negative and you think that you cannot return to your country because it would be dangerous for you, you can turn to the court and ask to review the decision.

In this situation you can appeal the decision of the OCMA to the District Administrative Court. You have 1 month (if your case was examined in accelerated procedure then you have 15 working days) to let the OCMA know that you do not accept their decision. You are entitled to state free legal assistance to help with challenging your negative decision. Information on how to apply for state free legal assistance is included in the negative decision of the OCMA.

NOTE!

The decision of the OCMA is not final. If you do not agree with the decision, you can appeal it to the District Administrative Court within one month or 15 working days, if examined in accelerated procedure. Terms are specified in the decision.

Please pay attention to this deadline, as after it expires, the OCMA will consider that you accepted the negative decision and your only possibility will be to file a subsequent application. A subsequent application will be examined in an accelerated procedure by the OCMA and only the existence of new facts or facts, which were not mentioned in the previous application, will be examined. In a subsequent claim it will be even more difficult to convince the OCMA that you need an international protection. The Court process can take from 5 days up to 3 months. If your appeal is rejected, the asylum procedure ends. The return process to the country of origin to be started and a departure order to be issued.

Finally

It is possible that not everything will happen exactly the same way this info leaflet told you. If something is not clear or you think that your rights have not been respected, you should not be angry, just stand up for your rights and discuss your situation with responsible authority of the SBG or the OCMA. In all cases contact the state authorities or non-governmental organizations which provide legal services to get qualified legal assistance or advice.

WHERE CAN YOU TURN FOR HELP?

United Nations High Commissioner for Refugees (UNHCR) Regional Representation for Northern Europe

Ynglingagatan 14, 6th fl., SE-113 47, Stockholm, Sweden

Tel.: +46 8 457 48 80

Fax: + 46 8 457 48 97

E-mail: swest@unhcr.org

<http://www.unhcr-northerneurope.org>

UNHCR is an international organization mandated by the United Nations to lead and coordinate international action for the worldwide protection of refugees and the resolution of refugee problems. UNHCR's primary purpose is to safeguard the rights and well-being of refugees. UNHCR strives to ensure that everyone can exercise the right to seek asylum and find safe refuge in another State, and to return home voluntarily. Every asylum-seeker, a refugee or person received alternative status has the right to apply to the UNHCR.

Legal Aid Administration

Juridiskās palīdzības administrācija

Pils laukums 4, Rīga, LV-1050

Tel.: +371 80001801, +371 67514208

Fax: +371 67514209

E-mail: jpa@jpa.gov.lv

www.jpa.gov.lv

Provides state legal aid to persons not able to afford legal aid at their own expense.

Office of the Ombudsman

Tiesībsarga birojs

Baznīcas iela 25, Rīga, LV-1010

Tel.: + 371 67686768

Fax: +371 67244074

E-mail: tiesibsargs@tiesibsargs.lv

www.tiesibsargs.lv

Reviews individual complaints, submissions, provides consultations on human rights issues and monitors forced deportation proceedings.

Latvian Centre for Human Rights

Latvijas Cilvēktiesību centrs

Alberta iela 13, Rīga, LV-1010

Tel.: +371 67039290

Fax: +371 67039291

E-mail: office@humanrights.org.lv

www.humanrights.org.lv

The independent non-governmental organization which provides legal assistance for asylum-seekers and irregular immigrants in Latvia on the basis of UNHCR project.

The Society "Shelter "Safe House"

NVO "Patvērums „Drošā māja"

Lāčplēša iela 75-9/10, Rīga, LV-1011

Tel.: +371 67898343 (only in Latvian)

+371 25565098 (in English)

E-mail: konsultacijas@patverums-dm.lv

www.patverums-dm.lv

The society Shelter "Safe House" provides support services to victims of human trafficking, legal immigrants, asylum-seekers, refugees and persons granted alternative protection in Latvia.

Latvian Red Cross

Latvijas Sarkanais Krusts

Šarlotes iela 1 d, Rīga, LV-1001

Tel.: +371 67336651

Fax: +371 67336652

www.redcross.lv

Provides, amongst other things, counselling, information, support, clothing and shelter to people in need.

Resource Centre For Women "Marta"

Biedrība Resursu centrs sievietēm "Marta"

Matisa iela 49 – 3

Rīga, LV-1009

Tel.: +371 67378539

Fax: +371 67378538

E-mail: centrs@marta.lv

www.marta.lv

Provides women free of charge legal aid, psychological and social workers' support in Latvian, Russian and English.

LATVIJAS
CILVĒKTIESĪBU
CENTRS

LATVIAN
CENTRE FOR HUMAN
RIGHTS

