Rights and obligations

Immigrants or migrants are individuals who leave their country (by choice or by force) and seek residence or citizenship in another country. Refugees are a subset of immigrants who have been forced to leave their country in order to escape war, persecution, or natural disaster.

Specify what are:

[1] The obligations imposed on a migrant (with undocumented status):
- when applying for access to the territory of your country, whether on entering the country (by air, boat, rail or road), or
- being later found to have entered the country illegally.

SITUATION IN LATVIA

1. According to Immigration Law Article 4 in general for a foreigner to have the right to enter the territory of Latvia and remain there legally this person must have a valid travel document as well as a valid visa or residence permit. Although even in cases when a person has none of those documents, he or she can enter the country in order to ask for asylum.

The right to asylum in the Republic of Latvia is regulated by the Asylum Law. According to Article 6 of the Asylum Law a person who is entering the territory of the Republic of Latvia or is already residing there (legally or illegally) has the right to express their wish to acquire refugee status or subsidiary protection in oral form or in writing. A person shall submit an application with whom the person expresses the wish to acquire refugee status or subsidiary protection in person to the State Border Guard: 1) at the border crossing point or in the border crossing transit zone before entering the Republic of Latvia; 2) in the unit of the State Border Guard, if the person is in the Republic of Latvia. The State Border Guard shall draw up an orally expressed wish to acquire refugee or alternative status in the presence of the asylum seeker in writing. If a person has submitted the claim to the Office of Citizenship and Migration Affairs, the State Police or the Latvian Prison Administration, they shall, without delay but not later than within three working days, contact the State Border Guard so that the asylum seeker could submit an application.

If a person has entered the country illegally and has no legal grounds for residing there this person has to leave the country either voluntarily or he or she might be deported according to Immigration Law Article 41 and 46. Hence if a migrant is being later found to have entered the country illegally this person must either legalize their stay in the country (for instance by acquiring residence permit) or leave the country. Also at this point the person can ask for asylum and the procedure that was described in the previous paragraph applies. In some cases even when the person has not been granted asylum the Office of Citizenship and Migration Affairs can decide
that for specific reasons this person cannot be returned to their country of origin. In those cases person would be allowed to stay in the territory of Latvia due to humanitarian reasons.

2. The rights recognized to the migrant (in an undocumented status).

According to Asylum Law Article 11 during the period of the regularization procedure following his request to get refugee status the persona has rights to remain in the country, get a state funded legal aid, get emergency medical aid as well as primary health care, outpatient and inpatient psychiatric assistance in case of serious mental health disorders and also any medical assistance to minors, non-provision of which may pose a threat to the development and health of the child, from the State funds, taking into account the special reception needs of the asylum seeker. Asylum seekers that are younger than 18 also have the right to continue their education.

After being accepted as a refugee the person has a right to receive a travel document that simultaneously serves as their ID, and this person also of course has the right to remain in the territory legally due to state issued permanent residence permit (Article 51 and 52 of Asylum Law). Person who has been granted refugee status or subsidiary protection also has the right to a financial aid according to Article 53 of Asylum Law. The financial aid is in the form of a one-time payment as well as in the form or regularly payments of social benefits, additionally the person also has the right to work. A refugee also has the right to reunite with their family members (in general those would be underage children or parents in case of a refugee that himself/herself is a minor) according to Asylum Law Article 54. Person who has been granted subsidiary protection also has the same rights but only in cases when this person has resided in Latvia for more than 2 years after being granted the status.

After the rejection of his or her application as a refugee the person either must legalize their stay in the country or leave. Even after the final decision in the asylum case has been made the person might be allowed to stay in the premises of the asylum seekers accommodation center usually till the return procedure has been finalized but they have no right to financial aid.

II Risk of modern slavery

Due to circumstances that are quite country specific Latvia has no official data regarding the exploitation or trafficking of asylum seekers or those people who have been granted the international protection. There are following reasons: 1) number of asylum seekers is relatively low if compared to Nordic countries or bigger EU countries like Germany, France or Austria, 2) it is not unusual for refugees or those who have been granted subsidiary protection to leave Latvia in order to resettle in other EU countries. Nevertheless since human trafficking is a problem in Latvia that affects more those groups of Latvian society who are somehow vulnerable (due to their age, financial situation, lack of education or limited language skills, people coming from rural regions of Latvia etc.) and it is also recognized by the government (recently The Ministry of Interior Affaires launched a homepage dedicated to raising awareness of causes and problems related to human trafficking http://www.cilvektirdznieciba.lv/), migrants, asylum seekers or refugees are not exempted from the risks of modern slavery. According to the information provided by the Ministry of Interior Affairs Latvia is considered mostly as a source country for
men, women, and children subjected to sex and labor trafficking. One of Latvian NGO’s “Patvērums – “Droša māja”” works with both victims of human trafficking and migrants (including asylum seekers and those who have been granted some sort of status) thus it could be concluded that this would also be an organization where migrants can get more information regarding those issues as well. This NGO in the previous years has also helped to identify human trafficking victims in order for them to seek help.

Another vulnerable group might be migrant workers who come to Latvia from other former Soviet Republic. According to State Labour Inspectorate (http://www.vdi.lv/en/) there have been some complaints about migrant workers not getting paid. But due to fact that now there are more and more migrant workers coming to Latvia (both legally and illegally) The State Labour Inspectorate predicts that there will be more complaints not only regarding the pay but also working conditions.

Another factor is that due to lack of language skills and social networks it might be harder for migrants to find employment or suitable housing for reasonable prices.