



HUMAN RIGHTS IN LATVIA IN NUMBERS AND FACTS

STATELESS PERSONS AND NON-CITIZENS



Definitions

Statistics

Case-law

What is statelessness ?



"Stateless person" is a person who is not considered as a national by any State under the operation of its law. It is defined by **the 1954 Convention relating to the Status of Stateless Persons (Article 1)**

Two key international treaties – the 1954 Convention Relating to the Status of Stateless Persons and **the 1961 Convention on the Reduction of Statelessness** – are the cornerstones of the international legal framework on statelessness. Within this framework, the UN General Assembly has mandated UNHCR to work in four key areas: the identification, prevention and reduction of statelessness, and the protection of stateless people.

Both the Conventions are binding upon Latvia. The aim of the 1954 Convention is to protect the rights of stateless persons, while the 1961 Convention aims at reducing statelessness and the creation of new groups of stateless.

A person can become stateless, for example, by moving to another country, as a result of the formation of new states or border changes, by losing a nationality, or as a result of a legal loophole or discriminatory laws. E.g. according to the UNHCR, there are 25 countries in the world where women do not have equal access to nationality compared to men.

**There are at least
4.4 million stateless persons
in the world**

UNHCR data is available [here](#)

Stateless in Latvia

In Latvia, statelessness status is granted based on the 2004 Law on Statelessness, thereby establishing a statelessness determination procedure.

As of the beginning of 2024, according to the Central Statistical Bureau, there were 142 stateless individuals in Latvia.

According to the data from the Office of Citizenship and Migration Affairs (OCMA), as of January 1, 2024, there were 169* stateless individuals in Latvia, including 159 Latvian stateless, 4 Estonian stateless, 2 Belarusian stateless, 1 Lithuanian stateless, 1 British stateless, 1 Finnish stateless, and 1 Uzbek stateless. A stateless person of another country means that a persons has been granted stateless status there.

Total	169
Latvian stateless	159
Estonians stateless	4
Belarusian stateless	2
Lithuanian stateless	1
British stateless	1
Finnish stateless	1
Uzbek stateless	1

* OCMA data is based on Population Register data, while Central Statistical Bureau data is based on Census results, which are adjusted annually to data from other registers.

What is the difference between stateless and non-citizen?

Given Latvia's unique historical situation, there is a special legal status in Latvia known as "Latvian non-citizen." This status applies to former USSR citizens who do not have Latvian or any other country's citizenship, but who were permanently residing in Latvian territory on July 1, 1992. The status of a non-citizen is granted based on the law "[On the Status of Those Former USSR Citizens Who Are Not Citizens of Latvia or Any Other State.](#)"

Latvian Constitutional Court has stated that non-citizens cannot be considered as stateless persons: "With the adoption of the non-citizen law, a new category of persons emerged that was previously unknown in international law – Latvian non-citizens. Latvian non-citizens are not equivalent to any physical person's status defined in international legal instruments, as the rights granted to non-citizens do not fully correspond to any such status. Latvian non-citizens are neither considered citizens, foreigners, nor stateless persons but are individuals with a "special legal status".

The Constitutional Court also noted that the status of a non-citizen was intended to be a temporary status, allowing the individual to eventually obtain Latvian citizenship or to choose another country with which to establish their legal connection. ([Constitutional Court, judgment of March 7, 2005, Case No. 2004-15-0106](#)).

In 2008, the Latvian Supreme Court Senate stated that, as a non-citizen has a broad scope of social and economic rights, assigning them the status of a stateless person would contradict the 1954 Convention, adopted to provide social and economic protection to persons without any status. It held that Article 1(2)(ii) (exclusion clause) of the Convention applies.

Thus, Latvian law deals with the two groups separately.

The rights of stateless and Latvian non-citizens differ significantly. Latvian non-citizens, unlike stateless individuals, are considered nationals of Latvia. This means that non-citizens, unlike stateless individuals, are under the protection of the Republic of Latvia when abroad, have permanent residence rights in Latvia, and have equal access to most social and economic rights as citizens.

In certain professions related to state service, law enforcement (e.g., police, border guard, etc.), the judicial system, and independent professions related to the judicial system (e.g., advocate, notary, etc.) where state functions are carried out, only individuals with Latvian or EU citizenship can work.

Non-citizens have no voting rights.

On January 1, 2020, Latvia took an important step towards reducing the number of non-citizens by automatically granting Latvian citizenship to all newborn children born to non-citizen families.

