



EMN STUDY

BENEFICIARIES OF INTERNATIONAL PROTECTION TRAVELLING TO THEIR COUNTRY OF ORIGIN: CHALLENGES, POLICIES AND PRACTICES

National report of Latvia

Riga, 2018

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

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The Latvian Contact Point of the European Migration Network is the Office of Citizenship and Migration Affairs.

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This project has been funded with support from the European Commission. This publication reflects the views only of the authors, and the European Commission cannot be held responsible for any use which may be made of the information included therein.



Funded by the European Union's Asylum, Migration and Integration Fund

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

DEFINITIONS

Application for international protection is defined as a request made by a third-country national or a stateless person for protection from a Member State, who can be understood to seek refugee status or subsidiary protection status, and who does not explicitly request another kind of protection, outside the scope of Directive 2011/95/EU (Recast Qualification Directive), that can be applied for separately.

Beneficiary of international protection is defined as a person who has been granted refugee status or subsidiary protection status.

Cessation of international protection refers to 'cessation clauses' of the Refugee Convention (Article 1C(1) to (6) of the Refugee Convention) that enumerate the conditions under which a refugee ceases to be a refugee: protection is no longer necessary or justified on the basis of certain voluntary acts of the refugee concerned or a fundamental change in the situation prevailing in the country of origin. In EU law, cessation means end of international protection status where a third-country national who has been formally recognized as a refugee ceases to be a refugee within the meaning of Article 11 of the Recast Qualification Directive, or a formally recognized beneficiary of subsidiary protection ceases to be a beneficiary of such protection within the meaning of Article 16 of the Recast Qualification Directive. Member States must revoke, end or refuse to renew the refugee status (Article 14 of the recast Qualification Directive) or the subsidiary protection (Article 19 of the recast Qualification Directive) if a third-country national ceased to be a refugee or a beneficiary of subsidiary protection.

Country of origin is the country or countries of nationality or, for stateless persons, of former habitual residence.¹

Geneva Convention is defined as the Convention relating to the Status of Refugees done at Geneva on 28 July 1951, as amended by the New York Protocol of 31 January 1967.²

Refugee is defined as a third-country national who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, political opinion or membership of a particular social group, is outside the country of nationality and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or a stateless person, who, being outside of the country of former habitual residence for the same reasons as mentioned above, is unable or, owing to such fear, unwilling to return to it, and to whom Article 12 of Directive 2011/95/EU (Recast Qualification Directive) does not apply.

Refugee status is defined as the recognition by a Member State of a third-country national or a stateless person as a refugee.³

Person eligible for subsidiary protection is defined as a third-country national or a stateless person who does not qualify as a refugee but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to his or her country of former habitual residence, would face a real risk of suffering serious harm as defined in Article 15 of Directive 2011/95/EC (Recast Qualification Directive), and to whom Article 17(1) and (2) of said Directive does not apply, and is unable, or, owing to such risk, unwilling to avail himself or herself of the protection of that country.

Subsidiary protection status means the recognition by a Member State of a third-country national or a stateless person as a person eligible for subsidiary protection.⁴

¹ Article 2(n) of Directive 2011/95/EU (Recast Qualification Directive).

² Article 2 of Directive 2011/95/EU (Recast Qualification Directive).

³ Article 2 of Directive 2011/95/EU (Recast Qualification Directive).

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

Withdrawal of international protection means the decision by a competent authority to revoke, end or refuse to renew the refugee or subsidiary protection status of a person in accordance with the Recast Qualification Directive (Directive 2011/95/EU).⁵

TOP-LINE FACTSHEET

Over the recent years, the competent institutions of the European Union Member States have, observed an increasing interest amongst beneficiaries of international protection regarding their country of origin, in the form of applying for a passport in a representation office of the country of origin or by traveling to their country of origin. Although such activities do not mean the automatic cessation of refugee status or subsidiary protection status, under certain circumstances, these activities may provide the basis for the competent authorities to reassess the reasons on which the person was granted international protection. For example, a person's justified fear of persecution in the country of origin or the possibility of a person suffering serious harm.

The purpose of the study "Beneficiaries of international protection travelling to their country of origin: challenges, policies and practices" is to gather information available in the Member States, which may indicate the reasons for the beneficiaries of international protection to emigrate or seek to establish links with the country of origin. Both the Geneva Convention on the Status of Refugees and the European Union's Asylum legislation determine reasons for the termination of the international protection. In circumstances where the apparently international protection is no longer necessary or is not justified, the competent authorities are entitled to decide on the cessation of the status in the context of the study. Receiving a national passport or frequent travelling to the country of origin in certain circumstances may indicate that a person no longer needs international protection status. Similarly, such actions may indicate that the beneficiary of international protection wishes to re-establish ties and settle in the country of origin. Thus, the study also analyses the possible consequences of the activities of the competent authorities, which would relate to the international protection of the person and his rights of residence.

Latvia's national legislation includes legal provisions arising from the Directive 2011/95/EU of the European Parliament and the European Council regarding standards for qualifying third-country nationals or stateless persons as beneficiaries of international protection, regarding the uniform status of refugees or persons eligible for subsidiary protection, and on the content of the protection granted (hereinafter referred to as Directive 2011/95/EU), implements provisions set out in Article 11 and Article 16 on the termination of international protection as well as provisions of Article 45 and Article 46 of the Directive 2013/32/EU of the European Parliament and European Council on common procedures for granting international protection (hereinafter referred to as Directive 2013/32/EU).

The loss or revocation of the refugee status or the subsidiary protection status in Latvia is regulated by the Asylum Law⁶, which was adopted on December 17, 2015 and entered into force on January 19, 2016. The law sets out criteria and procedures for the loss or revocation of the refugee status and subsidiary protection status. The Asylum Law stipulates the conditions in which the competent officials are entitled to assess the need for international protection status.

