MIGRANT ACCESS TO SOCIAL SECURITY AND HEALTHCARE: POLICIES AND PRACTICE IN LATVIA

Riga, February 2014
Pursuant to Council Decision 2008/381/EC of 14 May 2008, the European Migration Network was established, its objective shall be to meet the information needs of European Union institutions and of Member States’ authorities and institutions, by providing up-to-date, objective, reliable and comparable information on migration and asylum, with a view to supporting policymaking in the European Union in these areas. The European Migration Network also serves to provide the general public with information on these subjects.

The Network is composed by the European Commission and the contact points designated by the Member States. Each contact point establishes a national migration network.

The contact point of each state prepares studies, whose topics have been set in the respective annual programme of activities. The topics of studies are related to the area of migration of third-country nationals.

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EXECUTIVE SUMMARY

The overall aim of the study *Migrant Access to Social Security and Healthcare: Policies and Practice in Latvia* is to characterise the policies and administrative practice that regulate accessibility of social security measures and healthcare services for third-country nationals.

Latvian citizens and non-citizens may receive state social insurance services, social allowances, social services and social assistance. **State social insurance services** may be received by persons who have made the state social insurance mandatory contributions (as well as the persons for whom the state social insurance mandatory contributions are made from the state budget and the special state social insurance budgets), as well as the persons who have voluntarily joined the state social insurance scheme and their dependents. The **state social allowance** may be received by certain categories of persons in cases when they are unable to earn income. **Social services** may be received by persons with objective difficulties to ensure their personal care due to their age or functional disabilities (social care services), residents whose social functioning ability needs to be restored or improved in order to ensure regaining of their social status and integration in the society (social rehabilitation services) or for whom it is necessary to facilitate or restore their social functioning capability and create conditions that are favourable for successful social functioning (social work service), as well as disabled persons for whom it is necessary to master a new profession, to restore or develop professional knowledge in order to integrate in the labour market (vocational rehabilitation services). **Social assistance** may be received by needy and low-income families in the situation of a crisis in order to satisfy their basic needs and facilitate participation of the persons at the working age in the improvement of their situation.

The most essential criterion that determines the availability of a social security system service to third-country nationals is the type of the received residence permit and the employment of the third-country national.
The third-country nationals employed in Latvia may receive the following social insurance services regardless of the type of their residence permit: sickness benefit, maternity and paternity benefit, disability pension, pension for a loss of a provider, funeral benefit, compensation for the loss of ability to work, compensation for additional expenses and services during the period of medical treatment, parental benefit, old-age pension, unemployment benefit. Third-country nationals who are employed in Latvia may receive social insurance services on the conditions that are equivalent to those applicable to the Latvian citizens and non-citizens.

Third-country nationals with permanent residence permits and their children are included in the social security system and receive health services equivalent to those received by the Latvian citizens and non-citizens. At the same time, third-country nationals with temporary residence permits may receive only a part from the range of the support under the social security system available to third-country nationals with permanent residence permits and Latvian citizens and non-citizens.

By alignment of the Latvian national laws with the directives of the European Union, certain groups of third-country nationals with temporary residence permits have been made eligible to receive several social allowances and health services that are not available to all third-country nationals with temporary residence permits. For example, victims of trafficking in human beings may receive a state-funded emergency medical assistance and consultations by medical practitioners.

Spouses of Latvian citizens and non-citizens, who hold temporary residence permits may use a wider range of state-funded health services than other third-country nationals with temporary residence permits.

The agreements between Latvia and third-countries in the area of social security provide the nationals of certain third countries with a wider access to the Latvian health care services (Ukraine) and benefits (Russia, Belarus and Ukraine).
The number of employed third-country nationals in Latvia is not big - in 2012 there were 2695 work permits issued to third-country nationals.\(^1\)

The Latvian immigration policy is aimed at the protection of the national labour market, whereby the minimum wage payable to a third-country national is determined (average gross monthly salary of the employed in Latvia for the previous year). Hence the state social insurance services are funded out of the state social insurance mandatory contributions made by the third-country national.

The specification of the study sets forth a hypothesis that not all types of support of the social security system and health care services available to citizens of the European Union Member States\(^2\) are also attributable to the third-country nationals who reside in that Member State. These differences were addressed in the study and the hypothesis was confirmed.

\(^1\) Source: Office of Citizenship and Migration Affairs. Data as on 1 January 2013.
\(^2\) In Latvia citizens and non-citizens have equal access to the types of social security support and health care services.
1. INTRODUCTION

The study has been developed on the basis of the specification developed and approved by the European Commission and the National Contact Points of the European Migration Network. The European Commission summarises the information included in the studies developed by the National Contact Points of the European Migration Network in a synthesis report that lays down the similarities and differences between regulatory enactments and administrative practices in different Member States.

The task of the study is to characterise the social security system and accessibility of health care services for third-country nationals, to provide information on the government’s social policy and to characterise administrative practice that determines the accessibility by third-country nationals to the support of the social security system, as well as to provide investigation of benefit allocation case studies.

The object of the study is a third-country national holding a permanent residence permit and a third-country national holding a temporary residence permit. The study does not cover mobile third-country nationals since the rights of these persons are regulated by other provisions, or students, refugees and asylum seekers as the rights of these persons were analysed in recent studies conducted by the European Migration Network.

The specification of the study sets forth a hypothesis that not all types of social security support and health care services available to citizens of the European Union Member States are also attributable to the third-country nationals who reside in that Member State. The study works on these differences.

The target audience of the study is the policy makers at the state and local government authorities who are engaged in the drafting and implementation of social security and migration regulations, experts and researchers at institutions of higher education who work on migration and social security/welfare policy interaction issues, non-governmental organisations and other interested persons. The study will provide comprehensive information on the current situation in accessibility of social
security system and health care services to migrants and will facilitate policy development in social security and health policy field in order to provide solutions for the needs of immigrants, especially the migrant workers, ensuring at the same time that such immigrants do not become a burden for the Member State. The information may be used to inform third-country nationals on the Latvian social security system and the available health care services yet before these persons have left their own country.

1.1. Objectives

The overall objective of the study is to characterise the policies and administrative practices that regulate the accessibility of the social security support system and health care for third-country nationals.

The specific objectives of the study are:

- to characterise regulatory enactments that regulate eligibility to social security and health care for third-country nationals in Latvia;
- to evaluate how these rights compare to the rights of Latvian citizens and non-citizens;
- to study the administrative practice that determines how the official conformity rules are applied to third-country nationals in particular cases;
- to survey guidelines and other types of support (for example, studies) provided for state officials engaged in processing of social security and health care applications to guarantee application of the discretionary criteria;
- to assess the agreements between Latvia and third countries and how they affect the eligibility of certain groups of immigrants for social security and health care.

1.2. Definitions

The terms used in this study comply with the definitions presented in the specification for the European Migration Network focussed study "Migrant access to social security and healthcare: policies and practice".

The terms used in the study are defined as follows:
‘Benefits in respect of accidents at work and occupational diseases’ refer to benefits that are provided to persons, or their survivors, who have conducted an economic activity which by its nature is likely to cause the said disease.


‘Cross-border worker’ is someone who is employed in one (Member) State but resides in another, where he/she returns at least once a week.

(Source: Eurofound).

‘Deciding officer’ is the government official in charge of scrutinising and adjudicating benefit claims.

‘Discretionary conditions’ in this study refers to eligibility rules for particular social security benefits which cannot be easily defined. Eligibility rules that have a discretionary element require the deciding officer in charge of scrutinizing individual applications to make a judgement – usually by means of an interview – about whether the applicant has met the conditions, taking into account the applicant’s particular circumstances. An example of a discretionary condition is the ‘habitual residence test’.

‘Employed persons’ are persons aged 15 year and over (16 and over in ES, IT, UK and SE (1995-2001); 15-74 years in DK, EE, HU, LV, FI and SE (from 2001 onwards); 16-74 in IS and NO), who during the reference week performed work, even for just one hour a week, for pay, profit or family gain, or, who were not at work but had a job or business from which they were temporarily absent because of, e.g., illness, holidays, industrial dispute or education and training.

(Source: Eurostat)

‘Family benefits’ refer to benefits that provide financial support to households for bringing up children; provide financial assistance to people who support relatives other than children; and provide social services specifically designed to assist and protect the family, particularly children (Source: ESSPROS Manual, 2008 Edition, Eurostat).

‘Family member’ generally means persons married to a migrant, or having a relationship legally recognised as equivalent to marriage, as well as their
dependent children and other dependants who are recognised as members of the family by applicable legislation.

(Source: EMN Glossary 2.0).

‘Frontier worker’ refers to someone who is employed in the frontier zone of a Member State but who returns each day or at least once a week to the frontier zone of a neighbouring (third-country) in which they reside and of which they are nationals.