The UNHCR considers the situation of Latvian non-citizens in the context of stateless individuals, treating them as persons without citizenship. Therefore, in its annual reports, the number of non-citizens is included in the overall UN statistics on stateless persons.*

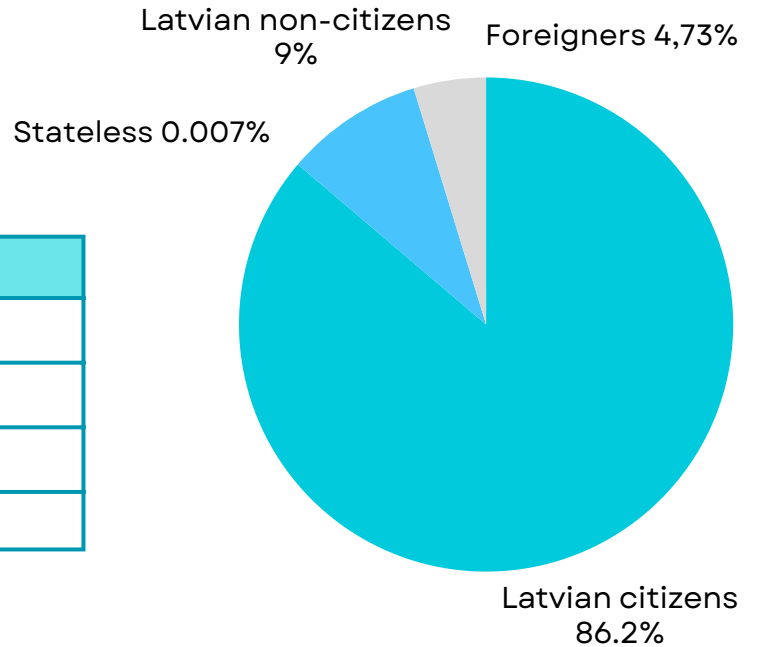
* With respect to persons under UNHCR's statelessness mandate, this figure includes persons of concern covered by two separate Latvian laws. 159 persons fall under the Republic of Latvia's Law on Stateless Persons on 17 February 2004. 180,455 of the persons fall under Latvia's 25 April 1995 Law on the Status of those Former USSR Citizens who are not Citizens of Latvia or Any Other State ("Non-citizens"). In the specific context of Latvia, the "Non-citizens" enjoy the right to reside in Latvia ex lege and a set of rights and obligations generally beyond the rights prescribed by the 1954 Convention relating to the Status of Stateless Persons, including protection from removal, and as such the "Non-citizens" may currently be considered persons to whom the Convention does not apply in accordance with Article 1.2(ii). In: Annexes for Global and Mid-Year Trends <https://www.unhcr.org/refugee-statistics/insights/annexes/trends-annexes.html>

Statistics

Population by citizenship, beginning of 2024

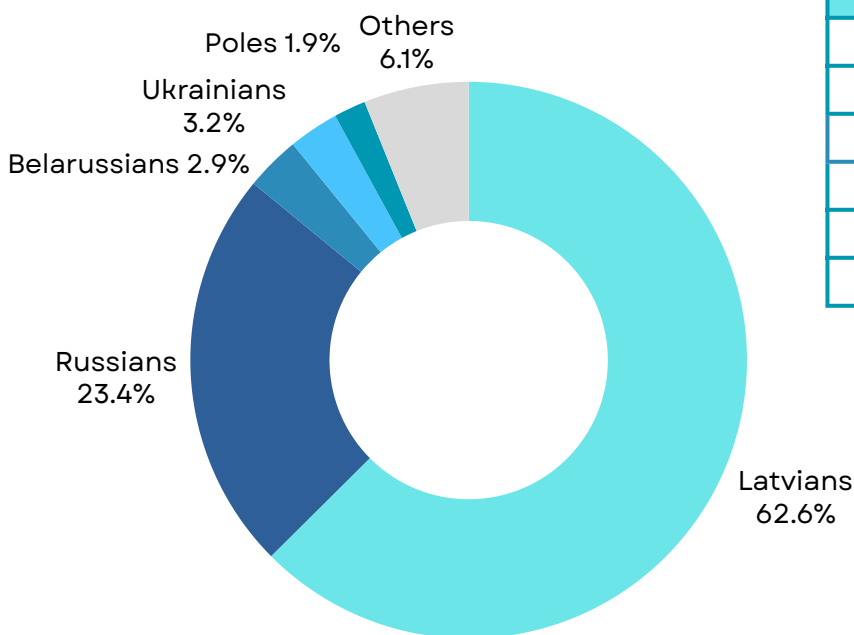
Source: Central Statistical Bureau

Total	1871882
Latvian citizens	1613838
Latvian non-citizens	169276
Stateless	142
Foreigners	88626



