

**NATIONAL REPORT DONE BY THE ODYSSEUS NETWORK FOR THE  
EUROPEAN COMMISSION ON THE IMPLEMENTATION OF THE DIRECTIVE  
ON RECEPTION CONDITIONS FOR ASYLUM SEEKERS IN:  
THE REPUBLIC OF LATVIA**

by

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**1. NORMS OF TRANSPOSITION**

**Q.1. Identify the main norm of transposition (indicate the title, date, number, date of entry into force and references of publication into the official journal) and indicate its legal nature (legislative, regulatory, administrative); indicate in your answer if this norm was only devoted to the directive or if it has been included in a more general text and indicate in that case by quoting precisely the numbers of the provisions adopted to transpose the directive.**

The provisions of Directive were transposed by the Asylum Law, which was adopted by the Parliament of Latvia on 7 March 2002 (published in 48 (2623), 27.03.2002.) and it came into force on 1 September 2002. This Law was subsequently amended on 2 February 2005 (The Official Journal, 18 (3176), 02.02.2005) and on 7 June 2006 (will come into force on 10 July 2006, The Official Journal, 98 (3466), 27.06.2006) It contains the special informative reference to the EU Directives, that indicates that “This Law includes legal norms arising from Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers”.

Technically speaking, most of the provisions of the Asylum Law related to the reception of the asylum seekers were already in compliance with the requirements of the Directive upon its entry into force. Therefore only Para.1 and 2, Article 3 of the Asylum Law were changed in order to ensure compliance with Articles 9 and 15 of the Directive.

**Q.2. List by order of importance by using numbers (1, 2, 3) the others norms of transposition if there are more than one (indicate for each norm the title, date, number and references of publication into the official journal; include in your answer the administrative measures taken to ensure implementation of the directive and of the transposition norms like regulations, administrative circulars, special instructions,...)**

- **Put as an annex to your report a paper copy of each norm in the original language with a reference number to help the reader to find it easily;**
- **Send us an electronic version of each norm or a weblink to the text (this will be used for the website we are building);**
- **Provide the texts of any translation of the above norms into English if they are available.**

The provisions of the Asylum Law related to the reception of asylum seekers were implemented by a number of the by-laws – the Regulations of the Cabinet of Ministers of the Republic of Latvia (The Government). It is not possible to number them in order of the

importance since they have an equal force and cover the different aspects of the reception (e.g. expenses for acquisition of food, medical examination):

1. The Regulations of the Cabinet of Ministers of 8 February 2005 No 119 “On the amount of expenses for acquisition of food, as well as hygiene and first necessity goods for the asylum seeker and the procedure of cover of these expenses”, The Official Journal, 27 (3185) 17.02.2005,
2. The Regulations of the Cabinet of Ministers of 3 September 2002 No 406 “On the asylum seeker’s personal identity document and the procedure of its issue” (published in the Official Journal 127 (2702) 06.09.2002., amended by the Regulations of the Cabinet of Ministers of 8 February 2005 Nr.112 « Amendments to the Regulations of the Cabinet of Ministers of 3 September 2002 No 406 “On the asylum seeker’s personal identity document and the procedure of its issue”» (The Official Journal, 24 (3182) 11.02.2005),
3. The Regulations of the Cabinet of Ministers of 14 June 2005 No 413 “Procedure of person’s medical and laboratory examination, compulsory and enforced isolation and treatment in the cases of contagious infectious diseases” (The Official Journal, 96 (3254) 17.06.2005.),
4. The Regulations of the Cabinet of Ministers of 9 August 2005 No 586 “On order in which the education is ensured for the minors-children of the asylum seekers or to the minors-asylum seekers”(The Official Journal, 126 (3284) 11.08.2005),
5. The Regulations of the Cabinet of Ministers of 21 December 2004 No 1036 «Procedure of organisation and financing of the medical care» (The Official Journal, 9 (3167) 18.01.2005),
6. The Regulations of the Cabinet of Ministers of 20 January 2004 No 44 “Regulations on he work permits for the foreigners (The Official Journal, 12 (2960) 23.01.2004.), subsequently amended by the Regulations of the Cabinet of Ministers of 22 April 2004 No 396 (The Official Journal, 68 (3016) 30.04.2004.) and by the Regulations of the Cabinet of Ministers of 13 September 2005 No 700 (The Official Journal, 147 (3305) 15.09.2005) .

In addition 2 (two) administrative acts cover some practical issues of the work of the only reception centre in Latvia- the issues of the internal order of the reception centre are regulated by the Regulations of the Office of Citizenship and Migration Affairs «On the Internal Order of the Asylum seekers’ Reception Centre «Mucenieki»» (The Official Journal, 116 (2881), 22.08.2003.) and by the Order of the Head of the Office of Citizenship and Migration Affairs of 24 July 2003 No 16/08 « On the approval of the Statute of the Asylum seekers’ Reception Centre «Mucenieki and of the description of the positions» (not published),

Since 1 January 2007 the provisions of the special legislative act will regulate the issue of legal aid to the asylum seekers - the State Ensured Legal Aid Law adopted on 17 March 2005 (The Official Journal, 52 (3210) 01.04.2005). For the moment they are regulated only by the Asylum Law provisions.

**Q.3. Explain which level of government is competent to adopt the legal norms on reception conditions for asylum seekers (specify in particular in case of**

**a federal or regional State, if it is the federal/central power or the components; in case, specify below when it is impossible for you to answer a question because it is about the competence of the components and it is impossible for you to gather reliable information about all of them)**

According to the Constitution the Republic of Latvia is a parliamentary republic. All the major legislative instruments of the asylum policy are adopted in the form of laws. In its turn the Cabinet of Ministers (the Government) is the highest executive body, which may issue the legislative acts in the field of asylum because such a right is specially delegated to it by the Asylum Law.

**Q.4. Explain the legal technical choices done to transpose the directive (comment on the nature and level of the norms used to do the transposition: legislative, regulatory, administrative like instructions, etc). Add any other element about the technique of transposition of the directive which is interesting for the implementation of Community law.**

Mainly legislative norms (laws and by-laws were used in order) to transpose the directive. In addition one administrative act is applied as well - the Regulations of the Office of Citizenship and Migration Affairs «On the Internal Order of the Asylum seekers' Reception Centre «Mucenieki»» (The Official Journal, 116 (2881), 22.08.2003.)

In accordance with Para 1 and 2, Section 15 of the Administrative Procedure Law in administrative proceedings, institutions and courts shall apply external regulatory enactments, the legal norms of international law and the European Union (Community), as well as the general principles of law.