(Source: EMN Glossary 2.0)

‘Guaranteed minimum resources’ refers to benefits provided to people with insufficient resources. It includes support for destitute and vulnerable persons to help alleviate poverty or assist in difficult situations


‘Habitual residence test’, in the context of social security claims, implies a close association between an individual applicant and the country from which a social security payment is claimed. The criteria for ‘habitual residence’ is deliberately not defined in EU nor national regulations, as it is understood that the precise definition should depend on each individual claimant’s particular circumstance. However, the European Court of Justice has developed case-law that should be taken into account by deciding officers when applying a ‘habitual residence test’.

‘Healthcare’ refers to medical care provided in the framework of social protection to maintain, restore or improve the health of the people protected.


‘Inactive persons’ are those who are not in the labour force so are neither classified as employed nor as unemployed. This category therefore does not include job-seekers.

(Source: Eurostat)

‘Invalidity benefits’ refer to benefits that provide an income to persons below standard retirement age as established in the reference scheme whose ability to work and earn is impaired beyond a minimum level laid down by legislation by a physical or mental disability; provide rehabilitation services specifically required by disabilities; provide goods and services other than medical care to disabled people.
‘Long-term care benefits’ are cash allowances, which enable the standard of living of persons in the need of care to be improved as a whole, so as to compensate for the additional expense brought about by their condition. They cover additional costs for people who frequently need the help of another person due to their old-age or disability.


‘Long-term resident’ is any third-country national who has long-term resident status as provided for under Articles 4 to 7 of Council Directive 2003/109/EC or as provided for under national legislation. The study specifications distinguish between these two categories and EMN NCPs are asked to do the same in their national reports.

‘Maternity and paternity benefits’ refers to the compensation rates paid to female or male workers who take leave from work on the birth or adoption of a child.

‘Migrant worker’ refers to foreigners admitted by the receiving State for the specific purpose of exercising an economic activity remunerated from within the receiving country. Their length of stay is usually restricted as is the type of employment they can hold.

(Source: OECD Glossary of Statistical Terms)

‘Mobile third-country national’ refers to third-country nationals who move from one (Member) State to another (Member) State normally to stay for more than 3 months in the other (Member) State and principally for the purpose of work.

(Source: EMN Intra-EU mobility study Advisory Group)

‘Old-age pensions and benefits’ cover benefits that provide a replacement income when the aged person retires from the labour market; and guarantee a certain income when a person has reached a prescribed age.


‘Researcher’ refers to a third-country national holding an appropriate higher education qualification, which gives access to doctoral programmes, who is
selected by a research organisation for carrying out a research project for which the above qualification is normally required.

(Source: EMN Glossary 2.0)

‘Seasonal worker’ is a (third-country national) worker who is resident in a third country but is employed in an activity dependent on the rhythm of the seasons in the territory of a Member State on the basis of a contract for a specific period and for specific employment.

(Source: EMN Glossary 2.0).

‘Self-employed persons’ are persons who are the sole or joint owner of an unincorporated enterprise (one that has not been incorporated i.e. formed into a legal corporation) in which he/she works, unless they are also in paid employment which is their main activity (in that case, they are considered to be employees). Self-employed people also include unpaid family workers; outworkers (who work outside the usual workplace, such as at home); and workers engaged in production done entirely for their own final use or own capital formation, either individually or collectively.

(Source: Eurostat)

‘Sickness cash benefits’ refer to cash benefits that replace in whole or in part loss of earnings during temporary inability to work due to sickness or injury.


‘Student’ refers to a third-country national accepted by an establishment of higher education and admitted to the territory of a Member State to pursue as his/her main activity a full-time course of study leading to a higher education qualification recognised by the Member State, including diplomas, certificates or doctoral degrees in an establishment of higher education, which may cover a preparatory course prior to such education according to its national legislation.

(Source: EMN Glossary 2.0)

‘Survivors’ benefits’ refer to benefits that provide a temporary or permanent income to people who have suffered from the loss of the spouse or a next-of-kin, usually when the latter represented the main breadwinner for the beneficiary

‘Third-country national’ refers to any person who is not a citizen of the European Union within the meaning of Article 20(1) of the Treaty on the Functioning of the European Union, and who is not a person enjoying the Union right to freedom of movement as defined in Article 2(5) of the Schengen Borders Code.

(Source: EMN Glossary 2.0)

‘Unemployment benefits’ refer to benefits that replace in whole or in part income lost by a worker due to the loss of gainful employment; provide a subsistence (or better) income to persons entering or re-entering the labour market; compensate for the loss of earnings due to partial unemployment;

- replace in whole or in part income lost by an older worker who retires from gainful employment before the legal retirement age because of job reductions for economic reasons; and contribute to the cost of training or re-training people looking for employment


‘Unemployed persons’ are persons aged 15-74 (in ES, IT, SE (1995-2000), UK, IS and NO: 16-74), who were without work during the reference week, but currently available for work, or who were either actively seeking work in the past four weeks or who had already found a job to start within the next three months.

(Source: Eurostat)

1.3. Methodology

The study assesses the eligibility of third-country nationals to the support indicated in the guide prepared in Latvia for the European Commission’s Mutual Information System on Social Protection MISSOC (hereinafter - the MISSOC Guide)\(^3\). To create a joint framework for the study in all EU Member States, the study uses the social security system categories indicated in the above Guide. It should be mentioned that the information indicated in the Guide regards the mobile EU nationals who are insured according to the national laws rather than third-country nationals. The study provides an additional description of the eligibility of Latvian citizens and non-

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citizens for the social security services that are not included in the Guide but are available to the Latvian citizens and non-citizens. They provide an important background for the study in order to create understanding of the extent to which the attitude is different with regard to third-country nationals.

The information necessary for the development of the study was obtained by sending out information requests and surveying the replies from the Ministry of Welfare, the National Health Service and the Welfare Department of Riga City Council.

An expert from the State Social Insurance Agency and experts from the Office of Citizenship and Migration Affairs were engaged in the development of the study.

The study also uses information placed on the websites of the involved institutions, the database of applicable laws and regulations www.likumi.lv and the homepage of the Cabinet of Ministers www.mk.gov.lv. All data sources referred to and used in the work are indicated in the List of Sources.

State authorities do not have at their disposal statistics that would characterise the degree of activity of using the rights of third-country nationals according to bilateral agreements in the field of social security. It must be noted that in Latvia the widest eligibility for social services is enjoyed by those third-country nationals who are employed in Latvia. Since the number of the employed third-country nationals in Latvia is comparatively small, it is not possible to provide objective analysis of the employment of third-country nationals and present a break-down of third-country nationals according to their nationality. It should be mentioned that 2695 work permits were issued to third-country nationals in 2012, which is a small number in comparison with the number of employed locals.

The study uses statistical data provided by the State Employment Agency of Latvia to give a break-down of unemployed third-country according to their nationality for the years 2007-2012.

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4 Source: Office of Citizenship and Migration Affairs. Data as on 1 January 2013.
2. OVERVIEW OF THE NATIONAL SOCIAL SECURITY SYSTEM AND HOW IT APPLIES TO MIGRANTS FROM THIRD COUNTRIES

This Chapter provides information on the social security system and health care services in Latvia and whether the support measures are available to third-country nationals by providing an overview of the benefits of the social security system, programmes and the financing mechanisms thereof (2.1), while subchapter 2.1.1 provides information on the institutional framework of social security. Table 2.1 lists the types of benefits available in Latvia and the sources of funding thereof, describing applicability of the social security system summarised in the MISSOC Guide to third-country nationals. The chapter also includes information on the recent changes in the conformity rules with regard to the unemployment benefits (2.2).

In Latvia the contributions related to social security services are funded from the state social insurance contributions, while the social security schemes not related to contributions are funded from general tax income. In several cases collaboration of the person is a necessary precondition for receiving of the support.

2.1. Overview of social security benefits and programmes and their financing mechanisms

Types of Support

The support granted by the Latvian social security system can be divided in two sets: state social insurance services and state social allowances. In addition to allowances, social services and social assistance is also available.

State social insurance services are available to persons who have made the state social insurance mandatory contributions, and their dependants.

The state social insurance partly compensates the insurance contribution payers or their dependants for their former income in the case they have lost it due to occurrence of certain social risks. There are following social insurance types in place in Latvia: state pension insurance, social insurance against unemployment, social insurance in respect of
accidents at work and occupational diseases, invalidity insurance, maternity and sickness insurance and parental insurance.  

The state social allowances provide a financial support to certain categories of the population. These allowances are intended for social risk situations that call for additional expenses and for cases when persons are unable to earn income. Persons who permanently reside in the territory of Latvia and hold permanent residence permits are eligible to the state social allowances. State social allowances are provided in cases of arising of such additional expenses for which no protection is provided under the social insurance system: the State family allowance, child care and child birth allowance, guardian's allowance for a dependent child, remuneration for the fulfilment of a guardian’s duties, remuneration for a fulfilment of foster family's duties, an allowance for the compensation of transport expenses for disabled persons who have difficulties in movement, care of disabled child benefit, an allowance for a disabled person for whom care is necessary, remuneration for the care of an adopted child, funeral benefit, remuneration for adoption, state social security benefit providing protection in case of old-age, disability or loss of provider.