Population by ethnicity, beginning of 2024

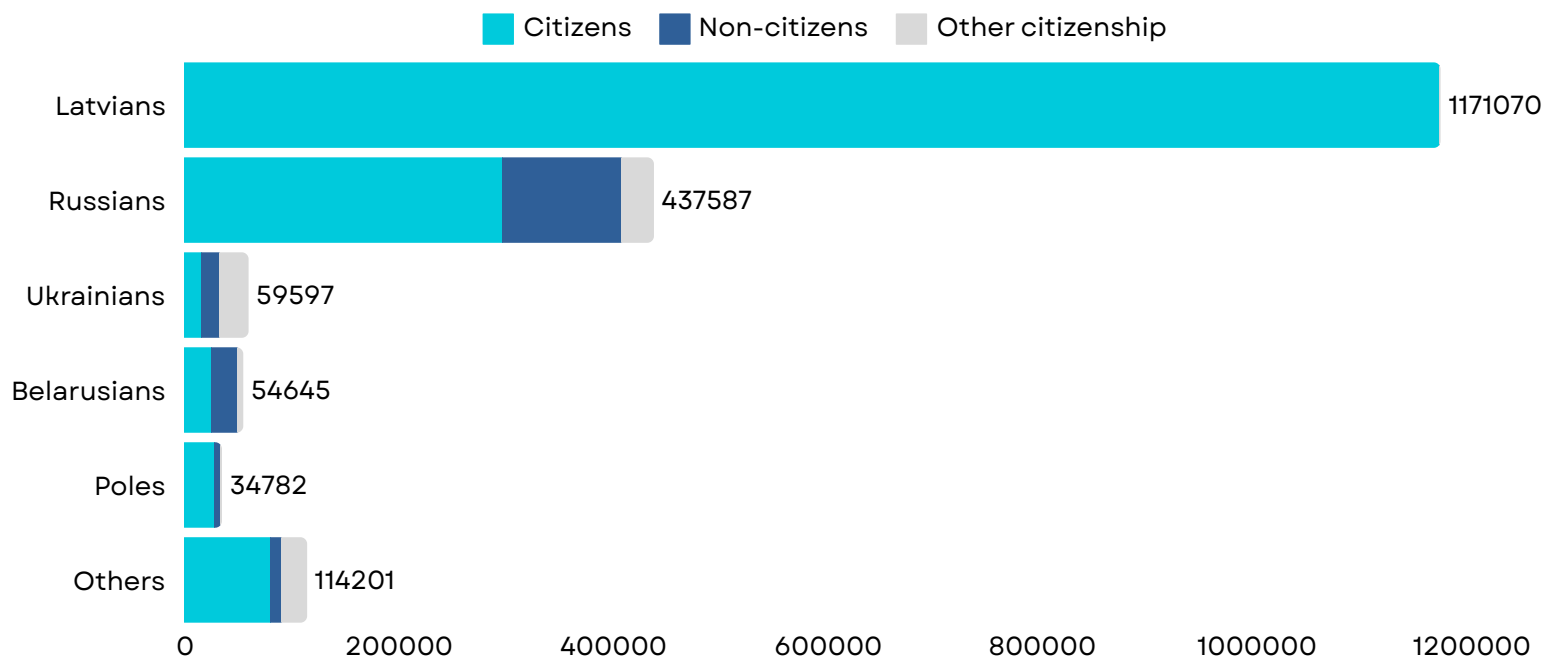
Source: Central Statistical Bureau



Total	1871882
Latvians	1171070
Russians	437587
Ukrainians	59597
Belarussians	54645
Poles	34782
Others	114201