Institutions and courts shall observe the following hierarchy of the legal force of external regulatory enactments:

- 1) the Constitution (*Satversme*);
- 2) laws, and the Governmental regulations adopted in accordance with Article 81 of the Constitution (*Satversme*);
- 3) the Governmental regulations; and
- 4) binding regulations of local governments.

**Q.5. Mention if there is a general tendency to just copy the provisions of the directive into national legislation without redrafting or adaptation them to national circumstances? If yes, give some of the worst examples and explain if there is a risk that those provisions remain unapplied or will create difficulties of implementation in the future.**

In general the methodology of the transposition of the directives in Latvia is flexible and depends very much on the goals, actual content and specifics of the directive in question. In case of the transposition of directive nr.2003/9 it is clear, that its provisions were redrafted and adapted to the circumstances of Latvia, since this directive provides for the variety of choices and at some points contains rather general provisions, that need to be made more clear in the national legal acts (e.g. requirement to have certain procedural provisions in place can not be "copied", but requires the detailed regulation of the subject-matter).

**Q.6. Have all the texts necessary to ensure the effective implementation of the new rules of transposition been adopted, prepared or at least foreseen in the future (for example a regulation completing a new law and the necessary instructions telling the administration how to apply the new rules)?**

As concerns the existing rules or transposition, one more act needs to be adopted. However it is related to the change of Latvian legal provisions on the appointment of the guardians for the unaccompanied minors – asylum seekers.

Currently the Office of Citizenship and Migration Affairs has the obligation to provide the representatives for the unaccompanied minor asylum seekers. But Section 7 of the Amendments to the Asylum Law adopted on 7 June 2006 (came into force on 10 July 2006, The Official Journal, 98 (3466), 27.06.2006) provide for the Para. 3, Section 11 of the Asylum Law to be read as the following:

If a minor is not accompanied by parents and wishes to submit a submission himself or herself, his or her rights and lawful interests shall be represented during the asylum procedure by the representative appointed by the Custody Court. The duties of the representative and his/her appointment procedure, the procedure of the granting and payment of the reward and the amount of the reward for the representative, as well as requirements for the representative shall be defined by the Cabinet of Ministers. Section 19 of the Amendments to the Asylum Law provides for the adding of new points 6 and 7 to the transitional provisions of the Asylum Law, that provides for the obligation of the Cabinet of Ministers to adopt the Regulations on the above-mentioned procedures related to the representative of the minor asylum seeker till 30 November 2006. In its turn the Office of Citizenship and Migration Affairs has the obligation to provide the representatives for the minor asylum seekers till 31 December 2006.

Based on the analysis of the asylum legislation of Latvia below it could be also concluded that the legal provisions in relation to the asylum seekers with the special needs and the procedure of their identification as well as the tracing of the family members of the unaccompanied minors do not exist, although some work is done by the responsible state institutions in practice.

## **2. BIBLIOGRAPHY**

**Q.7. Has an in-depth preparatory study been made public about the changes at the occasion of the transposition? If yes, thanks for trying to provide us a copy (*please contact to answer this question adequately the body and person who was responsible for the preparation of the transposition of the directive in the public administration*).**

No in –depth special preparatory studies were made.

**Q.8. Quote any recent scientific book or article published about the directive, the transposition rules or the question of reception conditions for asylum seekers in general (answer even if this literature is only available in your**

**language and provide the complete title in your language (without translation) with all references; indicate author, title, in case name of periodical, year and place of publication).**

- H.Battjes, K.M.De Vries, The Report on Asylum in the EU Member States: Reception of Asylum Seekers and examination of the Asylum Applications, Vrije University of Amsterdam, November 2005,
- J.Gromovs, D.Paegle, Rokasgrāmata darbam ar patvēruma meklētājiem, International Organisation for Migration, Rīga, 2006.

**Q.9. Quote any interesting decision of jurisprudence based on the implementation of the new rules of transposition of the directive (indicate references of publication if any)?**

For the moment no case-law of the Latvian courts exists on the issues related to the transposition of Directive.

### **3. GENERAL INFORMATION ABOUT THE SYSTEM OF RECEPTION CONDITIONS**

*The purpose of the following two questions is to help the reader to understand easily and quickly the system of reception conditions in your Member State and also to avoid that you have to repeat general elements in other parts of the questionnaire. Please do not write more than one or maximum two pages and do not include large historical developments.*

**Q.10. Describe in general the system of reception conditions in your Member State (in particular which are the main actors in charge of reception conditions?)**

The procedure of granting the asylum involves the following institutions are involved:

a) Institutions under the Ministry of Interior:

- The Refugee Affairs Department of the Office of Citizenship and Migration Affairs (referred further in the text as the Refugee Affairs Department). It is the first instance for the examination of the asylum seekers' applications.
- The Asylum seekers' reception centre 'Mucenieki' of the Office of Citizenship and Migration Affairs (referred further in the text as the reception centre).
- State Border Guard (person must submit an application for asylum to the State Border Guard at the border control point or its territorial office and after the application is submitted, officials of the State Border Guard will interview the asylum seeker.)

b) Directly subjected to the Ministry of Justice and under the supervision of the former, from 1998 to the beginning of 2006 there functioned the Board of Appeals for Asylum Seekers' Affairs. It was the second-level instance for the examination of the asylum seekers' applications.

However the above-mentioned institutional set-up has undergone the significant changes during the last 7 months. Since January 1, 2006, the Board of Appeals for Asylum

Seekers' Affairs was terminated. During the transitional period, all cases within the competence of the Board of Appeals for Asylum Seekers' Affairs shall be examined by the Ministry of Justice. To ensure the execution of the functions of this Board, the Ministry of Justice established the new Board formed by delegates of the Ministry of Justice and its subjected institutions. Since 10 July 2006 (entry into force of the amendments to the Asylum Law of 7 July 2006) the functions of the examination of appeals will be transferred to the district administrative court and the regional administrative court.

Section 13 of the Asylum Law provides for that the State Border Guard shall interview an asylum seeker who has submitted an application and the information obtained as a result of the interviews shall be submitted to the Refugee Affairs Department of the Office of Citizenship and Migration Affairs together with the application not later than within three days of the day of submission of the application if there is a reason to believe that any of the following conditions exist:

1) the application is obviously unfounded – does not, according to its substance, conform to the criteria referred by the Asylum Law – or the application obviously lacks credibility – the narrative of the asylum seeker is contradictory, inconsistent or impossible according to substance;

2) the application of an asylum seeker for the granting of refugee status is being examined in another country.