A refugee travelling to the country of origin can provide a basis for the loss of the refugee status if there is evidence that the purpose and effect of the travel create conditions laid down in the Asylum Law as conditions for losing the refugee status:

⁴ Article 2 of Directive 2011/95/EU (Recast Qualification Directive).

⁵ Article 2 (b) of Directive 2013/32/EU (Recast Asylum Procedure Directive).

⁶ Asylum Law, published in "Latvijas Vēstnesis" ed. No. 2 (5574) on 5 January, 2016. [entered into force on 19.02.2016.]

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

- 1) a voluntarily re-accepted the protection of his/her country of citizenship;
- 2) voluntarily re-acquired citizenship after it was lost;
- 3) the citizenship of Latvia or another country has been acquired and the state protection of the new citizenship country is enjoyed;
- 4) the person has returned to the country he had left in fear of persecution;
- 5) the person cannot refuse the protection of the State of his/her citizenship, as there are no circumstances for which he was recognized as a refugee;
- 6) a person as a stateless person may return to his or her former permanent residence as the circumstances for which he was recognized as a refugee do no longer exist.

In turn, a person loses the subsidiary status if the circumstances, due to which subsidiary status was granted, no longer exist or have changed to the extent that protection of this person is no longer necessary.

A decision on the revocation of international protection can be made if it is determined that the person has provided false information or provided information that would have played a decisive role in granting a refugee status or subsidiary status.

In the situation when the Office of Citizenship and Migration Affairs decides on the loss or revocation of a refugee status or subsidiary status, the person has the right to appeal the decision to the Administrative District Court. In order to prepare an application to the court, the person is entitled to receive state-guaranteed legal assistance. In accordance with the Asylum Law, a person retains the refugee or subsidiary status during the procedure.

If within the person's case a decision is taken on the loss or revocation of the refugee or subsidiary status, then the residence permits of family members who have received them as a result of the family reunification procedure are cancelled in accordance with the Immigration Law. In turn, the Asylum Law does not provide for an automatic loss of international protection status for all family members included in the application for granting international protection.

In the context of the study, it should be considered that, until now, the responsible authority - the Office of Citizenship and Migration Affairs in Latvia has no practice regarding the adoption of a decision on the loss or cessation of a refugee status or subsidiary status. Consequently, such a decision has not been appealed to the Administrative District Court. This is because the competent officials did not have information on contacting the recipients of international protection with the representation of their country of origin or the traveling to the country of origin to the extent that would be the basis for initiating the procedure for the losing the refugee status or subsidiary status.

So far, the issue of beneficiaries of international protection travelling to their countries of origin has not been relevant to Latvia.

Section 1: Overview of national policy context

Q1. Is the topic of beneficiaries of international protection travelling to their country of origin a national policy priority in your Member State? **NO**

So far, the issue of beneficiaries of international protection travelling to their countries of origin has not been relevant to Latvia.

Q2. If available, please provide (estimated) **statistics** on the number of beneficiaries of international protection (allegedly) travelling to their country of origin registered from 2012 to 2018 (until 30 June 2018, if available).

Statistics on beneficiaries of international protection travelling to their countries of origin are not collected.

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

Section 2: Travels to or contacts with national authorities of the country of origin and possible cessation of international protection

2.1. REFUGEES CONTACTING AUTHORITIES OF COUNTRY OF ORIGIN AND RE-AVAILMENT OF THE PROTECTION OF THE COUNTRY OF NATIONALITY

Q3. If a refugee in your (Member) State contacts official authorities of their country of origin (e.g. consulates, embassies, or other official representations of the country of origin in the State that granted protection), can this possibly lead to the cessation of his/her refugee status? **YES**

If yes, please elaborate (e.g. this can be considered as re-availment of national protection of the country of nationality in certain circumstances (see options in question 5)):

The communication of the refugee with authorities of his country of origin is not in itself a reason for the loss of the refugee status.

In individual cases, consideration is given to whether the change in circumstances in the country of origin is so significant that a person's fear of persecution can no longer be justified and whether this change of circumstances is permanent. These conditions do not apply to a refugee who can rely on compelling reasons (resulting from past persecution) to refuse to accept the protection of its country of origin, if he is stateless – protection of the country of his former habitual residence.

Thus, on the basis of the Asylum Law, in order to decide on the possible loss of the refugee status, into account must be taken first of all the individual circumstances of the person, in conjunction with the reasons (purposes of the person) forcing the person to apply to the authorities of the country of origin. In the relevant situations, it should also be assessed whether this has happened voluntarily and what the results of this communication are.

Secondly, the circumstances of the case cannot be distinguished from information that is at disposal of the Office of Citizenship and Migration Affairs (hereinafter - the competent institution) about the situation in the country of origin and the reasons for which the person was granted the refugee status. Essentially, in this case, it is very important for the person to explain the situation so that the competent authority individually, objectively and fairly assesses the possible consequences of losing the refugee status.

Until now, Latvia has not applied the conditions for the loss of refugee status in the context of the situation described.

Q3a. If a refugee in your (Member) State contacts official authorities of their country of origin, can this have other consequences on his/her refugee status? **YES**

If yes, please elaborate (e.g. this can trigger a (re)assessment of the initial application for refugee protection):

Theoretically, the issue of revocation of the refugee status can be raised in a personal matter, however, each case should be viewed individually and, when assessing the case, the aim and the outcome of contacting with the authorities of the country of origin should be taken into account.

The determining authority may be in possession of information regarding conditions for the cessation of the refugee status under the Asylum Law, that is, the determining authority may be in possession of information on cases where the refugee status is not to be

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

granted or information that this person has provided false information or has not provided information that had the decisive role in granting the refugee status, including the use of forged documents.

Q4. If yes to Q3, is it specified:

In national legislation.

*If box is marked, please specify legislation: **Asylum Law***

In case law.

If box is marked, please indicate case law reference and short summary:

In practice.