Population by citizenship and ethnicity, beginning of 2024

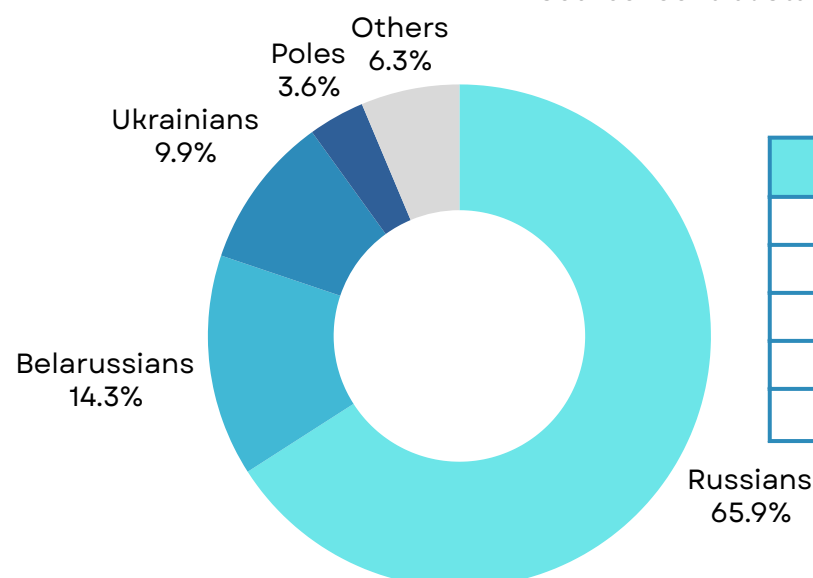
Source: Central Statistical Bureau



	Latvian citizens	Latvian non-citizens	Other citizenship
Total	1613838	169276	88768
Latvians	99,91%	0,03%	0,06%
Russians	67,65%	25,50%	6,84%
Ukrainians	26,32%	28%	45,68%
Belarusians	45,68%	44,16%	10,16%
Poles	79,1%	17,64%	3,26%
Others	69,68%	9,08%	21,24%

Non-citizens by ethnicity, beginning of 2024

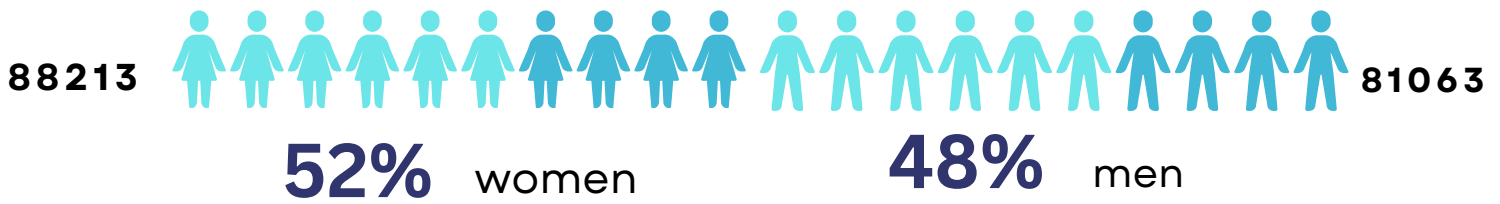
Source: Central Statistical Bureau



Total	169276
Russians	111593
Belarusians	24131
Ukrainians	16687
Poles	6137
Others	10728