3) the asylum seeker has obtained refugee status in another country and may avail himself or herself of its protection without justified fear of persecution referred to in the Asylum Law;

4) an asylum seeker has the citizenship of a country where the threat referred to in the Asylum Law does not exist;

5) an asylum seeker has submitted an application without a justified explanation in order to prevent expected deportation although he or she has had the opportunity to submit an application earlier; or

6) the asylum seeker, before arriving in the Republic of Latvia, has resided in a country where the following conditions exist:

a) the country has ratified the 28 July 1951 Convention Relating to the Status of Refugees and the 31 January 1967 Protocol Relating to the Status of Refugees;

b) in that country the asylum seeker is not in danger of the death penalty or corporal punishment, torture, or inhumane or degrading treatment; and

c) in that country the asylum seeker could have asked for and received protection.

The Refugee Affairs Department shall examine the received interview materials within two working days of the day of receipt thereof. If the Department considers that the application conforms to the conditions specified above, it shall take a decision to refuse the granting of refugee or alternative status.

The asylum seeker or his or her authorised person may appeal a decision of the Department to the Board within one working day. The Board shall examine such complaint within two working days of the day of receipt thereof. During the period of claim examination the person shall be considered to be an asylum seeker.

If the State Border Guard, the Department or the Board does not comply with the time periods in the Asylum Law for well-founded reasons or if the Board recognises that the application is justified, the application shall be examined in accordance with the procedures prescribed by Section 16, Paragraph two the Asylum Law (The procedure for the examination of applications if submitted by persons located in the Republic of Latvia - The Department shall examine the application and the materials obtained as a result of interviews, and not later than within three months of the day of submission of the application take a decision to grant

or to refuse the granting of refugee or alternative status. The State Secretary of the Ministry of the Interior or his or her authorised person may for substantiated reasons extend the time period for examination of an application up to twelve months.)

In accordance with the above-mentioned Amendments to the Asylum Law of 7 July 2006, since 10 July 2006 the functions of the examination of appeals will be transferred to the district administrative court and the regional administrative court. In accordance with Section of the Amendments to the Asylum Law of 7 July 2006 the new Section 19.<sup>1</sup> was included into the Asylum Law, that provides for the following:

The decision of the Refugee Affairs Department on refusal to grant refugee or alternative status made in accordance with the procedure at the border, abridged or the usual procedure, may be appealed in the District administrative court in accordance with the relevant provisions of the Asylum Law and the Administrative Procedure Law. In this case application to the court shall be submitted to the Refugee Affairs Department and the Department shall annex the necessary documents and evidences, which it has in its possession, to it and shall transfer it without its translation to the court during 1 working day. No payment of state fees is required from an asylum seeker in case of the submission of the application to the court.

The newly added Section 19.<sup>2</sup> of the Asylum Law provides for the following procedure of the examination of the application of an asylum seeker in the administrative courts:

1) the case, which proceedings were initiated based on the appeal against the negative decision of the Refugee Affairs Department made in the course of the usual procedure (Section 18 of the Asylum Law) the court shall examine within 3 months,

2) the case, which proceedings were initiated based on the appeal against the negative decision of the Refugee Affairs Department made in the course of the procedure at the border and based on the following reasons provided for in Para.1, Section 13 of the Asylum Law:

- the application is obviously unfounded – does not, according to its substance, conform to the criteria referred by the Asylum Law – or the application obviously lacks credibility – the narrative of the asylum seeker is contradictory, inconsistent or impossible according to substance;
- the application of an asylum seeker for the granting of refugee status is being examined in another country.
- the asylum seeker has obtained refugee status in another country and may avail himself or herself of its protection without justified fear of persecution referred to in the Asylum Law;
- an asylum seeker has the citizenship of a country where the threat referred to in the Asylum Law does not exist;
- an asylum seeker has submitted an application without a justified explanation in order to prevent expected deportation although he or she has had the opportunity to submit an application earlier; or
- the asylum seeker, before arriving in the Republic of Latvia, has resided in a country where the following conditions exist:
  - a) the country has ratified the 28 July 1951 Convention Relating to the Status of Refugees and the 31 January 1967 Protocol Relating to the Status of Refugees;
  - b) in that country the asylum seeker is not in danger of the death penalty or corporal punishment, torture, or inhumane or degrading treatment; and
  - c) in that country the asylum seeker could have asked for and received protection. (Section 18 of the Asylum Law) the court shall examine within 3 months,

or if the negative decision was adopted by the Refugee Affairs Department in the abridged procedure, the case shall be examined within 3 working days since the day, when the decision was made to accept the application and to initiate the case. The court shall assess the compliance of the negative decision of the Refugee Affairs Department with Para 1, Section 13 and Section 19 of the Asylum Law. If for the objective sizing up of the situation the additional evidence will be needed, the court may decide to examine the case within 3 months.

The appeal on the negative decision on the application submitted at the border or considered in the abridged procedure, shall be examined by the court in the written procedure. The appeal on the negative decision on the application submitted considered in the usual procedure, may be considered by court in the written procedure if the court recognizes that there is enough evidence to adjudicate.

The District administrative court's decision shall be final and not subject to appeal. It comes into force upon its announce and it shall be immediately communicated to the asylum seeker, explaining him/her the substance of the decision in a language, which he/she understands or which he/she should understand. The court's decisions adopted in the course of the proceedings for the examination of the application or of the initiated case are not subject to appeal. A person shall be considered to be an asylum seeker during the course of the examination of the application (the case).

If an application is submitted to adjudicate the matters *de novo* in connection with the newly-discovered facts the Regional administrative court shall examine the case within 20 working days since the day when the application has been received. The decision of the Regional administrative court shall be immediately communicated to the asylum seeker, explaining him/her the substance of the decision in a language, which he/she understands or which he/she should understand.

Concerning the reception centres Para. (1-3), Section 20 of the Asylum Law provides for the following provisions:

During examination of the application the asylum seeker shall be accommodated at the accommodation (direct translation of the Latvian legal term used for the equivalent of the term «reception») centre for asylum seekers where necessary living conditions are provided. The asylum seeker may be transferred from one accommodation centre for asylum seekers to another. An asylum seeker shall not be accommodated at an accommodation centre for asylum seekers unless he or she has a legal basis to reside in the Republic of Latvia. The Accommodation centres for asylum seekers are organisational units of the Office of Citizenship and Migration Affairs.