The social security system also includes social services and social assistance that guarantee social protection for the residents who are unable to sustain themselves or overcome hardships of life with their own efforts and who do not receive sufficient assistance from any other person. Social services include social care, social rehabilitation, vocational rehabilitation and social work. Social care services may be received by people with objective difficulties to care for themselves due to old age of functional disability. These services may be received at one’s place of residence or permanent social care institutions. Depending on the particulars of the service it is provided either by the state, local government or non-governmental organisations.

\[5\] Description of the Situation. Available at: http://www.lm.gov.lv/text/165 [accessed on 12.08.2013.]
\[6\] Types of benefits. Available at: http://www.lm.gov.lv/text/222 [accessed on 13.08.2013.]
\[7\] Personal number in Latvia is allocated to foreigners who have received a residence permit. Cabinet Regulation No. 564 “Regulations regarding Residence Permits” came into force on 1 July 2010.
Social assistance is either cash or in kind allowance that is granted to persons and families who lack means for satisfaction of their basic needs, after assessment of their material resources.

The health care services paid for by the state in Latvia are available to Latvian citizens and non-citizens, citizens of the European Union Member States, Iceland, Liechtenstein, Norway and Switzerland who have employment relations or are staying in Latvia as self-employed (including their family members), foreigners with permanent residence permits of Latvia, refugees and persons with subsidiary protection status; and children under the age of 18 of the abovementioned persons. Spouses of Latvian citizens and non-citizens holding temporary residence permits in Latvia may receive free state-paid pregnancy care and assistance in childbirth. The state budget in Latvia covers: health care provided by a general practitioner and his/her team; preventive examination by general practitioner once per year (if a patient has not turned to a doctor in relation to illness within a year); preventive examinations for breast, cervical and colon cancer; health care provided by medical specialists; examinations prescribed by general practitioner or medical specialist; medical assistance at emergency medical assistance centres; health care services provided in a day hospital; health care in a day and night hospital; health care at home; assistance provided by emergency medical care team; medical rehabilitation; medicine and medical equipment.  

**Funding**

The state social insurance mandatory contributions are deducted from the income earned at paid work and paid by the employer, while self-employed persons and persons who have voluntarily joined the state social insurance pay the state social insurance mandatory contributions themselves.

Till the end of 2013 the rate of the state social insurance mandatory contributions was 35.09% of the entire income calculated for paid work, of which 24.09% was covered by the employer and 11% was covered by the employee. The employer calculates both its own and the employee’s share of

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the state social insurance mandatory contributions of the income calculated for the paid work. The employer transfers the calculated state social insurance mandatory contributions to a special budget account on a monthly basis.

From 1 January 2014, the social insurance contribution rate is 34.09% of gross salary; 23.59% is paid by the employer and 10.5% is paid by the employee.

The object of the state social insurance mandatory contributions for the self-employed is freely chosen amount of income from production of goods, performance of works, provision of services, creative and professional activities and other income from economic activities. Self-employed persons must make the state social insurance mandatory contributions if their monthly income exceed the amount of minimum wage, which is determined by the Cabinet of Ministers (the self-employed who pay the fixed personal income tax have to make the state social insurance mandatory contributions if their monthly income exceed the amount of minimum wage determined by the Cabinet of Ministers, which is multiplied by coefficient 3.3).

The self-employed has to make the state social insurance mandatory contributions on a quarterly basis.

Persons who are not subjected to the state mandatory social insurance and who are within the age range from 15 years to the age at which the old-age pension is allocated may voluntarily joint the pension insurance. The minimum object of payment from which the state social insurance mandatory contributions are made is the minimum monthly wage determined by the Cabinet of Ministers.

Employees of micro-enterprises may also voluntarily joint the state social insurance by making social insurance contributions from the income that does not exceed EUR 720 per month.

Social insurance contributions are made to the state special budgets and social insurance services are funded from the following state special budgets:

1) State pension special budget,

2) employment special budget,
3) special budget for occupational accidents,
4) invalidity, maternity and sickness special budget.

The state social allowances are funded from the state general budget and they are not tied to social insurance contributions.

Social services and social assistance are funded from the state and local government budgets and require participation by the person, for example, by providing information on themselves, by using the received social assistance for the purposes it was intended.

Health care services are available in Latvia that are funded from the state budget resources, covered by private insurance or the patients themselves may cover the entire costs of the health care services.

Where state-funded services are received patients pay patient fees (which constitute a minor part of the total service costs), while the major part of the service costs is covered by the state according to the common approved service tariffs.

If the person has purchased an insurance policy, the amount of the fee for the particular service depends on whether and to what extent the particular insurance policy covers the respective service.

If the person herself fully covers the costs of the medical service he/she does so in line with the service pricelist of the respective medical institution.

2.1.1 Please provide a narrative overview of the social security system in your Member States including a description of the institutional framework, key institutions involved, their main responsibilities and how they are coordinated.

The social security system is regulated by national laws. The Law on State Social Insurance determines the general principles of State social insurance and regulates the financial and organisational structure thereof. The Law on State Social Allowances determines the types of State social allowances, the range of those who have the right to the State social allowances, conditions for the granting thereof, and the procedures for

10 The Law on State Social Allowances. – Latvian Herald, No. 168, 19.11.2011. - [came into force on 01.01.2003.]
granting and disbursement thereof. Social services and social assistance are regulated by the Law on Social Services and Social Assistance\textsuperscript{11}. Persons eligible for social services and social assistance include Latvian citizens, non-citizens and foreigners to whom a personal number has been allocated, except those persons who hold a temporary residence permit.\textsuperscript{12} Accessibility of social services for third-country nationals recognised as victims of trafficking in human beings is stipulated by the Law on Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia\textsuperscript{13}.

The following are engaged in the Latvian social security system: the Ministry of Welfare, the Ministry of Health, the State Social Insurance Agency, the State Employment Agency, the National Health Service and local governments.

The Ministry of Welfare organises the social security system in Latvia. The key task of the Ministry in the field of social security is to develop and introduce policies for social insurance, state social allowances, social assistance and social benefits.

The Ministry of Health is the leading health care authority responsible for the development of health policy and drafting of regulatory enactments.

The State Revenue Service is an authority subordinated to the Minister of Finance, responsible for the collection of social insurance contributions and taxes.

The State Social Insurance Agency is a direct public administration authority supervised by the Minister of Welfare and it is responsible for the administering of State social allowances and social insurance services.

The State Employment Agency is a direct administration authority supervised by the Minister of Welfare with the assignment to implement the state policy in the field of reduction of unemployment and provision of support

\textsuperscript{11} The Law on Social Services and Social Assistance. – Latvian Herald, No. 168 (2743), 19.11.2002. - [came into force on 01.01.2003.]
\textsuperscript{12} The Law on Social Services and Social Assistance. – Latvian Herald, No. 168, 19.11.2002. - [came into force on 01.01.2003.]
\textsuperscript{13} The Law on Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia. – Latvian Herald, No. 23, 08.02.2007. - [came into force on 22.02.2007.]
for the unemployed, jobseekers and persons subject to the risk of unemployment.

The system of social services is organised and coordinated by the Ministry of Welfare and the Social Integration State Agency, a direct administration authority supervised by the Minister of Welfare, in cooperation with providers of social services – non-governmental organisations and local governments. It is the obligation of local governments to provide persons with the opportunity to receive social services and social assistance that fit their needs. It should be mentioned that local governments are authorised to provide social services to a wider range of persons than prescribed by the Law on Social Services and Social Assistance, by covering the respective social services costs from their own budgets. The National Health Service is an authority subordinated to the Ministry of Health, with the key task to administer the State budget resources allocated for health care and enter into annual contracts with medical service providers.

Ministries of Welfare and Health are responsible for updating of the information in the Mutual Information System on Social Protection (MISSOC).

The following categories of third-country nationals are used in Table 2.1. third-country nationals holding permanent residence permits and third-country nationals with temporary residence permits⁴."
| I. Healthcare | Emergency medical care | State basic budget | Yes.  
Third-country nationals with permanent residence permits and temporary residence permits ¹⁵. |
| Primary health care | State basic budget and patient fees | Yes.  
Third-country nationals with permanent residence permits and temporary residence permits ¹⁶. |
| Secondary health care | State basic budget and patient fees | Yes.  
Third-country nationals with permanent residence permits and temporary residence permits ¹⁷. |
| Tertiary health care | State basic budget and patient fees | Yes.  
Third-country nationals with permanent residence permits and temporary residence permits ¹⁸. |
| II. Sickness cash benefits | Sickness benefit | Social insurance contributions | Yes.  
Available to all social insurance contribution payers regardless of the type of their residence permit. |

¹⁵ A victim of trafficking in human beings holding a temporary residence permit and a minor child accompanied by that person. The spouses of Latvian citizens and non-citizens holding temporary residence permits in Latvia are eligible for free pregnancy care and childbirth assistance funded from the state basic budget and resources of the service recipients. Citizens of Ukraine with temporary residence permits, may receive free emergency care subject to an interstate agreement.