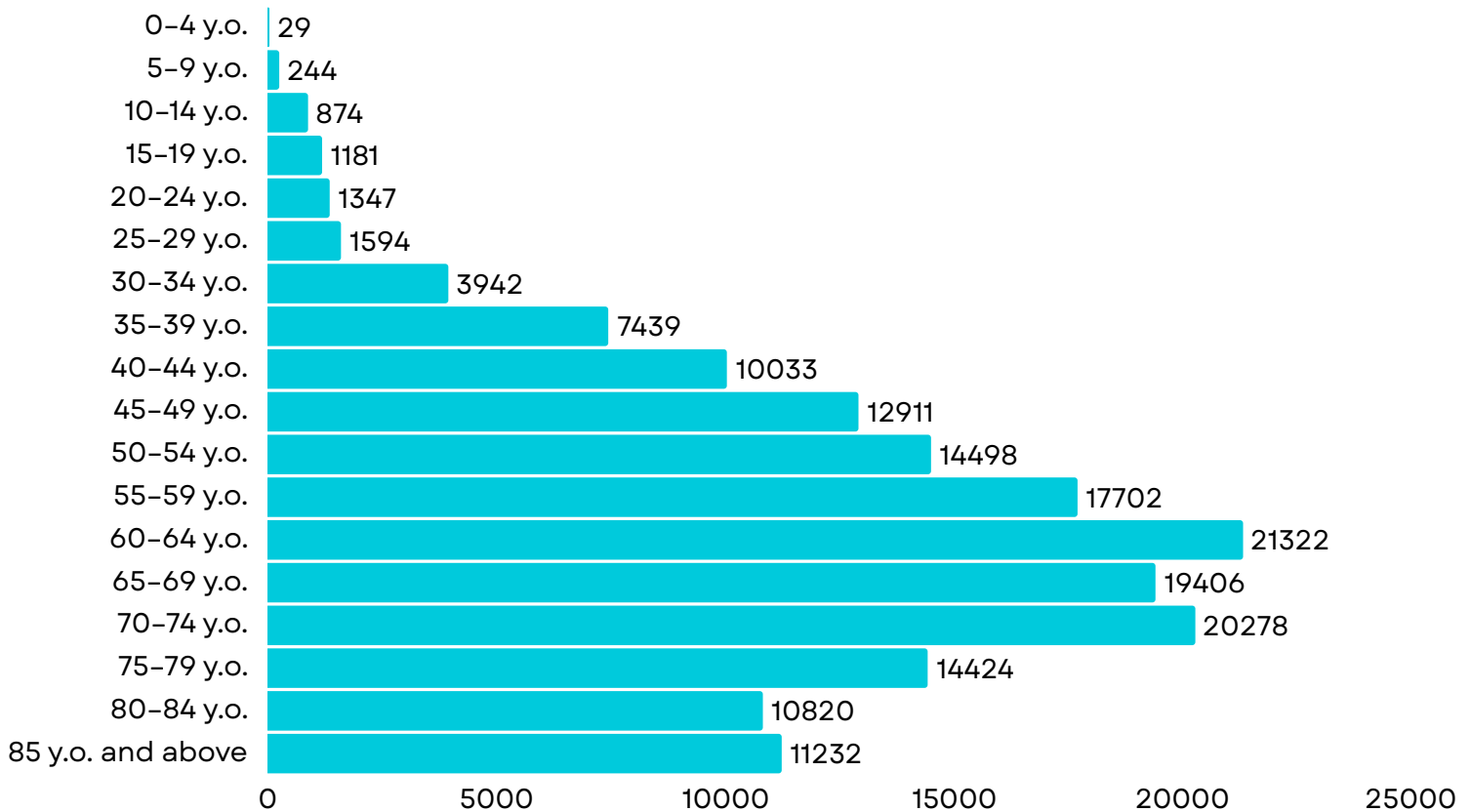
Non-citizens by gender, beginning of 2024