If box is marked, please explain practice:

Q5. If yes to Q3, which of the following acts (by the refugee) can lead to re-availing of protection of the country of origin:

Please tick boxes that apply.

For each of the (ticked boxes) options below, please indicate whether it is based on legislation, case law or (administrative) practice.

Frequency of contacts with national authorities over a certain period of time

Obtaining the issuance or renewal of a passport

Requesting administrative documents

E.g. documents pertaining to family reunification or civil status such birth certificates

Marriage in the country of origin

Other (please specify)

The Asylum Law, as provided for in Article 11 of the Directive 2011/95/EU, determines what actions performed by persons owning the refugee status may result in a loss of the refugee status.

The legislation has established the consequences upon the occurrence of which the competent authority may decide on the loss of the refugee status. Under the Asylum Law, a person loses its refugee status if it:

- 1) a voluntarily re-accepted the protection of his/her country of citizenship;**
- 2) voluntarily re-acquired citizenship after it was lost;**
- 3) the citizenship of Latvia or another country has been acquired and the state protection of the new citizenship country is enjoyed;**
- 4) the person has returned to the country he had left in fear of persecution;**
- 5) the person cannot refuse the protection of the State of his/her citizenship, as there are no circumstances for which he was recognized as a refugee;**
- 6) a person as a stateless person may return to his or her former permanent residence as the circumstances for which he was recognized as a refugee do no longer exist.**

At the same time, the national legislation does not lay down specific criteria and evidence that could support these activities.

Q6. If yes to Q3, are exceptions or derogations possible (*e.g. if the fear of persecution emanates from non-State actors*)? **NO**

Q6a. If yes to Q6, is it specified:

In national legislation?

If box is marked, please indicate legislation:

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

- In case law?

If box is marked, please indicate case law reference and a short summary:

- In practice?

If box is marked, please explain practice:

Q6b. If yes to Q6, please specify which circumstances are taken into account.

E.g.: need to apply for a divorce in his home country because no other divorce may have the necessary international recognition.⁷

E.g.: Obtaining a national passport or an extension of its validity may not involve cessation of refugee status for example where the holder of a national passport is not permitted to return to the country of his nationality without specific permission.⁸

Q7. If yes to Q3, what **challenges** do national authorities encounter in practice when assessing such circumstances and cessation ground?

For each challenge describe for whom it is a challenge (policy-maker, organisation, other), why it is considered a challenge and whether the assessment that this is a challenge based on input from experts (and if so, which experts), surveys, evaluation reports, focus groups or other sources.

*Please answer with examples taken from (national) **case law** if available.*

Responsible Latvian authorities do not have such practice,

Q8. Is guidance or any other form of established practice on cessation on the grounds of 'voluntary re-availment of the protection of the country of nationality' available to national authorities in your (Member) State? **YES**

If yes, please elaborate whether it takes the form of:

- Internal guidelines

Please specify:

- UNHCR guidelines (e.g. guidelines on cessation)

- Other

*Please specify: **EASO Practical Guide: Exclusion (as regards to the cessation of the refugee status)***

2.2. REFUGEES TRAVELLING TO AND 'VOLUNTARY RE-ESTABLISHMENT' IN THE COUNTRY OF ORIGIN

Q9. Please describe national legislation applicable to refugees regarding their right to travel (i.e. outside the State that granted them protection).

Please note the right to a travel document for refugees set in Article 28 of the Refugee Convention and 25 of the recast Qualification Directive.

In accordance with the procedure provided for in the Asylum Law, a refugee travel document is issued to a person who has been granted a refugee status, which at the

⁷ UNHCR Handbook, 2011, para. 120. <http://www.unhcr.org/3d58e13b4.html>

⁸ UNHCR Handbook, 2011, para. 124. <http://www.unhcr.org/3d58e13b4.html>

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

same time is also an identity document. The refugee travel document gives its holder the right to reside in the territory of Latvia, to cross the border of Latvia and return to its territory. Upon receipt of a refugee travel document, the person shall hand over for storage all identity and travel documents issued abroad.

In accordance with Council Regulation (EC) No. 1932/2006, refugees who reside in a Member State and are holders of a travel document issued by that Member State are exempted from applying for a visa to enter a Member State of the European Union other than Great Britain and Ireland but including Norway and Iceland.

Q10. Is a travel limitation:

- a) To the country of origin (or country of habitual residence) specified in the travel document issued to refugees in your (Member) State? **YES**

E.g. the name of the country the refugee is not allowed to travel to is explicitly mentioned in the travel document.

If yes, please elaborate whether this limitation stems from:

- National legislation

Please specify: **According to Paragraph 14 of the Cabinet Regulations No. 134 of February 21, 2012 "Regulations on Identity Documents" the refugee travel document shall indicate the name of the country and the ICAO code in which this document is not valid.**

- Practice developed by competent authorities

Please elaborate:

- Case law

Please elaborate:

- Other sources

Please elaborate:

- b) To neighbouring countries of the country of origin (or country of habitual residence) specified in the travel document issued to refugees in your (Member) State? **NO**

If yes, please elaborate on the rationale behind the limitation to travel to neighbouring countries:

Q11. If refugees travel to their country of origin:

- a) Do they need to notify in advance national authorities of the State of protection? **NO**

If yes, please specify (i) procedures and (ii) national authority they should notify.

- b) Do they need to request a specific permission or authorisation to do so to a designated national authority in the State that granted protection? **NO**

If yes, please answer by indicating (i) what procedures and authorities are involved, and (ii) on what grounds they can request such authorisation.

Q12. Can refugees request their original passport from authorities of the State that granted protection? **YES**

If yes, please elaborate on (i) procedures and (ii) circumstances in which such requests are possible:

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

This situation is not stipulated in national legislation, but in practice there have been several cases where a person's identity document issued abroad is returned to a refugee temporarily.