¹⁶ A victim of trafficking in human beings holding a temporary residence permit and a minor child accompanied by that person. Military pensioners of the Russian Federation and their family members and persons who receive Ukrainian or Latvian pensions, who are eligible to receive all types of health care services covered from the state budget, like Latvian citizens.

¹⁷ A victim of trafficking in human beings holding a temporary residence permit and a minor child accompanied by that person.

¹⁸ A victim of trafficking in human beings holding a temporary residence permit and a minor child accompanied by that person.
<table>
<thead>
<tr>
<th>Category</th>
<th>Benefit</th>
<th>Means Test</th>
<th>Covered Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Funeral benefit</td>
<td>State basic budget</td>
<td>Yes.</td>
<td>Third-country nationals with permanent residence permits, who have lost their provider and persons holding temporary residence permits.</td>
</tr>
<tr>
<td>III. Maternity and paternity benefits</td>
<td>Maternity benefit</td>
<td>Social insurance contributions</td>
<td>Yes.</td>
</tr>
<tr>
<td>Paternity benefit</td>
<td>Social insurance contributions</td>
<td>Yes.</td>
<td>Available to all social insurance contribution payers regardless of the type of their residence permit.</td>
</tr>
<tr>
<td>Parental benefit</td>
<td>Social insurance contributions</td>
<td>Yes.</td>
<td>Available to all social insurance contribution payers regardless of the type of their residence permit.</td>
</tr>
<tr>
<td>IV. Invalidity benefits</td>
<td>Disability pension</td>
<td>Social insurance contributions</td>
<td>Yes.</td>
</tr>
<tr>
<td>V. Old-age pensions and benefits</td>
<td>Old-age pension</td>
<td>State pension special budget</td>
<td>Yes.</td>
</tr>
</tbody>
</table>

---

19 The retirement age is being gradually increased by 3 months annually, beginning with 1 January 2014 to reach 65 years on 1 January 2025.
<table>
<thead>
<tr>
<th>MIGRANT ACCESS TO SOCIAL SECURITY AND HEALTHCARE: POLICIES AND PRACTICE IN LATVIA</th>
</tr>
</thead>
<tbody>
<tr>
<td>provided the insurance period is not less than 10 years(^{20}).</td>
</tr>
<tr>
<td>Early pension</td>
</tr>
<tr>
<td>Supplementary pension</td>
</tr>
<tr>
<td>VI. Survivors’ benefits</td>
</tr>
<tr>
<td>VII. Benefits in respect of accidents at work and occupational diseases</td>
</tr>
</tbody>
</table>

\(^{20}\) 10 years in 2013, 15 years from 1 January 2014 to 31 December 2024 and 20 years after 1 January 2025.
<p>| Compensation for the loss of ability to work | Social insurance contributions | Yes. Available to all social insurance contribution payers regardless of the type of their residence permit. |
| Compensation for additional expenses and services during the period of medical treatment | Social insurance contributions | Yes. Available to all social insurance contribution payers regardless of the type of their residence permit. |
| Compensation for the loss of a provider | State basic budget | Yes. Third-country nationals with permanent residence permits, provided they have lost their breadwinner. |
| Funeral benefit | Social insurance contributions | Yes. Available to persons, provided the deceased was a social insurance contributions payer regardless of the type of the residence permit. |
| VIII. Family benefits | State family allowance | State basic budget | Yes. Third-country nationals with permanent residence permits and persons with temporary residence permits*. |
| Childbirth allowance | State basic budget | Yes. Third-country nationals with permanent residence permits and persons with temporary residence permits*. |
| Childcare benefit | State basic budget | Yes. Third-country nationals with permanent residence permits and persons with temporary residence permits*. |</p>
<table>
<thead>
<tr>
<th>Benefit Type</th>
<th>Benefit Description</th>
<th>Funding Source</th>
<th>Eligibility</th>
</tr>
</thead>
<tbody>
<tr>
<td>Care of disabled child benefit</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits and persons with temporary residence permits*.</td>
<td></td>
</tr>
<tr>
<td>Unemployment benefits</td>
<td>Unemployment benefit</td>
<td>Social insurance contributions</td>
<td>Yes. Third-country nationals with permanent residence permits and temporary residence permits in Latvia or a spouse holding a temporary residence permit.</td>
</tr>
<tr>
<td>Guaranteed minimum resources</td>
<td>Benefit for ensuring the guaranteed minimum income level</td>
<td>Basic budget of local governments</td>
<td>Yes. Third-country nationals with permanent residence permits.</td>
</tr>
<tr>
<td>Allowance for a disabled person for whom care is necessary, allowance for the compensation of transport expenses for disabled persons who have difficulties in movement</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits.</td>
<td></td>
</tr>
<tr>
<td>State social security benefit</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits and persons with temporary residence permits*, who have lived in Latvia in total at least 60 months, out of which the last 12 months – continuously, are covered by the state.</td>
<td></td>
</tr>
</tbody>
</table>

21 Spouse of a Latvian citizen or non-citizen, person with a temporary residence permit in Latvia, person with the subsidiary protection status, holder of the status of the permanent resident of the EU.
mandatory insurance and have reached the age stipulated by the law (presently – 62 years), provided the insurance period is not less than 10 years.

<table>
<thead>
<tr>
<th>Mandatory</th>
<th>Local government budget/person’s fees</th>
<th>Yes.</th>
<th>Third-country nationals with permanent residence permits.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Long-term care</td>
<td>Home care</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Services of day care and social rehabilitation institutions</td>
<td>Local government budget/person’s fees</td>
<td>Yes.</td>
<td>Third-country nationals with permanent residence permits.</td>
</tr>
<tr>
<td>Services of long-term social care and social rehabilitation institution</td>
<td>State budget/local government budget/person’s fees</td>
<td>Yes.</td>
<td>Third-country nationals with permanent residence permits.</td>
</tr>
<tr>
<td>Additional benefits, cash benefits</td>
<td>Local government budget</td>
<td>Yes.</td>
<td>Third-country nationals with permanent residence permits.</td>
</tr>
</tbody>
</table>

* Only citizens of Russia, Belarus and Ukraine holding temporary residence permits are eligible for the benefit under interstate agreements.

2.1.2. Please list any additional social security benefits that are not included in the MISSOC national guide, specifying their financing mechanism and whether they are accessible by third-country nationals