Source: Central Statistical Bureau



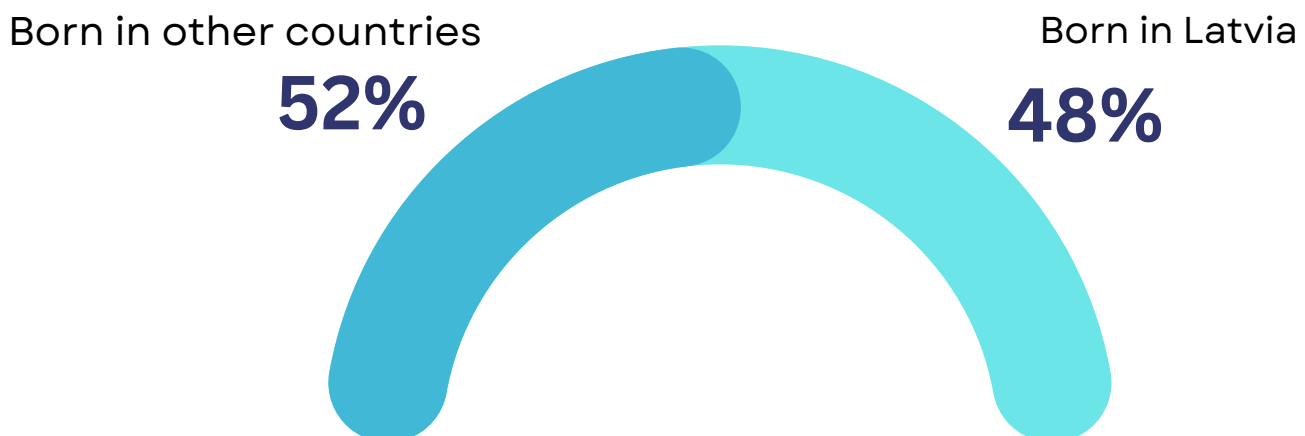
Non-citizens by age, beginning of 2024

Source: Central Statistical Bureau



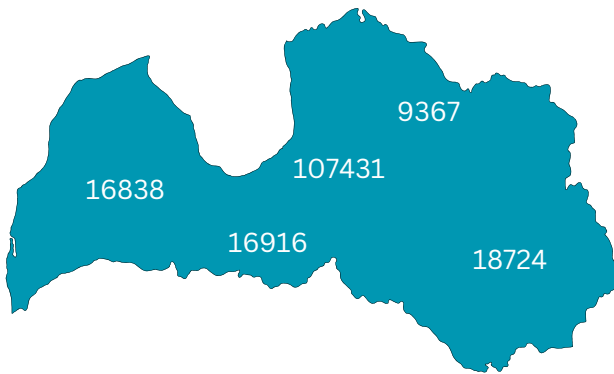
Non-citizens by country of birth, beginning of 2024

Source: Central Statistical Bureau



Non-citizens by region, beginning of 2024

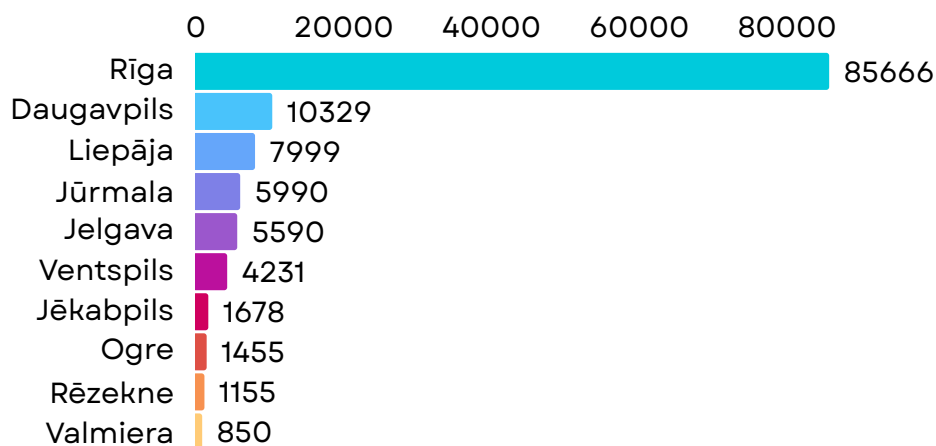
Source: Central Statistical Bureau



Riga region	107431
Latgale region	18724
Zemgale region	16916
Kurzeme region	16838
Vidzeme region	9367