The only public asylum seekers reception centre in Latvia was established at the end of 1998 (official opening ceremony was held on 17 February, 1999.) This public centre was established in a place in Ropazu municipality called "Mucenieki" near capital of Latvia. The establishment of the centre was supported by the United States government, UNHCR and the Swedish government. The total expenses of the building renovation and development of external communications networks were over 840 000 LVL (approximately 1 200 000 EUR by the today's currency exchange rate). Since its establishment, the Centre has been financed from the state budget. Latvia. At the centre 200 inhabitants can be housed.

It is planned to establish the second public centre near the city of Daugavpils in the future. The Decision about the start of the works for the future construction of this second public centre was adopted by the Government on 8 August 2006. However for the moment the capacity of the only centre allows to cope with the number of asylum seekers successfully

(78 asylum seekers stayed in the reception centre since 1998, 5 asylum seekers stayed during first 6 months of 2006).

- Q.11.**
- A. Explain if you have different types and levels of reception conditions following the different stages of the asylum procedure (this implies that you have to give briefly the necessary explanations about the asylum procedure). Make if relevant for reception conditions a distinction between the following procedural stages: determination of the responsible Member State on the basis of the Dublin II regulation, special procedures at the border (including transit zones in airports), accelerated procedures, admissibility procedures, eligibility procedures and the different possibilities of appeals (suspensive or not) against a refusal of the asylum request. Indicate what the main differences of reception conditions are between the different stages (if necessary by detailing between the different elements of reception conditions, in particular housing) and explain what the evolution of reception conditions is following the different stages of the procedure.**
- B. Indicate precisely for which stage(s) of the asylum procedure the answers on reception conditions you give below are valid.**

A-B The Asylum Law does not provide for the different types and levels of reception conditions following the different stages of the asylum procedure. The provision of the reception Directive transposed by the Sections of the Asylum Law are equally applied to all the categories of applicants seeking for refugee status or alternative status, including those, who are in the Dublin procedure. There are some minor differences – those asylum seekers, who stay at the border control or detained in the detention centre receive the benefits in kind (food, as well as hygiene and first necessity goods), which value is equivalent to the sum of financial allowances per day prescribed by the governmental Regulations.

Those asylum seekers, who reside legally in Latvia are not receiving benefits, because in accordance with the general migration legislation they normally shall have the necessary financial means for their stay upon arrival or have a sponsor. However if legal stay in the country expired, they are entitled to receive all the benefits prescribed in the Asylum Law.

The separate procedure is provided by the Asylum Law for the persons, who have received the temporary protection. Section 44 of the Asylum Law provides for that the Government shall issue an order to grant temporary protection to a group of persons, determining their total number, the time period of residence, and accommodation procedures in the Republic of Latvia, and the necessary financing, as well as the procedures according to which persons who has been granted temporary protection shall cross the State border of the Republic of Latvia.

#### **4. GENERAL RULES ON RECEPTION CONDITIONS**

- Q.12.**
- A. Are material reception conditions provided in kind, in money or in vouchers or in a combination of these elements (see article 13, §5 which is an optional provision)? Distinguish between the different elements**

**(housing, food, clothes, health, transportation, pocket money,...). If reception conditions are provided in money (in general or in some cases, for instance when no places are anymore available in accommodation centres), indicate the precise amount given to the asylum seekers. Indicate in your answer what is provided in general and if there are exceptional cases. Specify in your answer if reception conditions are different from the general system of social aid for nationals or aliens and if yes, if and when (which stage of the asylum procedure) can asylum seekers have access to the general system of social aid?**

Para 1, Section 20 of the Asylum Law provides for that the amount of expenses provided for the maintenance of an asylum seeker, as well as the purchase of hygiene and basic necessities, and the procedures for covering such expenses shall be determined by the Government.

On 8 February 2005 the Regulations No 119 ‘On the amount of expenses for acquisition of food, as well as hygiene and first necessity goods for the asylum seeker and the procedure of cover of these expenses’ were adopted by the Government. They contain the informative reference to the EU Directives, that indicates that “These Regulations includes legal norms arising from Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum seekers”. However there are no relevant differences from the previous Regulations No. 390 of 27 August 2002 “Amount of Expenditure for Food of Asylum Seekers and Procedures for Covering Such Expenditure”. The Regulations nr.119 provides for, that the asylum seeker receives money for both food and hygiene and first necessity goods.

the amount of expenditure for acquisition of food, as well as hygiene and first necessity goods per 24 hours is the following:

- 1,50 LVL (2,14 EUR) – if a person is accommodated in the asylum seekers’ reception centre,
- 1,80 LVL (2,57 EUR) – if a person is accommodated at a territorial unit of the State Border Guard or at a border control point.

An asylum seeker is provided with the food, as well as hygiene and first necessity goods in accordance with the amount of money specified for in the above-mentioned Regulations if an asylum seeker:

- is accommodated at a territorial unit of the State Border Guard or at a border control point in premises intended for this purpose;
- is at the asylum seekers’ reception centre during the time period between the payments of expenditure for the food, as well as hygiene and first necessity goods;
- has not reached 18 years of age and have arrived in the Republic of Latvia not accompanied by parents.

The expenditure the food, as well as hygiene and first necessity goods shall be paid in cash to asylum seekers who reside in asylum seekers’ reception centre in the form of a prepayment once a week for seven days. In order to receive money, asylum seekers shall present a valid personal identity document of an asylum seeker.

If an asylum seeker has not reached 18 years of age and resides in the asylum seekers’ reception centre together with the members of his or her family, his or her expenditure in cash

shall be received by a family member who has reached legal age. If an asylum seeker has left the reception centre without the permission of the administration of the centre and has been absent for more than 48 hours, the head of the reception centre for asylum seekers has the right to take a decision not to pay expenditure for food to him or her for the time period of his or her absence.

The asylum seekers have to bear the costs of public transport if they want to travel for their personal needs. However if an asylum seeker is ill and he/she needs the medical assistance, the transport is provided either by the medical institution or by the reception centre free of charge.

The clothing for the asylum seekers is provided by the reception centre. The clothes are donated from the different sources but mainly by the Red Cross.