2.1.2. Social support not included in the MISSOC Guide

<table>
<thead>
<tr>
<th>‘Branch’ of social security</th>
<th>Benefits and programmes included in each branch</th>
<th>Financing mechanisms</th>
<th>Accessibility by third-country nationals</th>
</tr>
</thead>
<tbody>
<tr>
<td>I. Healthcare</td>
<td></td>
<td>State basic budget</td>
<td>Yes.</td>
</tr>
<tr>
<td>IV. Invalidity benefits</td>
<td>formally stated disability</td>
<td>permanent residence permits.</td>
<td></td>
</tr>
<tr>
<td>------------------------</td>
<td>---------------------------</td>
<td>-----------------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td>State social security benefit</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits and persons with temporary residence permits*, who have lived in Latvia in total at least 60 months, out of which the last 12 months – continuously.</td>
</tr>
<tr>
<td></td>
<td>Supplement to the State family allowance for a disabled child</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits.</td>
</tr>
<tr>
<td></td>
<td>Social rehabilitation services for persons with visual and hearing impairment</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits.</td>
</tr>
<tr>
<td></td>
<td>Service of a sign language interpreter for persons with hearing impairment to ensure communication</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits.</td>
</tr>
<tr>
<td></td>
<td>Service of an assistant at local government for persons of Group I and II disability</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits, whose disability has been confirmed under the Disability Law.</td>
</tr>
<tr>
<td></td>
<td>Service of an assistant for pupils in educational institutions - persons of Group I and II disability</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits, whose disability has been confirmed under the Disability Law.</td>
</tr>
<tr>
<td>Category</td>
<td>Description</td>
<td>Funding Source</td>
<td>Eligibility</td>
</tr>
<tr>
<td>-----------------------------------------</td>
<td>-----------------------------------------------------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Vocational rehabilitation services</td>
<td>for disabled persons</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits.</td>
</tr>
<tr>
<td>Technical aid services</td>
<td>for disabled persons, for persons for whom the technical aids are necessary to reduce functional inability, for persons with predictable disability, for persons with anatomic defects</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits.</td>
</tr>
<tr>
<td>Social rehabilitation services</td>
<td>for persons with functional disability or predictable disability</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits.</td>
</tr>
<tr>
<td>V. Old-age pensions and benefits</td>
<td>State social security benefit</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits and persons with temporary residence permits*, who have lived in Latvia in total at least 60 months, out of which the last 12 months – continuously, are covered by the state mandatory insurance and have reached the age stipulated by the law (presently – 62 years), provided the insurance period is not less than 10 years.</td>
</tr>
<tr>
<td>VI. Survivors’ benefits</td>
<td>State social security benefit</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits and persons with temporary residence permits*.</td>
</tr>
<tr>
<td>VIII. Family benefits</td>
<td>Guardian’s allowance for a dependent child and remuneration for the fulfillment of a</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits and persons with temporary residence permits*.</td>
</tr>
<tr>
<td>Service Type</td>
<td>Funding Source</td>
<td>Third-country nationals with permanent residence permits.</td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------------</td>
<td>---------------------------------------</td>
<td>-----------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>guardian’s duties</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remuneration for the care of an adopted child</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits.</td>
<td></td>
</tr>
<tr>
<td>Remuneration for the fulfillment of a foster family’s duties</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits.</td>
<td></td>
</tr>
<tr>
<td>Remuneration for adoption</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits.</td>
<td></td>
</tr>
<tr>
<td>Service of an assistant for disabled children of age 5 to 18 educated in educational institutions</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits, whose disability has been confirmed under the Disability Law.</td>
<td></td>
</tr>
<tr>
<td>Service of an assistant for disabled children of age 5 to 18 at the local government</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits, whose disability has been confirmed under the Disability Law.</td>
<td></td>
</tr>
<tr>
<td>Social rehabilitation services for children who have suffered from illegal actions</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits.</td>
<td></td>
</tr>
<tr>
<td>Social rehabilitation services for persons who are addicted to psychoactive substances</td>
<td>State basic budget</td>
<td>Yes. Third-country nationals with permanent residence permits.</td>
<td></td>
</tr>
<tr>
<td>X. Guaranteed minimum resources</td>
<td>State social security benefit</td>
<td>Yes. Third-country nationals with permanent residence permits.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Local government budget</td>
<td></td>
<td></td>
</tr>
<tr>
<td>XI. Long-term care</td>
<td>Professional rehabilitation</td>
<td>State basic budget</td>
<td></td>
</tr>
<tr>
<td>-------------------</td>
<td>-----------------------------</td>
<td>--------------------</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Yes.</td>
<td></td>
</tr>
</tbody>
</table>

* Only citizens of Russia, Belarus and Ukraine holding temporary residence permits are eligible for the benefit under interstate agreements.

2.2. Has a link or nexus between policies in relation to social security and to immigration been established by policymakers in Latvia?

No.

There is active cooperation among the policymakers in the field of social security and migration at the times when new laws and regulations are drafted or the existing ones are being amended. A working group has been established with representatives from the Ministry of Interior, Ministry of Economics, Ministry of Finance, Ministry of Education and Science and Ministry of Health, whose task is to develop the immigration policy concept.

2.3. Are there recent/planned changes to the eligibility rules for any of the social security benefits and programmes listed in the second column of the table above that may have an effect on access by third-country nationals?

Yes.

Changes to the allocation of the unemployment benefit that apply to third-country nationals with temporary residence permits follow from the amendments to the Support for Unemployed Persons and Persons Seeking Employment Law that took effect on 18 July 2013, by which the range of the persons eligible for the status of the unemployed or the job-seeker is expanded through adoption of the requirements of the European Union’s Single Permit Directive 2011/98/EU. Namely, third-country nationals with temporary residence permits may obtain the status of the unemployed or the job-seeker. Third-country nationals may receive consultations, participate in non-formal education events at the State Employment Agency, among others.

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22 A victim of trafficking in human beings holding a temporary residence permit and a minor child accompanied by that person.
to acquire Latvian language, but third-country nationals would not be eligible for more extensively funded active employment measures, for example, they will not be engaged in such long-term campaigns as subsidised employment or acquisition of a vocational or non-formal education programme.\textsuperscript{24}

3. NATIONAL RULES ON ACCESS TO SOCIAL SECURITY BY THIRD-COUNTRY NATIONALS

This chapter provides detailed information regarding the preconditions that third-country nationals have to meet in order to qualify for the types of support indicated in Table 2.1. **3.1.**

3.1. Is a minimum residence period attached to any of the benefits that are accessible by third-country nationals under the seven categories listed above?

Yes.

Eligibility for the state social security benefit regarding disability and old-age is reviewed with consideration of the person’s length of residence in Latvia. The state social security benefit for disability and old-age is allocated to persons (including third-country nationals with permanent residence permits) who have lived in Latvia in total not less than 60 months out of which the last 12 months – without interruption.

3.2. Are any of the benefits that are accessible by third-country nationals under the seven categories listed above exportable once the third country national returns to his/her country of origin?

Yes.

The old-age pension is an exportable benefit after the third-country national returns to his or her country of origin, payable to a third-country national, in a same way as to Latvian national, when he/she is moving for permanent residence in another country that is not a member state of the European Union or European Economic Area. It is possible to continue to receive the old-age pension in the Latvian bank account.

3.3. Is a minimum employment period/ minimum contribution period attached to any of the benefits that are accessible by third-country nationals under the seven categories listed above?

Yes.

Like the citizens and non-citizens of the country, third country nationals also may receive the unemployment benefit provided their length of period of insurance is not less than one year, if the mandatory state social insurance payments for unemployment have been made for not less than 9 months.
during the time period of the last 12 months prior to the day when the status of an unemployed person was obtained.\textsuperscript{25}

Third-country nationals may receive the old-age pension that is paid from the state special pension budget regardless of the type of their residence permit, provided they are covered by the state mandatory social insurance and have reached the age stipulated by the law, provided the social insurance period is at least 10 years.

3.4. Are migration-specific conditions (e.g. requirement to hold a particular residence permit, authorisation of stay or visa, a fixed domicile, requirement to participate in an integration course, etc.) attached to any of the benefits that are accessible by third-country nationals under the seven categories listed above?

Yes.

The MISSOC Guide includes types of support that are funded both from the state basic budget and state social insurance mandatory contributions. The assistance and benefits funded from the state budget are accessible to third-country nationals who hold permanent residence permits and certain categories of third-country nationals with temporary residence permits. The types of support funded from the state social insurance mandatory contributions are accessible to all social insurance contribution payers regardless of the type of their residence permits.

3.5. Are any other conditions (not already listed above), e.g. minimum or maximum age, means-tests, etc. attached to any of the benefits that are accessible by third-country nationals under the seven categories listed above? In this question, please only identify any other conditions that are applied to third-country nationals (and not to nationals of your (Member) State).

No.

\textsuperscript{25} Law on Unemployment Insurance. - Latvian Herald, No. 416/419, 15.12.1999. - [came into force on 01.01.2000.]
4. ADMINISTRATIVE PRACTICES THAT AFFECT THIRD-COUNTRY NATIONALS ACCESS TO SOCIAL SECURITY

4.1. Are discretionary criteria applied within the administrative law / rules when assessing an individual claim for social security in any of the seven branches of social security in your Member State?

No.

4.2. Please identify the factors which a deciding officer must take into account when judging whether an applicant has met the above-listed discretionary criteria (e.g. habitually residence test). If these factors differ for individual benefits, please specify.

- 

4.3. Please describe any written circulars or guidelines that deciding officers receive in order to ensure the consistent implementation of the discretionary criteria (e.g. ‘habitual residence test’) to individual claimants within your (Member) State. Please also state whether deciding officers receive specific training to support their work.

- 

4.4. Might claiming social security affect a third-country national’s access to a residence permit renewal, application for naturalisation, or for family reunification, where these aspects are dependant on an individual’s ability to be self-supporting?

Yes.

Law on the Status of a Long-term Resident of the European Community in the Republic of Latvia\textsuperscript{26} stipulates that this status may be acquired only by a third-country national with regular and continuous income.

The Citizenship Law\textsuperscript{27} determines that if a third-country national has legal income he/ she may apply for the citizenship under the naturalisation procedure.

Upon passing a decision regarding granting or extension of a temporary residence permit the officials of the Office of Citizenship and


\textsuperscript{27} The Citizenship Law. - Latvian Herald, No. 93, 11.08.1994. - [came into force on 25.08.1994.]
Migration Affairs assess whether the person has sufficient financial resources to stay in the Republic of Latvia.

If a Latvian citizen or non-citizen wishes that his or her parents – third-country nationals who have reached the retirement age according to the laws of the Republic of Latvia - may stay in the Republic of Latvia, the temporary residence permit is issued to the parents on the condition that they will not apply for financial benefits under the Latvian social assistance system.\(^{28}\)

Each decision regarding granting and extension of temporary residence permits is individually reviewed with consideration of the principles of commensurateness and usefulness.