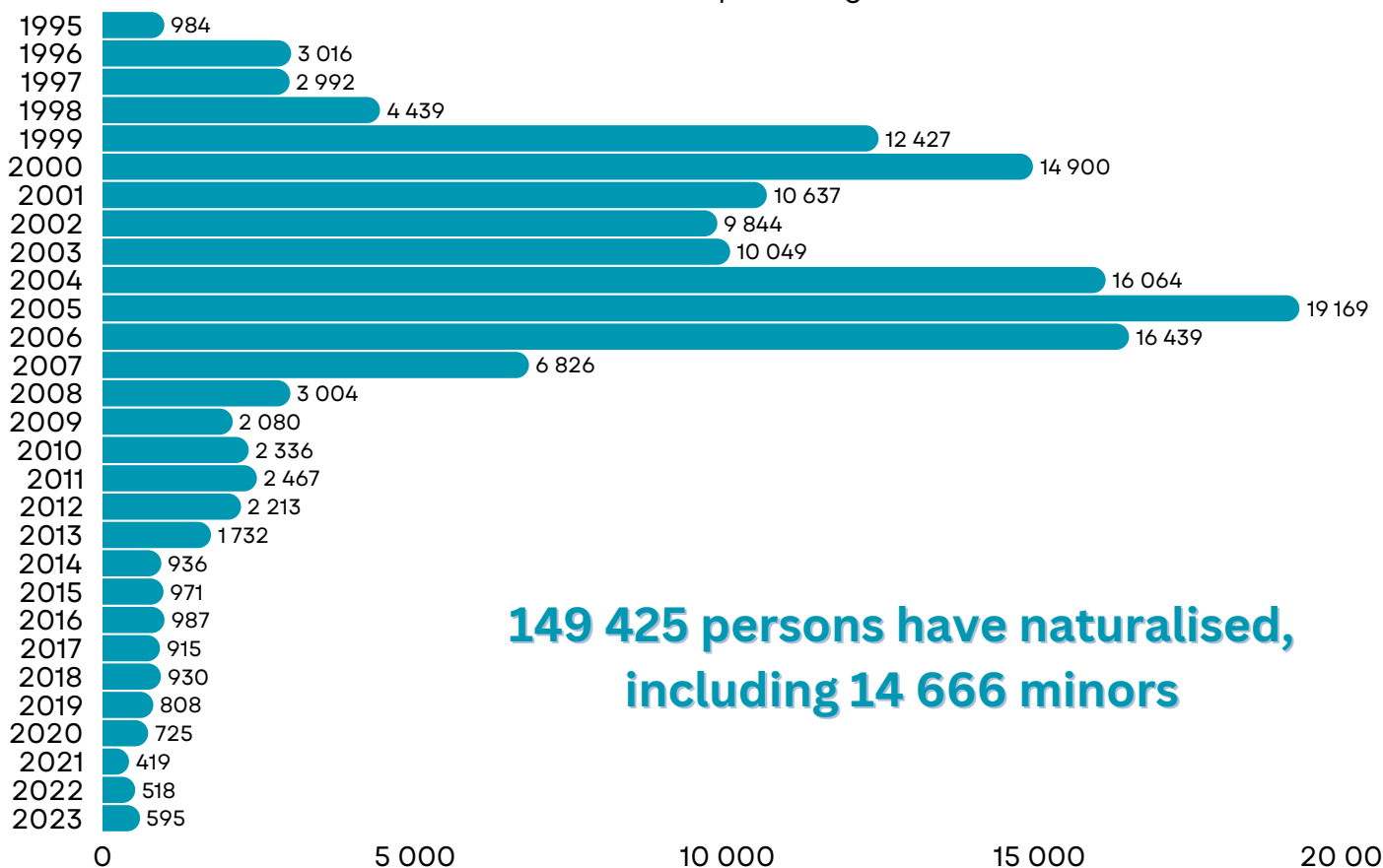
Non-citizens by biggest cities, beginning of 2024

Source: Central Statistical Bureau



Number of naturalised persons, 1995-2023

Source: Office of Citizenship and Migration Affairs



**149 425 persons have naturalised,
including 14 666 minors**

Case-law in 2024

EXISTENCE OF CITIZENSHIP AS AN OBSTACLE TO THE STATUS OF A STATELESS PERSON

Senate Administrative Cases Department Decision of the Sitting on January 15, 2024, Case No. A420153122, SKA-327/2024

The applicant, a Cuban citizen, applied to the Office of Citizenship and Migration Affairs (OCMA) for stateless status. The applicant has lived in Latvia since childhood and has serious health problems that prevent him from working. He has no identification documents and cannot obtain a residence permit. The applicant claimed that he attempted to renounce his Cuban citizenship, but the Cuban constitution does not provide for renunciation of citizenship. He does not wish to maintain ties with Cuba or obtain a Cuban passport.

Both OCMA and the court rejected the applicant's request for stateless status. Upon reviewing the applicant's cassation complaint, the Senate Administrative Cases Department concluded that having any country's citizenship is an obstacle to obtaining stateless status. To be recognized as stateless, it must be established that the individual does not belong to any country (the person is not a citizen of another country, nor is guaranteed the citizenship of another country).

Additionally, neither international nor national legal norms require assessing the quality of the citizenship link, the individual's connection to their citizenship country, or the possibility of renouncing citizenship when deciding on granting stateless status. International regulations binding on Latvia aim not only to protect individuals who are stateless but also to reduce the number of statelessness cases. Therefore, while every person should ideally have a nationality and the right to change it, these rights do not equate to a right to become stateless.

The Senate also determined that stateless status cannot be granted for humanitarian reasons. Furthermore, the Regional Court, upon evaluating the applicant's individual situation, concluded that the applicant was issued a travel document to approach the Cuban embassy in Finland to address the issue of renouncing Cuban citizenship or obtaining a Cuban passport, so that he could later apply for a residence permit in Latvia. However, the applicant did not use this opportunity.

THE CHILD CUSTODY COURT IS OBLIGATED TO ENSURE THE GRANTING OF LATVIAN CITIZENSHIP TO A CHILD IN STATE CUSTODY.