- B. Can the reception conditions in kind, money or vouchers be considered as sufficient “to ensure a standard of living adequate for the health of applicants and capable of ensuring their subsistence” as requested by article 13, §2 of the directive (which is a mandatory provision but leaves a certain space to Member States)? In order to help to assess the respect of this rule when reception conditions are provided in money, include if necessary in your answer points of comparison with the minimum amount of social aid guaranteed for nationals in your Member State.**

The Law on State Social Allowances and the relevant governmental Regulations of Latvia provide for, that the following persons are entitled to receive state social benefits – the citizens of Latvia, non-citizens, foreign citizens and stateless persons, who have received personal ID number and who are permanent residents of Latvia. The state social benefits are not granted to persons who have received a temporary residence permit. The state social benefit is not granted to persons who are completely state supported.

Persons are entitled to receive the state social security benefit:

- In case of disability or statutory age – those above-mentioned persons who have continuously lived in Latvia for the last 12 months before claiming the benefit, but in total – no less than 60 months;
- In case of a loss of supporter – those above-mentioned persons who have lost supporter, if their former supporter has lived in Latvia for at least 60 months before the day of claiming the benefit in total and for last 12 months - continuously.

The state social security benefit is granted to a person who is not entitled to receive state pension (except pension for a disabled person in case of losing supporter) or insurance compensation in connection with accident at work or occupational disease, if this person:

- is not employed or self-employed (not regarded as employee or self-employed person according to the Law on State Social Insurance) and has exceeded the old age pension age by 5 years that is defined by Law on State Pensions to person in order to get rights to old-age pension ;
- has obtained the status of a disabled person and has exceeded 18 years of age. These persons are entitled to receive the state social security benefit for determined disability period;

- is still under age but has lost one or both parents and has not entered into marriage. Joint state social security benefit is granted to these persons if it is granted for three or more children that can not be less than 50% of state social security benefit amount per each child in accordance with procedures specified by the Cabinet of Ministers. State social security benefits for these persons are granted for the period until they come of age. The benefit will continue to be paid if the person after coming of age continues studies in a comprehensive or vocational education institution and is not older than 20 years of age, or is a student of the day department of a higher education institution (full-time day department) and is not older than 24 years of age.

If a person receives pension from other state that does not reach an amount of state social security benefit then the granted state social security benefit is reduced to the sum that corresponds to amount of granted pension by other state. A person who receives pension from other state that is equal to amount of state social security benefit or exceeds it, the state social security benefit shall not be granted. If a benefit receiver leaves Republic of Latvia in order to reside in a foreign country, the state social security benefit shall be terminated paying a benefit for the next two months before leave.

An amount of the state social security benefit:

- in general case – 45 LVL (64,28 EUR) per month;
- for disabled since childhood – 50 LVL (71,42 EUR) per month.

Therefore from the perspective of the amount of the state social security benefit, that could be granted to the citizens of Latvia, non-citizens, foreign citizens and stateless persons, who have received personal ID number and who are permanent residents of Latvia, the asylum seekers are entitled the equivalent amount of the assistance. In addition they are granted housing which is free of charge. As it was indicated by the administration of the asylum seekers' reception centre in addition to the cash, upon arrival to the centre an asylum seeker receives also the bedclothes and the kitchen-ware. They can use the kitchen, laundry, TV room and the nursery room in the centre.

The UNHCR representative for Latvia did not indicate in interview given any particular assessment of the financial allowance provided to the asylum seekers in Latvia.

## **5. PROCEDURAL ASPECTS**

**Q.13. A. Does the national legislation specifically provide that a request for international protection is presumed to be under the Geneva Convention unless explicitly requested otherwise? (see article 2, b which is a mandatory provision)**

Yes, Latvia's national legislation specifically provides that a request for international protection is in first place presumed to be under the Geneva Convention. Section 3 of the Asylum Law provides for that a person shall be considered to be an asylum seeker if he or she, in accordance with procedures prescribed by this Law, has submitted an application for granting of refugee or alternative status. Application, from the moment of its submission to the taking of a final decision, shall be examined in accordance with the procedures and time periods prescribed by this Law. Para. 2, Section 18 of the Asylum Law provides for that in examining an application, the Refugee Affairs Department shall first decide on the granting of refugee status to an asylum seeker in conformity with the provisions of this Law. If the conditions of Section 23 of the Asylum Law (the refugee status criteria) do not apply to the

asylum seeker, the Refugee Affairs Department shall take a decision on the granting of alternative status in accordance with the procedures prescribed by the Asylum Law.

- B. Explain if the scope of application of reception conditions is extended to other asylum seekers than refugees in the sense of the Geneva Convention, in particular to persons asking for subsidiary protection or to other forms of protection like humanitarian statuses (see article 3, § 4 which is an optional provision)? If not, explain briefly which the differences between these special regimes and the directive are.**

In accordance with Section 3 of the Asylum Law a person shall be considered to be an asylum seeker if he or she, in accordance with procedures prescribed by this Law, has submitted an application for granting of refugee or alternative status. As mentioned The Asylum Law specifies the common provisions for reception of both categories of the asylum seekers. In relation to the reception in cases of the temporary protection Para 2, Section 44 of the Asylum Law provides for that the Government shall issue an order to grant temporary protection to a group of persons, determining their total number, the time period of residence, and accommodation procedures in the Republic of Latvia, and the necessary financing, as well as the procedures according to which persons who has been granted temporary protection shall cross the State border of the Republic of Latvia.

- C. Are there specific provisions in national law for reception conditions in case of diplomatic or territorial asylum requests submitted through a diplomatic or consular representation (see article 3, §2 which is an optional provision)?**

No, there are no specific provisions in legislation of Latvia for reception conditions in case of diplomatic or territorial asylum requests submitted through a diplomatic or consular representation.

- Q.14. Are reception conditions available as from the moment one asylum application is introduced? How is article 13, §1 which is mandatory legally understood? Do asylum seekers have to satisfy any other condition in order to get reception conditions?**

Yes, reception conditions available as from the moment one asylum application is submitted. No other conditions need to be satisfied in order to get the reception conditions.

- Q.15. Explain when reception conditions end, for instance after refusal of the asylum request (include in your answer the link with the right of appeal against a decision of refusal of the status, in particular the question of its suspensive effect)**

In accordance with Section 3 of the Asylum Law a person shall be considered to be an asylum seeker if he or she, in accordance with procedures prescribed by this Law, has submitted an application for granting of refugee or alternative status (hereinafter – application). Applications, from the moment of their submission to the taking of a final decision, shall be examined in accordance with the procedures and time periods prescribed by this Law. Para 1,

Section 20 of the Asylum Law provides for that during examination of the application the asylum seeker shall be accommodated at the accommodation centre for asylum seekers where necessary living conditions are provided. During examination of the appeal the person shall be considered to be an asylum seeker (Para 3, Section 13 and Para 3, Section 19 of the Asylum Law). Therefore the reception conditions end only after the final negative decision on an asylum seekers' application or its appeal comes into force.