4.5. Please indicate whether translation, interpretation or other forms of support are available to third-country nationals wishing to access a social security benefit or programme in your country.

Pursuant to the Official Language Law, authorities accept and review documents from persons only in Latvian, although in practice state authorities may accept and review documents received from abroad without a Latvian translation thereof.

The only category of persons for whom interpreter service is provided for is victims of trafficking in human beings who are entitled to receive support services.

The information on the services of the State Social Insurance Agency is available at its client service centres and online at the homepage \(\text{www.vsaa.lv}\) in Latvian, English and Russian. In practice the State Social Insurance Agency in its client service centres accepts documents that have been completed according to the statutory requirements but have not been issued in the official language, provided the employee who reviews the respective personal file has the knowledge of the particular language. To the extent possible persons are provided with consultancy in other languages, as well assistance in completion of applications may be obtained at the client service centres.

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\(^{28}\) The Immigration Law. - Messenger, No. 169, 20.11.2002. – [came into force on 01.05.2003.]
The Ministry of Welfare homepage www.lm.gov.lv provides general information related to state-provided social services in Latvian, English and Russian, as well as contact information of social services providers for acquiring of more detailed information. Employees of the Ministry of Welfare provide telephone and face-to-face consultations within the limits of their competence to residents, also to the extent possible providing such consultancy in Russian. Information regarding the services provided by the Social Integration State Agency is available in Latvian, English, Russian and German at the Social Integration State Agency homepage www.siva.gov.lv.

The function of providing translation and interpretation services to customer is not prescribed for the local government social services, although it is stated in Section 12 Part 2 of the Social Services and Social Assistance Law that local government social service has to provide information and consultations in a manner understandable to the person.

The homepage of the non-governmental organisation “Shelter “Safe House” contains information for migrants related to accessibility of health care and social security services in Latvian, Russian, English and French.

The homepage www.dzivotlatvija.lv summarises information for migrants in relation to their rights and opportunities in Latvia, including the field of social assistance, in Latvian, Russian and English.

29 http://www.patverums-dm.lv/lv/informacija-imigrantiem
5. EXTERNAL DIMENSION OF SOCIAL SECURITY

External coordination of social security with third countries is exercised through bilateral agreements in the field of social security that Latvia has entered into with third countries.

The Ministry of Welfare is responsible for drafting and implementation of bilateral interstate cooperation agreements in the field of social security in Latvia. The ministry develops bilateral interstate agreements in the field of social security in cooperation with competent authorities of other countries with an aim to protect the right to social security for the persons who live in the territory of Latvia and have accumulated social insurance (work) periods in other countries. At the same time these agreements protect the rights of persons who reside in the other contracting party and move to Latvia. Drafting of bilateral cooperation agreements usually starts with the initiative of the respective country, although drafting of agreements may also start upon Latvia’s initiative. Drafting of such agreements requires certain administrative (drafting of the agreements take several years) and financial resources, therefore the need for development of bilateral agreements is carefully assessed, considering the current mutual migration between the countries, historical factors and the size of the diaspora in the respective country.³⁰

Agreements in the field of social security entered into between the Republic of Latvia and third countries are listed below in chapter 5.1. along with a summary of the terms and conditions of such agreements.

5.1. Have bi-lateral agreements on the co-ordination of social security been reached by Latvia with any third countries?

Yes.

Latvia has entered into following bilateral agreements concerning social security:

- on 5 November 1992 the Note Regarding Mutual Payment of Pensions between the Government of the Republic of Latvia and the Government of the United States of America took effect³¹;

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³⁰ Source: Ministry of Welfare

5.2. Please provide more information about the bi-lateral social security agreements that have been concluded by the Republic of Latvia, indicating whether the agreements:

i) allow a worker from a third-country to work in Latvia while remaining subject to the social security legislation of the sending state

Yes.

Each of the abovementioned agreements include provisions regarding sending of employees and application of the laws and regulations of the sending state in respect of such employees. According to the provisions of the agreements the laws and regulations of the first state are applicable to an employee who is employed in the territory of one state and sent by the employer to work in the territory of the other state. The period of sending is

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...
different in each agreement – from two to four years. Applicability of the laws and regulations of the sending state to the sent employee is confirmed by a certificate/statement of the governing law issued by the competent authority. Furthermore, the agreements contain a provision on the option to agree that the particular sending period may be extended for any employee and it is specified in some agreements that by a mutual agreement of the competent authorities of both parties exceptions may be made to the provisions of the applicable laws and regulations with regard to any person or a category of persons (for example, in the agreements with Canada and Australia).

ii) guarantee equal treatment in the system of the host state in respect of particular benefits (e.g. reciprocal healthcare arrangements)

Yes.

The agreements specify that the principle of equal treatment shall be observed in determining the rights and obligations of the citizens and residents of the contracting states.

According to the interstate agreement, the Ukrainian citizens who temporarily stay in Latvia may receive the state-funded emergency medical assistance services. It should be noted that the persons who receive Ukrainian or Ukrainian and Latvian pensions, as well as military pensioners of the Russian Federation are eligible for all state-funded health care services under the effective agreements.

Detailed information regarding the conditions that allow an employee from a third country to work in Latvia at the same time remaining compliant with the requirements of social security laws of the sending state and regarding exportable benefits under the agreements is summarised in Table 5.1.

Table 5.1. Provisions of Bilateral Agreements with Third Countries

<table>
<thead>
<tr>
<th>Bilateral agreement</th>
<th>5.2.i) Provisions allowing for application of the laws and regulations of the sending state</th>
<th>5.2.iii) allow exporting of types of social security support to the territory of another</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agreement</td>
<td>state</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Agreement on Cooperation Regarding Social Security between the Republic of Latvia and Ukraine</td>
<td>Laws and regulations of the first state remain applicable to persons who are employed at a company in the territory of one state and have been sent by that company to work for that company in the territory of another state, provided that the period of sending does not exceed 2 years. Civil servants are governed by the laws and regulations of the state whose authority has sent these employees to the territory of the other state. Family members who move together with the person – employee or self-employed – are governed by the laws and regulations of the same state that apply to the employee or self-employed. Pensions are paid via competent authorities to the person’s bank account in the country of residence.</td>
<td></td>
</tr>
<tr>
<td>Agreement between the Government of the Russian Federation and the Government of the Republic of Latvia Regarding Social Protection of the Military Pensioners and Their Family Members Who Reside in the Territory of the Republic of Latvia</td>
<td>- Payments related to disbursement of pensions and benefits to military pensioners who reside in the territory of the Republic of Latvia, as well as other costs related to social guarantees for this category of persons are payable in the currency of the Republic of Latvia, using a bank account in Latvia.</td>
<td></td>
</tr>
<tr>
<td>Agreement Regarding Social Security between the Republic of Latvia and Canada</td>
<td>An employee employed in the territory of one state and sent by the employer to perform work for him in the territory of another state is governed by the laws of the first state. This provision may not apply for more than 60 months without prior consent of the authorities of both parties. Pension is transferred to the credit institution account indicated by the person, in the country of residence.</td>
<td></td>
</tr>
<tr>
<td>Agreement on Cooperation Regarding Social Security between the Republic of Latvia and the</td>
<td>Persons who work in one state and are sent by the employer to perform work in another state are governed by the laws of the sending state, provided that the duration of the business trip of these persons does not exceed 2 years. Pensions are paid via competent authorities to the person’s bank account in the country</td>
<td></td>
</tr>
</tbody>
</table>
### Agreement on Cooperation Regarding Social Security between the Republic of Latvia and the Russian Federation

Persons who are employed in one state and are sent to work in another state for a certain period of time are governed by the laws of the first state, provided that the duration of such stay (business trip) does not exceed 2 years. Where necessary, this term may be extended, but not more than for one year, by a mutual agreement of the competent authorities of both states. Family members of the insured person who live together with him/her are governed by the same laws and regulations that apply to the insured, unless the laws and regulations of the other state apply to such family members due to their own employment.

### Agreement Regarding Social Security between the Republic of Latvia and Australia

If an employee is sent to work in the territory of the other contracting state with the employer or for a company related to the employer and stays in the territory of that state for less than four years from the date of being sent, the employer and its employees are governed only by the laws of the first contracting state. If a self-employed person works in the other contracting state and stays in the territory of that other contracting state for less than four years from the date on which the self-employed persons started to work there, the self-employed person is governed only by the laws of the first contracting state.

Payment of pensions to persons who reside in the territory of the other state, to whom pension has been allocated/reviewed under the agreement, is made via competent authorities to the person’s bank account according to their residence.

It is possible to transfer pensions, funeral benefits and the single surviving spouse benefit to the Australian bank account indicated by the person.

### iii) allow social security benefits (e.g. state pensions) to be exported to the territory of the other state

Yes.