In order to receive temporarily back a personal identification document that has been submitted for storage, the refugee submits a written application to the Office of Citizenship and Migration Affairs, stating the purposes for which the document is needed, and certifying that the document will then be returned to the Office for further storage. The responsible officials, upon receiving a person's application and evaluating the justification provided, may decide to issue an identity document issued abroad. Most often, such explanations received due to the person's desire to temporarily travel to his/her country of origin.

Q13. What are the most common reasons for travel to their country of origin stated by refugees to authorities in your (Member) State?

- Visits for family reasons (please specify)
- Marriage in the country of origin
- Business reasons
- Other reasons (dealing with property related issues)

Q13a. Please specify if this information is recorded by national authorities (e.g. in a database).

The Office of Citizenship and Migration Affairs stores the received applications in the personal files in the archive. In the information system there are no records regarding the issuance/return of a person's identity document issued abroad and the fact of the departure/return of a person.

Q14. If a refugee travelled to his/her country of origin, can this possibly lead to the cessation of his/her refugee status? **YES**

If no, please go directly to Section 2.3.

If yes, please elaborate (e.g. this can be considered as re-establishment in the country of origin, etc):

A refugee travelling to the country of his/her origin can provide a basis for the loss of the refugee status if there is evidence that the purpose and effect of the travel create conditions that are laid down in the Asylum Law as conditions for losing the refugee status:

- 1) a voluntarily re-accepted the protection of his/her country of citizenship;**
- 2) voluntarily re-acquired citizenship after it was lost;**
- 3) the citizenship of Latvia or another country has been acquired and the state protection of the new citizenship country is enjoyed;**
- 4) the person has returned to the country he had left in fear of persecution;**
- 5) the person cannot refuse the protection of the State of his/her citizenship, as there are no circumstances for which he was recognized as a refugee;**
- 6) a person as a stateless person may return to his or her former permanent residence as the circumstances for which he was recognized as a refugee do no longer exist.**

Q14a. If a refugee travelled to his/her country of origin, can this have other consequences on his/her refugee status? Yes

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

If yes, please elaborate (e.g. this can trigger a (re)assessment of the initial application for refugee protection):

Theoretically, the issue of revocation of the refugee status can be raised in a personal matter, however, each case should be viewed individually and, when assessing the case, the aim and the outcome of contacting with the authorities of the country of origin should be taken into account.

The competent authority may be in possession of information on conditions for the cessation of the refugee status under the Asylum Law, that is, the competent authority may be in possession of information on cases where a refugee status is not granted or the refugee has provided false information or has not provided information that had a decisive role in granting the refugee status, including the use of forged documents.

Q15. If travelling to the country of origin may lead to cessation of protection (see question 14), is it specified:

In national legislation?

*If box is marked, please specify legislation: **the refugee travelling to the country of origin does not in itself constitute grounds for losing the refugee status, but it should be considered in conjunction with the intention and consequences of the emigration. The officials responsible for each case assess the condition individually, taking into account the grounds for granting refugee status, the consequences that may result from the loss of the refugee status, and the possibility of obtaining protection in the country of origin, if that is still needed. At the same time, the non-refoulement principle is assessed in the case.***

In case law?

If box is marked, please indicate case law reference and short summary:

In practice?

Q16. Which of the following circumstances are taken into account when assessing cessation of protection (e.g. re-establishment in the country of origin):

Please indicate which options apply. For each of the (ticked boxes) options below, please indicate whether it is based on legislation, case law or (administrative) practice.

- Frequency of travels to the country of origin
- Length of stay in the country of origin
- Specific place of stay in the country of origin
- Reasons to travel to the country of origin
- Other

*Please specify: **In practice, considering the issue of losing the refugee status in order to determine the consequences of the Asylum Law, the circumstances noted would be considered.***

Q17. If travelling to the country of origin could lead to cessation of refugee protection, are there any **criteria to assess the voluntariness** and/or refugee's **intent** to re-establish himself/herself in the country of origin?

Note: For the cessation ground of re-establishment to be applicable, both the return and the stay must have been undertaken voluntarily. For example, where the return of the refugee in his/her country

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

of origin was the result of coercion or the prolonged stay was not voluntary (e.g. imprisonment), such travels to the country of origin may not amount to cessation of international protection.

A temporary visit by a refugee to his former country of origin not with a national passport but with a travel document issued by the State that granted protection may not necessarily amount to reestablishment: travelling to the country of origin for the purpose of visiting an old sick parent is different from frequent travels to the country of origin with the purpose of establishing business relations.⁹

Specific criteria in national legislation are not set to allow the volunteering principle and the intention to re-establish the link with its country of origin. Each case is viewed individually, evaluating all the circumstances of the case in close connection with both the information available of the country of origin and the possibilities for ensuring and receiving protection there.

Q18. Do national authorities encounter any **challenges** when assessing such cases of cessation? **NO**.

*If yes, please elaborate e.g. **case law** (if available).*

For each challenge describe a) for whom it is a challenge (policy-maker, organisation, other), b) why it is considered a challenge and c) whether the assessment that this is a challenge based on input from experts (and if so, which experts), surveys, evaluation reports, focus groups or other sources.

So far, the Office of Citizenship and Migration Affairs has no practice in examining cases in which it would be necessary to assess the conditions for the loss of the refugee status. The biggest challenge now is to ensure that the authority responsible for taking the decision receives initial information that could indicate that the person who has been granted a refugee status has traveled to his or her country of origin.