**Q.16** Are there special rules or practices regarding reception conditions in case of successive applications for asylum introduced by the same person?

No, there no such special rules.

**Q.17<sup>1</sup>.** Information of asylum seekers about their rights and obligations in terms of reception conditions, in particular about established benefits (see article 5 which is too large extend a mandatory provision; do not confuse this question with the information to be provided to asylum seekers about the asylum procedure):

**A.** Are asylum seekers informed, and if yes about what precisely?

In accordance with the Regulations of the Office of Citizenship and Migration Affairs «On the Internal Order of the Asylum seekers' Reception Centre «Mucenieki»» an asylum seeker shall be informed about his obligations and duties within 15 days.

**B.** Is the information provided in writing or, when appropriate, orally?

He/she receives a booklet, that contains the most important information. He/she is also explained the duties and obligations orally if there is a common communication language.

**C.** Is that information in general provided in a language understood by asylum seekers? Specify the list of languages in which it is available

Section 10 of the Asylum Law provides for, that an asylum seeker has the right to receive all information on the asylum procedure and his or her rights and duties in the course of the asylum procedure. The asylum seeker has the right to receive such information in a language he or she understands or should understand.

Information is available in Russian, English and Arabic.

**C.** Is the deadline of maximum 15 days respected?

Yes, please see answer on point A.

**Q.18<sup>2</sup>.** Information of asylum seekers about the existence of organisations or groups promoting their interest and defending their rights (see article 5 which is to a large extend a mandatory provision):

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<sup>1</sup> To be answered with the help of UNHCR local office competent for your Member State or to be completed on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>2</sup> To be answered with the help of UNHCR local office competent for your Member State or to be completed on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

- A. **Is there a list of organisations dressed by the authorities and if yes is it comprehensive? Is this in particular the case about the possibilities to get legal assistance and health care?**
- B. **Is the information provided to the asylum seekers, and if yes, in writing or, when appropriate, orally?**
- C. **Is that information in general provided in a language understood by asylum seekers? Specify if possible the list of languages in which it is available.**
- D. **How many organisations are active in that field in your Member State?**

A,B,C,D - For the moment there are no NGOs or similar organisations or groups promoting interests of the asylum seekers and defending their rights in Latvia. The booklet mentioned in answer to Q.17, which is provided to each asylum seeker upon arrival to the reception centre provides for the contact information of 2 institutions – Latvian Red Cross and the International Organisation (the nearest UNHCR Regional Office is in Stockholm), but these institutions are not state designated. Information is available in Russian, English and Arabic.

**Q.19. Documentation of asylum seekers (see article 6):**

- A. **What kind of document is delivered to the asylum seeker? Explain the legal value of this document (just a certification of the status as asylum seeker or also prove of identity?) (see §1 of article 6 which is a mandatory provision)**

In accordance with Section 21 of the Asylum Law an asylum seeker shall hand his or her personal identity and travelling documents over to the State Border Guard until a final decision is taken on granting or refusal to grant refugee or alternative status, except the case where an asylum seeker has another legal basis to reside in the Republic of Latvia. An asylum seeker in the Republic of Latvia shall be issued an asylum seeker personal identity document, the form and issue procedures of which shall be determined by the Government. The asylum seeker personal identity document gives the right to stay at the accommodation centre for asylum seekers. An asylum seeker has the right to reside also outside the accommodation centre for asylum seekers with a permit issued each time by the administration of the accommodation centre for asylum seekers regarding which an entry shall be made in the personal identity document of asylum seeker.

Section 2 of the Regulations of the Cabinet of Ministers of 3 September 2002 No 406 “On the asylum seeker’s personal identity document and the procedure of its issue” provides for that the documents shall be issued to asylum seeker irrespective of his/her age for a time period until the taking of the final decision regarding the granting of refugee status or alternative status, or a decision regarding a refusal to grant the relevant status. Section 7 of the Regulations specify, that the document shall be issued to an asylum seeker within three (3) days of the receipt of an application.

- B. **Are there situations or specific cases in which another equivalent document or even no document is issued? (in particular is there an exception for “procedures to decide on the right of the applicant legally to enter the territory” as made possible by §2 of article 6)?**

Section 2 of the Regulations of the Cabinet of Ministers of 3 September 2002 No 406 “On the asylum seeker’s personal identity document and the procedure of its issue” provides

for the document may not be issued if an asylum seeker is detained, as well as at the time when the application, which was submitted at the border control point before entry into the Republic of Latvia or in connection with the procedure, where it is being decided whether an applicant has a right to entry into the Republic of Latvia.

**C. For how long is this document in principle valid and is it necessary to renew it after a certain period?**

In accordance with Section 21 of the Asylum Law an asylum seeker shall hand his or her personal identity and travelling documents over to the State Border Guard until a final decision is taken on granting or refusal to grant refugee or alternative status, except the case where an asylum seeker has another legal basis to reside in the Republic of Latvia. An asylum seeker in the Republic of Latvia shall be issued an asylum seeker personal identity document, the form and issue procedures of which shall be determined by the Government. Section 2 of the Regulations of the Cabinet of Ministers of 3 September 2002 No 406 “On the asylum seeker’s personal identity document and the procedure of its issue” provides for that if the time period for the examination of the application of an asylum seeker regarding the granting of refugee or alternative status is extended, but the term of validity of the previously issued document expires prior to the date when the decision is notified, the State Border Guard shall issue a new document.

**D. What is the deadline for the delivery of that document? Is the mandatory deadline of 3 days set by article 6, §1 respected<sup>3</sup>?**

Section 7 of the Regulations of the Cabinet of Ministers of 3 September 2002 No 406 “On the asylum seeker’s personal identity document and the procedure of its issue” provides for that the document shall be issued to an asylum seeker within three (3) days from the receipt of an application.

**E. Is it possible for an asylum seeker to get a travel document for serious humanitarian reasons (see §5 of article 6 which is an optional provision)?**

Such possibility is not provided by the Latvia’s legislation.

**F. Is there a central system of registration of asylum seekers and is it or not separate from the registration of aliens? If yes, describe it briefly (content) and indicate in particular if it is an electronic database.**

The Refugee Affairs Department maintains and operates the local electronic data base for the registration of the asylum seekers. It is planned to further improve it in the future.

