

**NATIONS UNIES**  
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POUR LES REFUGIES

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**UNITED NATIONS**  
HIGH COMMISSIONER  
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*Regional Office  
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**VERENIGDE NATIES**  
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**Background Note on the  
Protection of Asylum Seekers and Refugees  
in Latvia**

On 19 June 1997, Latvia ratified the 1951 Convention relating to the Status of Refugees and its 1967 Protocol. The same day, the Latvian Parliament adopted the “Law on Asylum-seekers and Refugees in the Republic of Latvia” (Refugee Law), which entered into force on 1 January 1998.

Following two years of preparation, a fully revised Asylum Law was adopted on 7 March 2002 and entered into force on 1 September 2003.

The new Asylum Law addresses many of the gaps of the present legislation with respect to the EU *acquis* on asylum and related international standards. However, in order to ensure further and full compliance with European and international standards, the following recommendations should be taken into consideration:

- the ‘safe third country’ notion should be used as an admissibility ground and not as a ground for rejecting an asylum application on its merits in an accelerated procedure;
- the time frame for submitting an appeal in the accelerated procedure (two days if lodged in the country and one day if lodged at the border) should be extended;
- grounds for exclusion and cessation of refugee status should be strictly aligned to articles 1.F and 1.C of the 1951 Geneva Convention;
- the institutional responsibility for ensuring protection against *refoulement* should be clarified;
- clear standards on detention of asylum seekers should be included in the law as well as institutional responsibilities in cases of detention.

Asylum applications have to be submitted either directly to the Refugee Affairs Centre, within the Citizenship and Migration Department of the Ministry of Interior, or to the border guards, which in turn will forward these to the Refugee Affairs Centre. Appeals are examined by the Council of Appeals in Refugee Affairs, an independent quasi judicial institution supervised by the Ministry of Justice.

The asylum application rate in Latvia remains low: 36 asylum applications were filed in 1998, out of which one Palestinian and one Sudanese were granted refugees status; 18 applications were filed in 1999, out of which three Pakistani and one Iraqi were granted refugee status; 4 applications were filed in 2000 out of which one Congolese was granted refugee status; and 14 persons applied filed in 2001 out of which one Afghan was granted refugee status. 30 asylum applications (including 9 Slovak Romas, 11 CIS nationals, 1 person from Iraq) were submitted during 2002. 5 asylum applications (all CIS nationals, including 3 Chechens) were submitted by 31 May 2003.

In July 2001, the European Commission approved an “Asylum and Migration Management System” project under the PHARE programme. In September, Sweden was chosen as the lead twinning partner and Greece as the junior partner. The twinning project started in October 2002 and will continue until April 2004. Two of the main components of the project are:

1. Development of a Migration and Asylum Strategy
2. Establishments of the Common Registration System for the Management of Legal/Illegal Migration and Asylum

### **Specific Issues**

The limited experience and competence of the members of the Appeals Council in asylum matters remain an issue of concern. Procedure and motivation of decisions require further improvement.

In general terms, enhanced co-ordination and co-operation between the institutions involved in refugee related matters is still needed to avoid situations where no institution is willing to assume responsibility for the asylum seeker or the recognised refugee. Despite some positive developments, such problems have occurred in cases where the ‘safe third country’ notion is invoked as a ground for rejecting the claim on its merits rather than as a ground for admissibility. On several occasions, applications have been rejected on the basis of the ‘safe third country’ notion and expulsion orders have been issued before a receiving third state had given its consent to readmit the individual. In those situations the rejected asylum-seekers are left in a legal and social limbo and remain in detention awaiting their expulsion.

Targeted training of border guards has become crucial, especially since the Asylum Law allocates to them the responsibility for conducting an initial interview. In addition, border Guards are responsible for presenting the case of the asylum seeker before the court in case detention is going to be applied. However as detention grounds are not specified in the law, training on this issue is important.

UNHCR is actively involved in strengthening the capacity of the civil society with a view to ensure access to free legal aid and social counselling as well as support for integration of refugees into society. With the support of UNHCR, the Latvian Red Cross are developing a training plan and public information activities focusing on the information provided to asylum-seekers, the monitoring of detention places, training of Red Cross staff members and information and awareness raising activities on refugee and asylum matters among the public.

### **Points for Consideration**

- Urge the Government to address the remaining flaws in the new Asylum Law;
- Enhance the capacity and expertise of responsible bodies dealing with asylum matters;
- Encourage co-ordination and cooperation between the institutions involved in asylum matters;
- Provide adequate training to border guards on asylum and refugee matters including interview techniques;
- Increase public awareness of refugee and asylum matters.

UNHCR  
June 2003