According to the effective bilateral agreements, it is possible to pay pensions or certain benefits to persons who reside in the territory of another state, to whom the service has been granted or reviewed pursuant to the agreement. Depending on the provisions of the particular agreement pensions or benefits are either paid via competent authorities or directly, by transferring the pension to the person’s bank account according to his or her place of residence. See Table 5.1. regarding information on the exporting of social security benefits.
iv) contain any other provisions of relevance to the coordination of social security systems with third countries

Yes.

The main aim of the bilateral social security agreements is to guarantee uninterrupted social security for the interested persons. With an aim to protect the right to social security for the migrating residents, the bilateral agreements entered into by Latvia in the field of social security are based on the following underlying principles of coordination of social insurance systems: (1) equal treatment – prohibits discrimination based on nationality; (2) retention of acquired rights – cancellation of residence provisions, social security services are provided to the person also if he/she lives in another contracting state; (3) summing up of the social security rights by taking into account the social insurance related work or residence periods accumulated in the other contracting state.

5.3. Please provide any information available on the extent to which third-country nationals have invoked their rights under the bi-lateral social security agreements reached between the Republic of Latvia and third-countries.

The responsible state authorities do not survey statistics that characterise the activity of exercising of the rights by third-country nationals under the bilateral social security agreements.
6. CASE-STUDIES

**Case-study 1:** Tho and Lien, a married couple holding Vietnamese citizenship, aged 28 and 30, moved to your (Member) State 10 years ago. They hold long-term residence permits. Tho has worked in a car manufacturing company for the last 8 years, paying obligatory insurance contributions throughout this time. Lien has worked as a chef in the restaurant of a large hotel, also paying obligatory insurance contributions, for the last 2 years. Tho and Lien are expecting the birth of their first child in 6 weeks’ time. Last week, the car manufacturing company where Tho works announced that they were making him redundant. Faced with the loss of Tho’s income at a time when Lien would need to take time off work, following the birth of their child, Tho decided to apply for unemployment benefits while Lien applied for maternity benefits.

**Tho’s eligibility for the unemployment benefit in Latvia**

1) Tho’s eligibility for the unemployment benefit will be assessed pursuant to the Law on Unemployment Insurance. Section 5 Paragraph One of this law determines that an unemployed person with the social insurance cover of at least one year is eligible for the unemployment benefit on the condition mandatory social insurance contributions for unemployment were or had to be made for him in the Republic of Latvia for not less than 9 months during the time period of the last 12 months prior to the day when the status of an unemployed person was obtained.

2) Taking into account that Tho holds a permanent residence permit and he has been an employee for the last 8 years and paid the mandatory social insurance contributions for all that time, he will be eligible for the Latvian unemployment benefit when acquiring the status of the unemployed.

3) Taking into account Tho’s social insurance period in Latvia (8 years), the benefit will be allocated for him in the amount of 50% of the average wage subject to insurance contributions, like for the local employees. The average wage subject to insurance contributions is calculated of the person’s wage subject to insurance contributions for a period of 12 months, by closing this period two calendar months before the month in which the unemployed status is gained.

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Lien’s eligibility for the maternity benefit in Latvia

1) The eligibility of Tho’s wife Lien for the maternity benefit and the following parental benefit will be assessed in line with the Law on Maternity and Sickness Insurance. According to this law, a maternity benefit may be applied for by a mother-to-be who does paid work; who is a self-employed or a spouse of a self-employed, who has voluntarily joined social insurance.

2) Taking into account that Lien worked at the restaurant for the last two years and paid the mandatory social insurance contributions, she will be eligible for the maternity benefit.

3) The benefit corresponds to 80% of the average wage subject to insurance contributions. The employee’s average wage subject to insurance contributions is calculated for a period of 12 calendar months, by closing this period two calendar months before the month in which the inability to work due to the pregnancy starts. The maximum period for which the maternity benefit is allocated is 140 days. This procedure and the benefit is equal to that accessible by the employees – Latvian citizens.

Case study 2: Jasmine is a single parent, aged 29, holding Filipino citizenship, who moved to your (Member) State 2 and a half years ago. She has a 2-year old child (also holding Filipino citizenship) that lives with her and another child aged five that lives in the Philippines with Jasmine’s mother. She holds a temporary/salaried worker residence permit that has been renewed once. Jasmine has worked as a nurse in a residential day-care unit in your (Member) State for 2 and a half years. She sends a small amount of money every month to the Philippines to help support her daughter. Last month, Jasmine’s employer announced significant cuts in staff salaries in response to budget reductions. Faced with a significantly reduced income, Jasmine has moved into a hostel as she can no longer afford to rent private accommodation. She has also been forced to halve the amount of money she sends to her family in the Philippines every month. She has decided to apply for family benefits and guaranteed minimum resources.

39 Law on Maternity and Sickness Insurance. - Latvian Herald, No. 182, 23.11.1995. - [came into force on 01.01.1997.]
1) Jasmine’s eligibility for State family allowance will be assessed pursuant to the Law on State Social Allowances. Jasmine’s eligibility for State family allowance in Latvia will be assessed by considering the age of the children (2 and 5 years). According to Section 4 Paragraph One and Two of the Law on State Social Allowances, Latvian citizens and non-citizens, foreigners and stateless persons to whom a personal number has been allocated and who permanently reside in the territory of Latvia are all eligible for State family allowance. Persons who hold temporary residence permits in Latvia are not eligible for the State family allowance.

2) Considering that Jasmine holds a temporary residence permit in Latvia, she is not eligible for the State family allowance. If the permanent residence permit is granted to Jasmine, she will be able to apply for the State family allowance in respect of the child who lives in Latvia, but she will not be eligible for the State family allowance in respect of the child who lives in Philippines.

3) Since Jasmine holds a temporary residence permit she is not entitled to receive the benefit to ensure guaranteed minimum income level.

Case study 3: Senghor is a high-skilled worker from Senegal. He arrived in your (Member) State six years ago with a temporary residence permit arranged through the IT company that employed him. Senghor is single and does not have children, but has recently succeeded in bringing his elderly mother to the country on the basis of family reunification. Aged 80, his mother is entirely dependent on Senghor’s income. Last week, Senghor suffered an accident at work that left him incapable of carrying out the work for which he was employed for a period of 3 years. He decided to apply for invalidity benefits, sickness benefits, family benefits and benefits in respect of accidents at work and occupational diseases.

1) Senghor’s eligibility for the benefit/compensation for accident at work will be assessed pursuant to the Law on Compulsory Social Insurance in Respect of Accidents at Work and Occupational Diseases. The entitlement to receive a social insurance indemnity pertains to the person covered by social insurance, who undergoes temporary

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disability or loss of the capacity to work or who dies due to an accident at work or an occupational disease. An accident at work shall be evidenced with the employer’s statement of the accident at work. A person may apply for the following social security benefits in relation to an accident at work: sickness benefit, reimbursement for the loss of ability to work, compensation for additional expenses and services during the period of medical treatment.

2) Considering that Senghor was an employee, he is a socially insured person in Latvia, hence eligible for the sickness benefit in Latvia.

3) What regards the allowance for loss of the capacity to work (disability benefit), Senghor will also be eligible for it, provided the State Commission of Physicians for Health and Work Capacity Examination will confirm the loss of Senghor’s capacity to work, determining the percentage of the loss of working capacity and the disability group.

4) The amount of the social insurance indemnity depends on the person’s average wage subject to insurance contributions, which is calculated for a period of 12 months (except the two months before the month in which the accident at work happened and the temporary disability occurred) and the percentage of the loss of working capacity determined by the commission of physicians. Sickness benefit equals 80% of the average wage subject to insurance contributions and in the event of accident at work it is paid starting with the 11th day of disability. The maximum period of receiving of the sickness benefit is 52 weeks.

5) To receive reimbursement for additional expenses related to treatment and medical rehabilitation, Senghor will have to submit medical documentation and payment documents that confirm use of and necessity for services/medicines.

6) Senghor’s mother will not be eligible for the state social benefits, including family benefits, in relation to her son’s suffering of the accident at work.
7. STATISTICS ON SOCIAL SECURITY PAYMENTS RELATED TO MIGRATION

7.1. Please present any available statistics on numbers of third-country nationals employed, unemployed and inactive by national group.

Since third-country nationals in Latvia account for a too small Eurostat data value, it is not possible to carry out an objective analysis regarding breakdown of the employed from third countries according to their nationalities. The State Employment Agency does not survey statistics regarding inactive persons from third countries.

