



Latvijas Republikas tiesībsargs

*Ombudsman of the Republic of Latvia*

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Rīga

1 March 2017 No.1-7/4

**United Nations**  
**High Commissioner for Refugees**  
**Mr.Filippo Grandi**  
Case Postale 2500  
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*Regarding the Status of 'non-citizens'*

After the restoration of the independence of Latvia in 1991 the institution of citizenship was also restored. Taking into consideration continuity of the Republic of Latvia as an international legal subject, the aggregate body of Latvian citizens was renewed in the same way as it was determined in 1919 "Law on Citizenship". Citizenship was renewed to all persons who had been Latvian citizens on 17 June 1940 and their descendants, regardless of the person's ethnic origin. Thus Latvia did not grant citizenship to persons, who had it before occupation of Latvia, but renewed the right of these persons *de facto*.

Citizens of the former U.S.S.R., who had settled in the territory of Latvia during the occupation, were not granted Latvian citizenship automatically. In 1994 the Citizenship Law was adopted. It was amended several times and now the Citizenship law sets out clear preconditions for acquiring Latvian citizenship. The naturalization procedure has been repeatedly simplified. The requirements and fees for special groups of people have been reduced. The naturalization process is clear and accessible.

It must be stressed that although the well-established and rather simple naturalization procedure is in place most of the remaining non-citizens lack the motivation to become Latvian citizens. The rhetoric of certain States and non-governmental organizations facilitate the negative attitude of non-citizens towards Latvian State and institution of citizenship.

In 1995 the Law “On the Status of those Former U.S.S.R. Citizens who do not have the Citizenship of Latvia or that of any Other State” was adopted. According to this Law “non-citizens are such citizens of the former U.S.S.R. who reside in the Republic of Latvia as well as who are in temporary absence and their children who simultaneously comply with the following conditions:

1) on 1 July 1992 they were registered in the territory of Latvia regardless of the status of the living space indicated in the registration of residence, or up to 1 July 1992 their last registered place of residence was in the Republic of Latvia, or it has been determined by a court judgment that they have resided in the territory of Latvia for 10 consecutive years until the referred to date;

2) they are not citizens of Latvia; and

3) they are not and have not been citizens of another state.

This law introduced the concept of ‘non-citizens’. As stated by the Constitutional Court of the Republic of Latvia non-citizens have legal connection, rights and obligations towards the Latvian state. Non-citizens acquire a passport issued by the Republic of Latvia, they are under the protection of the State of Latvia during their stay abroad, they are granted permanent residence in Latvia *ex lege*, equal social and economic rights as citizens and they have the right at any time to become citizens of Latvia through a naturalisation procedure. Therefore, non-citizens are not stateless persons.

The different legal connection of citizens and non-citizens with the Republic of Latvia creates differences in the legal scope between citizens and non-citizens of Latvia (non-citizens are not allowed to elect and to be elected as well as to occupy certain professions in state administration). The differences in legal scope of Latvian citizens and non-citizens cannot be regarded discriminatory. The fact that political rights and rights related to occupy positions in public service can be limited to citizens is approved in the 1966 International Covenant on Civil and Political Rights. Article 25 of this Covenant which sets down the scope of the rights for citizens is not applicable for Latvian non-citizens. However the Republic of Latvia has a duty to ensure for every person living in Latvia the scope of rights which is not less than envisaged in the 1954 Convention relating to the Status of Stateless Persons. The rights which are conferred upon Latvian non-citizens exceed several times those requirements set out for stateless people in the Convention relating to the Status of Stateless Persons.

In the UN Refugee Agency report “Global Trends: forced displacement in 2015” regarding Latvia 252 195 persons have been indicated as persons under UNHCR’s statelessness mandate. When the UN High Commissioner for Refugees equates non-citizens to the stateless<sup>1</sup> this kind of praxis within UN institutions creates confusion and incomprehension regarding the scope of state’s obligations and state’s current policy as regards rights and status on non-citizens.

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<sup>1</sup> <https://s3.amazonaws.com/unhcrsharedmedia/2016/2016-06-20-global-trends/2016-06-14-Global-Trends-2015.pdf>

In 23-24 January 2017 the consultations between the Republic of Latvia and the UNHCR on “non-citizens” took place in Geneva. As Ombudsman of the Republic of Latvia I would like to stress that during the consultations the delegation of UNHCR ignored the situation of 176 stateless persons in Latvia. In my opinion, the wrong accents were made while speaking about non-citizens.

The position of certain UN institutions regarding the status of Latvian non-citizens is confusing. While UNHCR equates non-citizens to the stateless, several UN institutions, e.g., Human Rights Committee<sup>2</sup>, Committee on the Elimination of Racial Discrimination<sup>3</sup> have made distinction between the status of non-citizens and statelessness. EU Network of Independent Experts on Fundamental Rights has expressed alike position.<sup>4</sup>

The Ombudsman of the Republic of Latvia appeals to the UN institutions to form a unified interpretation that would help the state to meet the obligations set in the UN Human Rights Treaties.

With kind regards,

Ombudsman

Juris Jansons

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<sup>2</sup> CCPR/CO/79/LVA, Par. 16-18 and CCPR/C/LVA/CO/3, Par.7

<sup>3</sup> CERD/C/63/CO/7, Par.12 – 13

<sup>4</sup> Synthesis Report: Conclusions and Recommendations on the Situation of Fundamental Rights in the European Union and its Member States in 2003, 4 February 2004.