**Q.20. Residence of asylum seekers<sup>4</sup>:**

**A. Is in principle an asylum seeker free to move on the entire territory of your Member State or only to a limited part of it and in case, which part? (see article 7, §1 which is a mandatory provision)**

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<sup>3</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>4</sup> Nota bene: the case of detention is covered by other questions and should be ignored under this question.

- B. About the place of residence (see §2 of article 7): explain to which extend the person is free to choose her residence and if this depends of the stage of the asylum procedure (for instance before and after admissibility); if there are constraints limiting the choice, explain which ones and their reasons (for instance processing of application, attribution of reception conditions,...).**
- C. About the place of reception (meaning where the asylum seeker has to stay to benefit from reception conditions) (see § 4 of article 7): explain which are the general rules about the determination of this place (to which extend are the decisions determining the place taken individually and do they take into account the personal situation of the asylum seeker?) and to which extend the person is free to choose it and if it depends of the stage of the asylum procedure (for instance before and after admissibility); if there are constraints limiting the choice, explain which ones and their reasons (for instance attribution of reception conditions, processing of the application,...).**
- D. If all asylum seekers are not placed in accommodation centres because of capacity limits, explain how the persons are distributed between accommodation centres and other accommodation facilities (which authority takes the decisions, on the basis of which elements, can that decision be appealed by the asylum seeker,...)<sup>5</sup>**

A-D Section 20 of the Asylum Law provides for that during examination of the application the asylum seeker shall be accommodated at the accommodation centre for asylum seekers where necessary living conditions are provided. The asylum seeker may be transferred from one accommodation centre for asylum seekers to another. An asylum seeker shall not be accommodated at the reception centre unless he or she has a legal basis to reside in the Republic of Latvia. Para. 1, Section 20 of the Asylum Law provides for that an asylum seeker may be transferred from one reception centre to another. However no practice exists- the only reception centre exists and as with the number of asylum seekers up to date it even does not work in full capacity.

Para 3, Section 21 of the Asylum Law provides for, that an asylum seeker has the right to reside also outside the reception centre with a permit issued each time by the administration of the centre for asylum seekers regarding which an entry shall be made in the personal identity document of an asylum seeker (the duration of stay outside the reception centre is indicated in the permit). There are no any additional requirements or restrictions concerning such a residence outside the centre.

- E. How can an asylum seeker ask to leave temporarily the place of residence or of reception or an assigned area? How is the individual AND impartial character of the decision ensured? (see §5 of article 7 which is a mandatory provision)**

Section 20 of the Asylum Law provides for that an asylum seeker shall not be accommodated at the reception centre unless he or she has a legal basis to reside in the Republic of Latvia. Therefore those asylum seekers, who reside legally may choose the place of residence themselves.

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<sup>5</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

Those asylum seekers who do not have any other legal basis to stay in Latvia (e.g. residence permit, studies, stay as a spouse of Latvian citizen etc.), shall stay in the reception centre. In this case Para 3, Section 21 of the Asylum Law provides for, that these asylum seekers have the right to reside also outside the reception centre with a permit issued each time by the administration of the centre for asylum seekers regarding which an entry shall be made in the personal identity document of an asylum seeker..

The complaints on any decisions of the administration of the reception centre may be appealed, by submission of the complaint the Office of Citizenship and Migration Affairs, the Ministry of Interior and later – to the administrative court. The procedure of examination of any complaints is governed by the Administrative Procedure Law.

**Q.21. A. Do rules on reduction or withdrawal of reception conditions exist in internal legislation and if yes in which cases (mention in particular if there are cases not foreseen by article 16, § 1 and 2 which are optional provisions)? Distinguish in your answer between cases of reduction and withdrawal and explain which conditions can be reduced and if access to emergency health care is always ensured as requested by article 16, §4, last sentence.**

Section 6 of the Regulations of the Cabinet of Ministers of 8 February 2005 No 119 “On the amount of expenses for acquisition of food, as well as hygiene and first necessity goods for the asylum seeker and the procedure of cover of these expenses” provide for that if an asylum seeker has left the reception centre without the permission of the administration of the centre and has been absent for more than 48 hours, the head of the reception centre for asylum seekers has the right to take a decision not to pay expenditure for food to him or her for the time period of his or her absence. No other reductions or withdrawals are possible in accordance with the legislation.

**B. Has article 16, §2 dealing with refusal of reception conditions for unreasonably late applications for asylum been transposed by your Member State (or was this case already applicable before transposition)? Are there cases in practice<sup>6</sup>?**

No, this Article was not transposed and therefore there is no practice as well.

**C. How is it ensured that decisions of reduction or withdrawal are taken individually, objectively AND in particular impartially (for instance through and independent arbitrator) (see article 16, §4 which is a mandatory provision)?**

The complaints on any decisions of the administration of the reception centre may be appealed, by submission of the complaint the Office of Citizenship and Migration Affairs, the Ministry of Interior and later – to the administrative court. The procedure of examination of any complaints is governed by the Administrative Procedure Law.

Section 7 of the State Administration Structure Law provides for that the Government shall implement subordination in the organisation of state administration (institutional subordination) and in the performance of the functions of state administration (functional

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<sup>6</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

subordination). The Government shall implement subordination through the intermediation of an particular Minister. The Ministers shall implement subordination directly or through the intermediation of an institution of direct administration, its unit or official. Subordination shall be implemented in the form of control or supervision.

The Ministry of Interior exercises the control over the Office of Citizenship and Migration Affairs in the form of the supervision. The supervision means the rights of higher institutions or officials to examine the lawfulness of decisions taken by lower institutions or officials and to revoke unlawful decisions, as well as to issue an order to take a decision in case of unlawful failure to act.

That means that any decision of the head of the reception centre can be:

- firstly appealed by an asylum seeker by means of the submission of the appeal to the Head of the Office of Citizenship and Migration Affairs.
- If an asylum seeker is not satisfied with the results of these appeal, he/she may submit the repeated appeal to the Ministry of Interior which, as it was mentioned above, exercises the control over the Office of Citizenship and Migration Affairs in the form of the supervision.

If an asylum seeker is not satisfied with the Ministry's action in his/her case, he/she may submit a complaint to the Administrative court. All the terms and procedures for the examination of such a complaint are laid down in the Administrative Procedure Law as the special law that regulates any actions concerning the decisions of the state institutions and bodies.

**D. Is statement 14/03 adopted by the Council at the same moment as the directive respected (see the documentation pack you received at our meeting in Brussels in April)?**

Yes, this principle is respected.