Table 7.1.1.
Number of registered third country unemployed according to nationality, 2007-2012

<table>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Russia*</td>
<td>549</td>
<td>1000</td>
<td>2267</td>
<td>2271</td>
<td>2068</td>
<td>1654</td>
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<td>Ukraine*</td>
<td>54</td>
<td>104</td>
<td>215</td>
<td>236</td>
<td>174</td>
<td>149</td>
</tr>
<tr>
<td>Belarus*</td>
<td>21</td>
<td>60</td>
<td>110</td>
<td>114</td>
<td>100</td>
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<td>6</td>
<td>20</td>
<td>18</td>
<td>19</td>
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</tr>
<tr>
<td>Armenia*</td>
<td>...</td>
<td>8</td>
<td>10</td>
<td>15</td>
<td>17</td>
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<tr>
<td>Azerbaijan*</td>
<td>3</td>
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<td>9</td>
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</tr>
<tr>
<td>Georgia*</td>
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<td>11</td>
<td>13</td>
<td>12</td>
</tr>
<tr>
<td>Israel*</td>
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<td>8</td>
<td>15</td>
<td>8</td>
<td>11</td>
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<td>USA*</td>
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<td>4</td>
<td>4</td>
<td>3</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Uzbekistan*</td>
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<td>2</td>
<td>8</td>
<td>4</td>
<td>2</td>
<td>5</td>
</tr>
<tr>
<td>Kazakhstan*</td>
<td>...</td>
<td>3</td>
<td>6</td>
<td>7</td>
<td>4</td>
<td>7</td>
</tr>
<tr>
<td>Total number of registered third-country unemployed*</td>
<td>644</td>
<td>1220</td>
<td>2711</td>
<td>2728</td>
<td>2449</td>
<td>1973</td>
</tr>
<tr>
<td>Total number of registered unemployed in Latvia**</td>
<td>52321</td>
<td>76435</td>
<td>179235</td>
<td>162463</td>
<td>130296</td>
<td>104052</td>
</tr>
</tbody>
</table>

Data source:
Since in most cases the third-country nationals who reside in Latvia are from Belarus, Russia and Ukraine, it is clear that the unemployment benefit is more frequently received by the citizens of these countries. It is important to remind that by the middle of 2013 this benefit was accessible for third-country nationals with permanent residence permits, spouses of these nationals holding temporary residence permits and the citizens of Russia, Ukraine and Belarus who have made social insurance contributions in Latvia, third-country nationals holding temporary residence permits in relation to scientific work or holding the Blue Card (for the period of validity of the Blue Card) and victims of trafficking in human beings. The number of third-country nationals – the unemployed – considerably grew in 2008 and 2009 when the economic crisis started and the unemployment rate grew also among the Latvian citizens and non-citizens. In 2012 the unemployment rate fell by approximately 25% when the Latvian economy started to recover. The increase of the proportion of registered third country unemployed in 2012 in comparison with the total number of registered unemployed can be explained with the economic emigration of Latvian citizens to other countries.

Since the responsible authorities do not survey data regarding third-country nationals according to their citizenship and in Eurostat data third-country nationals are counted together with the Latvian non-citizens, it is not possible to provide an analysis of the employed and inactive third country persons.

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*State Employment Agency*

**Central Statistical Bureau**

42 In the unemployed registration and registered vacancy information system the information related to the client’s citizenship and nationality is recorded. Statistical data regarding the unemployed are surveyed on a monthly basis. The table summarises information on the unemployed who were registered at the end of the particular year (on 31 December). Taking into account that citizenship and nationality is not included in the monthly statistical reports, the data regarding citizenship and nationality were obtained from the system at the time of the summarising of the respective report – October 2013.
7.2. Statistics/research on the take up of social security benefits among third-country nationals (by type of payment by national group, duration in country, age, sex, for last five years)?

7.3. The costs to each (Member) State of providing social security benefits including healthcare to third-country nationals

Latvia’s expenditure for social security is the lowest among the European Union’s Member States. Latvia’s expenditure for social security equal 15.1% of the gross national product, while the purchasing power index per resident in the social protection area was 30. In 2011 the majority of the social security system expenses – 54.9% - were related to disbursements of old-age and survivors pensions.


The indicators were similar in 2010 when expenses related to old-age and survivors pensions accounted for 54% of expenditure related to social security, which is 10% higher than the average level among the European Union’s Member States. Data regarding the way of use of social security benefits by third-country nationals are not accumulated in Latvia. The data prepared by the service provider of the European Migration Network Latvian non-citizens are included in the category of third-country nationals, which deprives of the possibility to analyse the activity of third-country nationals in using the social security system.

The scope of benefits or support in Latvia is not differentiated depending on the person’s nationality. Provided the person is eligible to receive the support pursuant to laws and regulations, it is accessible to the same extent it is for Latvian citizens or non-citizens.
8. KEY FINDINGS

The study summarises information regarding accessibility of social security and health care system for migrants that will provide the policymakers with an overview of the situation in this sector and allow the employees of responsible authorities to provide more professional consultancy to immigrants. Representatives of non-governmental organisations can use this information to ensure more rational planning of support for immigrants because the study identifies the areas in which no support is provided or it is provided to a minimum degree.

The accessibility of the social security system is determined by the type of the residence permit and whether the person is covered by the social insurance.

Provided the person is the state mandatory social insurance contributions payer (an employed person who voluntarily makes the state mandatory social insurance contributions), the persons is eligible for the social insurance support to the same extent it is available to the Latvian citizens and non-citizens, regardless of the type of residence permit the person holds (permanent or temporary).

Certain categories of third country nationals holding temporary residence permits have wider accessibility to Latvian health services:

- Spouses of Latvian citizens and non-citizens holding temporary residence permits in Latvia are eligible to receive free pregnancy care and assistance in childbirth covered by the state basic budget and service recipient fees;

- Ukrainian citizens are eligible to free emergency medical assistance under the intergovernmental agreement;

- Victims of trafficking in human beings, who hold temporary residence permits and minor children accompanied by such persons are eligible for free emergency, primary, secondary and tertiary health care.
Military pensioners of the Russian Federation and their family members and persons who receive Ukrainian or Ukrainian and Latvian pensions are eligible for all state-funded health care services, like Latvian citizens. Several sets of social security system support measures accessible to third-country nationals are determined by the interstate agreements, thus eliminating the risk that these persons may lose their entitlement to social security and health care in their country of origin due to their absence thereof.

With regard to restrictions of the rights of third-country nationals who reside in Latvia, it was established that certain categories of persons with temporary residence permits are not eligible for a considerable number of social security system measures.

According to Table 2.1, third-country nationals with temporary residence permits are not eligible to receive benefits paid from the state or local government budgets. It includes state social allowances, state social services, state social assistance and health care services. Eligibility of third-country nationals to receive the state social insurance services is guaranteed by making of social insurance contributions, which means that person’s participation (employment) is required and these benefits are related to long-term residence in Latvia.

Eligibility of several groups of third-country nationals with temporary residence permits for access to social security services depends on the residence status of their family member in Latvia. Persons with temporary residence permits who are spouses of Latvian citizens or non-citizens are eligible to receive pregnancy care and childbirth assistance, as well as the unemployment benefit calculated on the contributions made by the person. Russian military pensioners and their family members who are staying in Latvia with residence permits may receive primary healthcare. A minor child of a victim of trafficking in human beings, who holds a temporary residence permit has access to state-funded health care services.

Upon assessment of individual applications for social security, national laws and regulations do not prescribe application of such discretionary criteria, as for example, the habitual residence test. All benefits that may be allocated
to the respective category of third-country nationals are subject to the same criteria as the Latvian citizens and non-citizens.

Unfortunately it is not possible to assess with regard to Latvia, what load on the budget is brought about by the social security system and health care services used by migrants, because information is not separately accumulated in relation to these costs, therefore it is not possible to analyse the most frequently used types of support and the effect thereof on the state and local government budgets. In Latvia 2695 residence permits were either issued or extended in relation to employment in 2012, which is not a considerable load on the social budget by all means.

It is advisable that the responsible state authorities evaluate the possibility to improve information systems so that the recipients of social security services could be surveyed according to their citizenship, which would represent the scope of social security rights used by immigrants. The above improvements would allow using of data in forecasts regarding the effect on the state budget in case immigration flows would grow.

No special administrative guidelines have been developed in the social security and health care area in Latvia for work with third-country nationals, each decision is individually assessed.

The Latvian laws that regulate employment of third-country nationals provide for the protection of the national labour market, whereby the minimum wage payable to a third-country national is determined (average gross monthly salary of the employed in Latvia for the previous year). Hence the state social security benefits are funded out of the social insurance contributions made by the third-country national, which does not result in additional load on the state budget, on the contrary, the social budget revenue could increase provided immigrants make social insurance contributions from large income (especially highly qualified foreign specialists necessary for the national economy) over a long term.

The study establishes that persons holding permanent residence permits, who are covered by social insurance, may use the same types of support included in the MISSOC Guide as Latvian citizens and non-citizens.
Persons holding temporary residence permits have access to a narrower range of support. The hypothesis set forth in the specification of the study that not all types of support of the social security system available to Latvian citizens may be accessed by all categories of third-country nationals has been confirmed.
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Effective interstate agreements


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