Supreme Court Senate Administrative Cases Department Decision of the Sitting on June 25, 2024, in Case No. A420176223, SKA-621/2024

The Supreme Court examined a case concerning the granting of Latvian citizenship to an adopted child who is a Latvian non-citizen. The child's legal representative requested Latvian citizenship from the Office of Citizenship and Migration Affairs (OCMA), but the Office refused, citing the child had lost his relationship with his biological parents, who were Latvian non-citizens. The adoptive parents are citizens of another state.

The claimant appealed to the court, which ruled in their favour, ordering the OCMA to issue an administrative act recognizing the child as a Latvian citizen. The court determined that the child had the right to become a Latvian citizen before adoption, but the OCMA failed to act. The court concluded that the OCMA's formal application of the Citizenship Law, which denied the child Latvian citizenship, was disproportionate and unjust. This did not ensure the child's rights and interests were prioritized in legal matters affecting them.

The Senate Administrative Cases Department, upon reviewing the OCMA's cassation complaint, has also recognised that adoption does not affect the decision regarding a person's right to become a Latvian citizen.

The Senate stated that if a child is under state custody and the child custody court (*bāriņtiesa*) is responsible for the child's personal and property rights, it is the court's duty to submit the appropriate application to the OCMA to secure the child's right to citizenship.

REQUIREMENT TO DECLARE A PLACE OF RESIDENCE AND ACTUALLY RESIDE IN LATVIA AS A PRECONDITION FOR NATURALISATION

Latvian Republic Senate Administrative Cases Department Judgment of July 9, 2024, Case No. A420263120, SKA-138/2024

The applicant, a Latvian non-citizen born and raised in Latvia, sought to acquire Latvian citizenship through naturalisation. However, he received a refusal from the Office of Citizenship and Migration Affairs (OCMA) because it was found that at the time of his naturalisation application, his permanent residence had not been in Latvia for at least five years, as required by Article 12, paragraph 1. The applicant had studied in another country for nearly three years, declaring his residence there.

The Administrative Regional Court upheld the applicant's claim, concluding that his absence was objectively justified and he had not established a permanent link with any other country during that time.

The Supreme Court Senate Administrative Cases Department, upon reviewing OCMA's cassation complaint, concluded that the regional court's judgment was incorrect. The Senate noted that the legislator had deliberately chosen to consider a person's permanent residence in Latvia for the five years immediately preceding the naturalisation application, including for non-citizens. Factors such as the person's birth, upbringing, and education in Latvia, as well as having relatives living in Latvia, are not legally significant in the application of the legal norm.

When assessing the legality of any decision made concerning a child, it must be evaluated through the lens of the best interest of the child. This includes the understanding that formal considerations are not grounds to deny a child Latvian citizenship.

The legislator has stipulated the necessity of being legally declared at a residence in Latvia, in addition to actually living (being) at that residence, which the person can prove by submitting relevant evidence. The Senate indicated that the legislator allows for short-term departures from Latvia (including for studies or scientific work), provided that the permanent residence is not changed, and, if necessary, to temporarily change permanent residence to another country for up to one year.

The Senate also indicated that a person, knowing that they intend to acquire Latvian citizenship through naturalisation in the future, should plan their actions in advance to meet the naturalisation requirements set by law.

What is Statelessness Index

The **Statelessness Index** is a comparative tool that assesses European countries' law, policy, and practice on the protection of stateless people and the prevention and reduction of statelessness, against international norms and good practice. It is a tool created for civil society, governments, researchers, the media, and other interested individuals, including stateless people and their communities.



European
Network on
Statelessness

European Network on Statelessness [website](#)

The Index was developed and is maintained by the **European Network on Statelessness** (ENS).

As of March 2024, the Index contains comparative data for 32 countries: Albania, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czechia, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Latvia, North Macedonia, Malta, Moldova, Montenegro, Norway, The Netherlands, Poland, Portugal, Romania, Serbia, Slovenia, Spain, Sweden, Switzerland, Türkiye, United Kingdom, and Ukraine.

The Latvian Human Rights Centre (LCHR) is an independent non-governmental organisation founded in 1993. LCHR works on issues of integration, promoting tolerance, preventing discrimination, hate crimes and hates speech, asylum, migration and other fundamental rights and freedoms.

LCHR conducts human rights monitoring, research and policy analysis, educates different target groups. It is involved in advocacy and provides legal assistance on human rights issues, including representing clients in court. LCHR provides expert opinions to both local and international institutions. LCHR is actively involved in awareness raising activities and facilitates changes in policy, legislation and practise.

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