Q19. Is guidance or any other form of established practice on cessation on the grounds of 'voluntary re-establishment in the country of origin' available to authorities in your (Member) State? **YES**

If yes, do these take the form of:

Internal guidelines

Please explain:

UNHCR guidelines on cessation

Other

Please specify:

2.3. BENEFICIARIES OF SUBSIDIARY PROTECTION TRAVELLING TO AND/OR CONTACTING AUTHORITIES OF THE COUNTRY OF ORIGIN

Contacting official authorities of the country of origin

Q20. If a beneficiary of subsidiary protection in your (Member) State contacts official authorities of his/her country of origin (e.g. consulates, embassies, other official representations of the country of origin), can this possibly lead to the cessation of the subsidiary protection status? **NO**

⁹ UNHCR Handbook, para. 125 and 134.

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

If no, please go directly to question 23.

If yes, please elaborate (e.g. re-availment of national protection of the country of nationality):

Q20a. If a beneficiary of subsidiary protection in your (Member) State contacts official authorities of his/her country of origin, can this can have *other consequences*.

If yes, please elaborate:

Q21. If a beneficiary of subsidiary protection contacting official authorities of their country of origin may lead to cessation of subsidiary protection, is it specified:

Please indicate whether the same legislative provisions (and/or case law or practice) are applicable to refugees and to beneficiaries of subsidiary protection in your (Member) State.

In national legislation?

If box is marked, please specify legislation:

In case law?

If box is marked, please indicate case law reference and short summary:

In practice?

If box is marked, please explain practice:

Q22. If a beneficiary of subsidiary protection contacts official authorities of his/her country of origin, which of the following circumstances can lead to cessation of *subsidiary* protection:

Please tick options that apply. For each of the (ticked boxes) options indicated, please elaborate whether it is based on legislation, case law or (administrative) practice.

Frequency of contacts with national authorities of the country of origin

Obtaining the issuance or renewal of a passport

Requesting administrative documents

E.g. Document pertaining to family reunification or civil status such as birth certificates

Marriage

Other

Please elaborate (e.g. other administrative formalities):

Travelling to the country of origin

Q23. Please briefly describe national legislation on the right to travel (i.e. outside the State that granted subsidiary protection) of *beneficiaries of subsidiary protection* in your (Member) State?

National legislation does not provide for restrictions on traveling outside of Latvia for persons who have been granted subsidiary protection.

Q24. Can a beneficiary of subsidiary protection request a travel document in your Member State? **YES**

Please note the provisions of Article 25 of the recast Qualification Directive on this question.

*If yes, please specify (i)its format (similar to the one issued to refugees?), (ii) duration and (iii) any **geographical limitations attached to it** (i.e. is a travel limitation to the country of origin specified in the travel document?)*

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

Under the Asylum Law, a person who has been granted subsidiary protection, who is unable to obtain a travel document issued by the previous country of origin, shall receive a travel document, which at the same time is also an identity document. In addition, although the laws do not provide for the person to give into storage a travel document issued by the former residence country to the Office of Citizenship and Migration Affairs, in cases where a travel document is issued to a person in Latvia, in practice, the person is asked to hand over to the Government the travel document issued by the previous country of residence, as in the case with the persons who have been granted the refugee status.

A travel document is issued to a person who has been granted subsidiary protection for a period of five years. In addition, a temporary residence permit for one year is issued.

The regulatory enactments do not provide for geographical restrictions on countries to which a person with subsidiary status would not be allowed to travel.

Q25. What are the most common reasons for travel to their country of origin stated by beneficiaries of subsidiary protection to national authorities:

- Visits for family reasons
- Marriage in the country of origin
- Business reasons
- Other reasons

*Please specify: **The competent authorities do not have such information.***

Q25a. Please specify if this information is recorded by national authorities (e.g. in a database).

No, such information is not accumulated and included in information systems.

Q26. If a beneficiary of subsidiary protection in your (Member) State travels to his/her country of origin, can his/her protection status be ceased (*e.g. re-establishment in the country of origin*)?

YES

Although national legislation does not explicitly provide that traveling of a person to his or her country of origin would in itself give rise to the loss of subsidiary status, such basis may arise in assessing each case individually in conjunction with the reasons for which the person was granted subsidiary status.

In accordance with the Asylum Law, a person loses subsidiary status if the circumstances which led to him/her being granted subsidiary status no longer exist or have changed to the extent that the protection of the Republic of Latvia to that person is no longer necessary. The decision shall take into account whether the change in circumstances in the country of origin is so significant that the person has no longer a reason to fear the possibility of serious harm and whether this change of circumstances is permanent. In contrast, these conditions do not apply to the acquirer of the subsidiary status who may rely on compelling reasons to refuse to accept the protection of the country of origin or, if he is a stateless person – to protect his former habitual residence.

In accordance with the Asylum Law, a person may lose the subsidiary status if the person is subject to cases where subsidiary status is not granted, or he/she has provided false information or has not provide information which was crucial for the granting of the subsidiary status, including using falsified documents.

Q26a. If yes to Q26, is it specified:

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

Please indicate whether the same legislative provisions (and/or case law or practice) are applicable in the same way to refugees and beneficiaries of subsidiary protection in your (Member) State.

In national legislation?

If box is marked, please specify legislation: **The conditions for losing the refugee status and the subsidiary status mentioned in the Asylum Law are different. The provisions included in the law are fully taken up in accordance with the provisions Articles 11 and 16 of Directive 2011/95/EU of the European Parliament and of the European Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, the uniform status of refugees or persons eligible for subsidiary protection, on the termination of international protection.**

In case law?

If box is marked, please indicate case law reference and short summary:

In practice?

If box is marked, please explain practice:

Q26b. If yes to Q26, which of the following circumstances are taken into account when assessing cessation of protection:

Please tick options that apply. For each of the (ticked boxes) options indicated, please specify whether it is based on legislation, case law or (administrative) practice.

- Frequency of travels to the country of origin
- Duration of stay in the country of origin
- Specific place of the stay in the country of origin
- Reason for travel to the country of origin
- Other

Please specify: **These conditions are not defined in national legislation, but in practice they would be evaluated when assessing the likelihood of losing the subsidiary status.**

Guidance and challenges in assessing cases of cessation of subsidiary protection

Q27. Is guidance or any other form of established practice on cessation of *subsidiary* protection available to national authorities? **YES**

If yes, please indicate whether they take the form of:

Internal guidelines

Please explain:

UNHCR guidelines on cessation - can be used to the extent that they are attributable to persons who have received the subsidiary status

Other

Please specify:

Q28. Based on previous answers to questions in this sub-section 2.3., what challenges do national authorities encounter when assessing cases of cessation of *subsidiary* protection?

So far, the competent institutions have no practice in evaluating the need to decide on the loss of the subsidiary status. The biggest challenge now is to ensure that the authority responsible for taking the decision receives initial information that could

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

indicate that a person who has been granted a subsidiary status has traveled to his/her country of origin.

Section 3: Adoption of a decision on cessation of international protection and implications on the right of residence in the (former) State of protection

3.1. INFORMING BENEFICIARIES OF INTERNATIONAL PROTECTION

Q29. Are beneficiaries of international protection informed *about possible consequences on their protection status* if they contact authorities or travel to their country of origin? **NO**

3.2. REVIEW OF PROTECTION STATUS

Q30. Is the status of beneficiaries of international protection that travelled to and/or contacted authorities of their country of origin reviewed in your (Member) State? **YES**

Yes, the mentioned circumstance may serve as a basis for reviewing the status of international protection, but so far there has been no such case in practice.

Q30a. If yes to Q30, please briefly elaborate on the framework of the review in your (Member) State:

- There is a systematic review of all international protection statuses.
Please briefly elaborate on the frequency of the review:
- There is a possibility to review the international protection status upon renewal of residence permit accompanying status.
*Please elaborate: **When deciding on the reissue of a residence permit, competent officials assess the change of circumstances in the country of origin which was the basis for the granting international protection status.***
- A review can be triggered *ex officio* by national authorities.
E.g. as part of procedures to cease international protection

Q30b. If yes to Q30, please briefly elaborate on (i) authorities involved and procedure followed (e.g. *same authorities involved in the review and adoption of a decision to cease international protection*), and (ii) whether a beneficiary of international protection is informed of the review.

The decision on granting, losing or ceasing a refugee or subsidiary status is taken by the Office of Citizenship and Migration Affairs, which is an institution under the direct supervision of the Minister for Internal Affairs.

In accordance with the procedure provided for in the Asylum Law, if the Office of Citizenship and Migration Affairs becomes aware of one of the conditions for the cessation or loss of the refugee or subsidiary status, it shall, within a month, request that the person granted the refugee status or subsidiary status submits written information on why its international protection should not be taken away or lost, or give this person opportunity to provide this information in an interview. A decision regarding the revocation or loss of the refugee or subsidiary status shall be taken by the official in charge no later than two months from the day that he becomes aware of one of the circumstances specified in the Asylum Law for the revocation or loss of the status concerned, which is then announced to the person.

The decision prepared by the Office of Citizenship and Migration Affairs may be then appealed by the person to the Administrative District Court within one month from the date of the decision entering into force. The Administrative District Court shall make a

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

ruling within one month from the date of receiving the application and then notify the person. The decision of the Administrative District Court is final and cannot be appealed.

During the examination of the application, the person retains his/her refugee status or subsidiary status.

A person who has been granted a refugee status or a subsidiary status has the right for state-guaranteed legal aid to appeal the decision of the Office of Citizenship and Migration Affairs regarding the loss or revocation of the refugee or subsidiary status.

Q31. Can a review of international protection status lead to a decision to cease international protection in your (Member) State? **YES**

Please elaborate whether this procedure leads to a decision to cease international protection directly or whether the decision to cease international protection is adopted once the review/reassessment has identified that there may be existing grounds for cessation.

The competent officials of the Office of Citizenship and Migration Affairs are initiating a case review in order to decide on the loss or revocation of the refugee or subsidiary status only in the situation when the Office has received information corresponding to the rules on the loss or cessation of the refugee or subsidiary status as stipulated by the Asylum Law. Accordingly, upon receipt of explanations from the person himself, the Office prepares a decision on the loss or revocation of the refugee or subsidiary status, in which the arguments of the Office and the person are evaluated. The procedure provided for in the Asylum Law is intended to conclude the procedure initiated with the adoption of a decision on the loss or cessation of the refugee or subsidiary status if the conditions for the loss or cessation of the status are established. In the situation when the responsible official concludes that there is no reason for the loss or revocation of international protection status, a decision is taken on termination of the administrative procedure in accordance with the procedure established in the Administrative Procedure Law.

3.3. CESSATION PROCEDURE

Q32. Based on circumstances that can trigger cessation grounds explored in section 2, which authorities are involved in the decision to cease international protection status in your (Member) State?

Please elaborate:

The Office of Citizenship and Migration Affairs (1st instance) is responsible for taking a decision on the loss or revocation of a refugee or subsidiary status. The decision can be appealed to the Administrative District Court (2nd instance), the decision of which is final and cannot be appealed.

Q33. Can the beneficiary of international protection present contrary evidence or elements during the procedure to cease his/her protection status? **YES**

Yes, the beneficiary of international protection has the right to provide evidence, both in institutions of first and second instance.

Q33a. If yes to Q33, can s/he present defence:

In writing to the competent authority?

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

Please specify:

E.g. can the beneficiary of international protection present testimonial evidence?

Orally?

Please specify:

E.g. does the beneficiary of international protection have the right to an interview?

Can s/he be accompanied by a lawyer?

Both?

Please specify: **In accordance with the Asylum Law, if the Office of Citizenship and Migration Affairs has become aware of one of the conditions for the revocation or loss of a refugee or alternative status, it requests that the person granted with the refugee status or subsidiary status submits written information within a month as to why his/her international protection should not be taken away or lost, or gives this person the opportunity to provide this information in an interview.**

Other?

Please specify:

Q34. Is there a specific deadline set to issue the decision to (possibly) cease international protection? **YES**

The competent official, in accordance with the Asylum Law, shall take a decision on the loss or revocation of the refugee or subsidiary status no later than within two months from the day that he/she becomes aware of any of the circumstances specified in the Asylum Law for the cessation or loss of the relevant status and notifies the person concerned.

Q34a. If yes to Q34, how is the decision notified to the (former) beneficiary of international protection? Is it done:

In writing?

Orally?

Other means?

Please specify:

Q34b. If yes to Q34, does the decision include the reason(s) for cessation? **YES**

If yes, please elaborate: **The decision prepared by the Office of Citizenship and Migration Affairs conforms to the form of the administrative act specified in the Administrative Procedure Law. The law provides that the decision contains the statement of facts and the justification of the administrative act.**

Q35. In case a decision to cease the international protection status is adopted:

a) What are the timeframes for appealing the decision?

Please elaborate: **A person may appeal a decision on the loss or cessation of the refugee or subsidiary status within one month from the date of its entry into force.**

b) Which authority examines the appeal application?

Please elaborate: **The decision is appealed to the Administrative District Court. Within a month from the date of receipt of the application, a decision shall be taken. The court ruling is final and cannot be appealed. During the examination of the application, the person retains his/her refugee status or subsidiary status.**

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

Q36. When a competent authority assesses elements to cease (or not) an international protection status, does it also assess the proportionality of a removal from national territory? **YES**

The principle of non-refoulement is assessed when deciding whether to revoke or lose the international protection status.

In accordance with the Asylum Law, a person who has ceased of the refugee status or subsidiary status shall voluntarily leave Latvia within two months from the date of the relevant decision entering into force if he/she has no other lawful basis to reside in Latvia.

Q37. Have there been any court decisions on appeals against a (first instance) decision of cessation of a protection status *due to travels to the country of origin* in your (Member) State? **NO**

If yes, please briefly summarise:

- a) The result of the appeal (*e.g. was the initial decision to cease international protection reverted?*), and
- b) The main justifications given by the Court (*e.g. reasons to uphold or quash the first instance decision*).

3.4. CONSEQUENCES OF A CESSATION DECISION

Right to stay, possible change of status or return

Q38. In your (Member) State, is the decision to cease international protection issued together with the decision to end the residence permit? **YES**

If no, when is the decision to end the residence permit taken? Please elaborate:

Q39. What are the consequences of a decision to cease international protection in your (Member) State on the right to stay of the (former) beneficiary of international protection:

- a) Automatic loss of the right to stay (in the State that granted protection). **YES**

If yes, is the decision to cease international protection accompanied by a return decision? **NO**

Please elaborate:

The decision on the loss or revocation of a refugee or subsidiary status provides that the person must leave the Republic of Latvia voluntarily within two months from the relevant decision entering into force if the person has no other legal basis to reside in the Republic of Latvia. This condition is included in the decision of the Office on the loss or revocation of the refugee or subsidiary status. In the event that the person has not left Latvia within the time limit specified in the decision, the responsible authorities shall make a separate decision on the forced refoulement of the person.

- b) Individual circumstances of the (former) beneficiary of international protection are taken into account (*e.g. the person has a right to stay on other grounds*). **YES**

If yes, please elaborate (e.g. taking into account health or medical reasons, other humanitarian grounds, length of stay in the (Member) State, the principle of non-refoulement, etc):

A person who has been ceased of the refugee status or subsidiary status is entitled to receive a residence permit in Latvia, fulfilling the criteria specified in the Immigration Law. Thus, a person must initiate a new procedure under the Immigration Law. However, it must be taken into account that a person must have a valid travel

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

document, which is a mandatory requirement for a residence permit in accordance with the Immigration Law.

Q40. Can a (former) beneficiary of international protection be granted another status? **YES**

If yes, this can be:

Please indicate options that apply. For each option marked, please elaborate on how and when a (former) beneficiary of international protection can apply for or obtain that status.

A subsidiary protection status

Please elaborate: If a person loses or is ceased of the refugee status, the determining authority will assess the compliance of the circumstances with the criteria of granting the subsidiary status.

A national protection status

Please elaborate:

A legal migration status

Please elaborate (e.g. based on family, social or economic links): A person has the right to apply for a residence permit in Latvia in accordance with the criteria laid down in the Immigration Law, for example, in connection with studies or work.

Other

Please specify:

Right to stay of family members and dependents

Q41. In case of a (final) decision to cease international protection status, what are the consequences on family members and dependents included in the initial application for international protection:

Keep their international protection status

Lose their international protection status and lose their right to stay

Lose international protection status and keep their right to stay on other grounds

Please briefly elaborate on 'other grounds':

Case by case decision if they keep or lose their international protection status and their right to stay

Please elaborate on elements taken into account: National legislation does not provide for the automatic loss of international protection for all family members who were included in the decision on granting international protection. The case of each member of the family shall be assessed individually, taking into account the reasons for which the person was granted international protection, as well as information that may be the basis for the loss or cessation of the international protection.

Other consequences

Q42. In case of a (final) decision to cease international protection status, what are the consequences on family members and dependents not included in the initial application for international protection, and who got a residence permit through family reunification with the former beneficiary of international protection.

Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices

- Keep their right to stay

Please elaborate:

- Lose their right to stay

Please elaborate: **If the family members of the beneficiary of international protection reside in Latvia as persons who have arrived and received residence permits as a result of family reunion, then in the event that a person loses international protection, the residence permits of his/her family members are annulled in accordance with the procedures specified in the Immigration Law.**

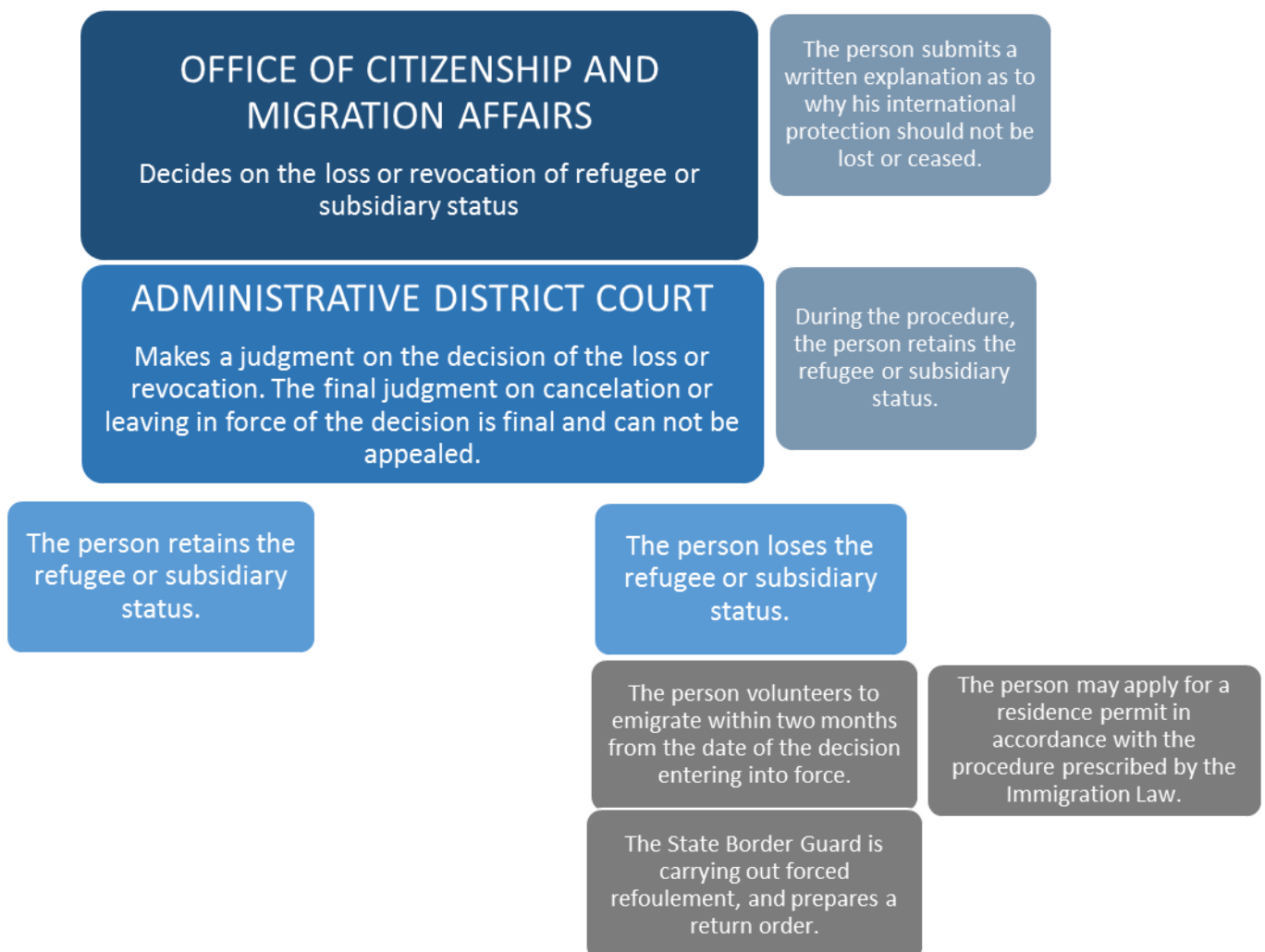
- Case by case decision if they keep or lose their right to stay

Please elaborate:

- Other consequences

Summarising chart and case study(-ies)

Q43. Summarising chart and illustrative examples on the adoption of a decision on cessation of international protection and implications on the right of residence in the (former) State of protection



Beneficiaries of international protection travelling to their country of origin: Challenges, Policies and Practices**Section 4 Conclusions**

Q44. With regard to the aims of this study, what conclusions would you draw from your findings reached in elaborating your national contribution? In particular, what is the relevance of your findings to (national and/or EU level) policy-makers?

The legislative and regulatory framework in force in Latvia shows that the Asylum Law provides certain criteria - a set of circumstances in which international protection can be ceased. Similarly, the law specifically determines the actions of the Office of Citizenship and Migration Affairs as the competent institution if it receives information on these circumstances in a person's case and the procedure for appealing against the decision in the Administrative District Court as a second instance institution at their disposal.

Consequently, it can be concluded that the legal basis in Latvia has been arranged so that the officials responsible for the situation in question are able to react qualitatively if such a necessity arises.

Although national legislation determines criteria and procedures for the loss or revocation of the refugee or subsidiary status, there are no practices for dealing with these issues in Latvia. The experts involved in the decision-making procedure, as the biggest challenge, when deciding on the loss or revocation of refugee status or subsidiary protection, indicate precisely the assessment of the individual situation and the obtaining of the necessary information. Also, in the context of the research work, it would be important to add that also the limited possibilities to find out the fact of crossing the external border if a person left the country in transit through another Member State of the European Union could significantly burden the establishment of conditions for the loss or revocation of the refugee or subsidiary status. This indicates that it is necessary to improve cooperation between the involved institutions not only at national but also at EU level in order to ensure the establishment of the conditions for the loss or revocation of international protection and the proper exchange of information.

As regards the awareness of the persons who have been granted international protection in the, it has been established that the person who receives the decision on granting of the refugee or subsidiary status does not receive information about the circumstances in which the responsible authority may decide to cease the international protection.

So far, the competent authority in Latvia has not made a decision on the loss or cessation of refugee or alternative status. Consequently, there is no judicial practice in this area in Latvia.