**E. Are there already administrative appeal decisions or judgements on cases of reduction, withdrawal or refusal which have been taken, and if yes, what has been the outcome<sup>7</sup>?**

No judicial or administrative case law exists for the moment.

**Q.22. A. Appeal against a negative decision relating to the granting of benefits or based on article 7 (see article 21 which is a mandatory provision): indicate against which decision an appeal can be introduced, describe the system of appeal in general and include in particular in your answer the information given to asylum seekers about possibilities of appealing, deadline for appealing, if the appeal has or not a suspensive effect, if there are different steps (for instance first an administrative appeal and in particular if the guarantee of an appeal before a judicial body in the last instance is respected)?**

**B. Explain which are the possibilities for asylum seekers to benefit from legal assistance when they introduce such an appeal (see article 21, §2 which is a mandatory provision but leaves space to Member States)?**

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<sup>7</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

- C. Are there already administrative appeal decisions or judgements which have been taken and if yes, which are the main important ones<sup>8</sup>?**
- D. Is a mechanism of complain for asylum seekers about quality of receptions conditions in general (even if they are not personally concerned) organised? If yes, before which authority? Is it linked to the system of guidance, control and monitoring of reception conditions (see below question n° 39)?**

A-D The complaints on any decisions of the administration of the reception centre or on the issues related to the quality of the reception conditions may be appealed or complained of, by submission of the complaint the Office of Citizenship and Migration Affairs, the Ministry of Interior and later – to the administrative court.

As it was mentioned above Section 7 of the State Administration Structure Law provides for that the Government shall implement subordination in the organisation of state administration (institutional subordination) and in the performance of the functions of state administration (functional subordination). The Government shall implement subordination through the intermediation of a particular Minister. The Ministers shall implement subordination directly or through the intermediation of an institution of direct administration, its unit or official. Subordination shall be implemented in the form of control or supervision.

The Ministry of Interior exercises the control over the Office of Citizenship and Migration Affairs in the form of the supervision. The supervision means the rights of higher institutions or officials to examine the lawfulness of decisions taken by lower institutions or officials and to revoke unlawful decisions, as well as to issue an order to take a decision in case of unlawful failure to act.

That means that any decision of the head of the reception centre can be:

- 1) firstly appealed by an asylum seeker by means of the submission of the appeal to the Head of the Office of Citizenship and Migration Affairs.
- 2) If an asylum seeker is not satisfied with the results of these appeal, he/she may submit the repeated appeal to the Ministry of Interior which, as it was mentioned above, exercises the control over the Office of Citizenship and Migration Affairs in the form of the supervision.
- 3) If an asylum seeker is not satisfied with the Ministry's action in his/her case, he/she may submit a complaint to the Administrative court. All the terms and procedures for the examination of such a complaint are laid down in the Administrative Procedure Law as the special law that regulates any actions concerning the decisions of the state institutions and bodies (please see the attachment for the full text of translation of this law in English).

The complaint of an asylum seeker on the quality of the reception conditions shall follow the above-mentioned legal procedure provided by the Administrative Procedure Law as well. Therefore from the legal point of view the mechanism for the complaint of the asylum seekers

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<sup>8</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

about quality of reception conditions does exist. However as it was already mentioned no judicial or administrative case law exists for the moment for such appeals and/or complaints.

From legal point of view for the asylum seekers can benefit from legal assistance when they submit such an appeal. However they probably would need to finance such an appeal from their own financial means, or if a lawyer agrees himself/herself – they can be represented *pro bono* by him/her (there were such cases in Latvia in the past). Para 4, Section 10 the Asylum Law indicates an asylum seeker's right to invite another person to provide legal assistance, however it does not state that this is the state-paid legal assistance. Only if an asylum seeker is an unaccompanied minor, he/she has the right to receive legal assistance free of charge during the asylum procedure (Para 6, Section 10 of the Asylum Law). The State Ensured Legal Aid Law provides that since 1 January 2007 there shall be the state-guaranteed financial support for the receipt of legal aid for the asylum seekers.

Therefore it can be concluded that the asylum seekers may complain about any decision or the reception conditions of the reception centre to the Office of Citizenship and Migration Affairs (later – to appeal to the Ministry of Interior, but those held in the detention centre for illegal migrants operated by the State Border Guard – to the Ministry of Interior) and finally – to the Administrative court.. The special system of guidance, control and monitoring of reception conditions that would differ for the overall system of guidance, control and monitoring of work of the different bodies of the Ministry of Interior, has not been introduced in the legislation.

## **6. RIGHTS AND OBLIGATIONS OF ASYLUM SEEKERS**

**Q.23. Family unity of asylum seekers: define how a family is defined in relation with article 2, (d) which is a mandatory provision and explain how housing is provided to a family (see articles 8 which is a mandatory provision but leaves space to member States and 14, §2, (a) which is a mandatory provision).**

There is no provision in the Asylum Law, which persons shall be considered as a “family”. However Section 29 of the Asylum Law indicates, that in relation to the refugees, that a person's spouse and his or her minor unmarried children (also adopted), as well as dependent disabled children (also adopted) of legal age, shall be considered to be family.

In practice, depending on the size of the family, the reception centre provides for one or two connected rooms for the family members to be accommodated together. There are rooms with living space about 30 square meters with toilet facilities, that are suitable for families.

**Q.24. A. How is housing of asylum seekers organised: describe the system in general and indicate in particular what is the most frequently system used (see article 14, §1 which is a mandatory provision but leaves space for Member States; distinguish between accommodation centres, private houses and apartments, hotels places or other premises).  
B. What is the total number of available places for asylum seekers?<sup>9</sup> Distinguish in your answer between accommodation centres, private houses and apartments, hotels or other premises.**

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<sup>9</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

**C. Is this number of places for asylum seekers sufficient in general or frequently insufficient?<sup>10</sup>**

A-C. There is only public asylum seekers reception centre in Latvia for the moment. There are no any other forms of reception of the asylum seekers. At the centre 200 inhabitants can be housed. It is planned to establish the second public centre near the city of Daugavpils in the future. However for the moment the capacity of the only centre allows to cope with the number of asylum seekers successfully (78 asylum seekers stayed in the reception centre since 1998, 5 asylum seekers stayed during first 6 months of 2006). Therefore it can be concluded that the reception capacity is more than sufficient for the moment.

**D. Are there special measures foreseen in urgent cases of a high number of news arrivals of asylum seekers (outside the case of application of the directive on temporary protection)?**

No special measures are provided by the legislation. No cases exist in practice so far as well.

**Q.25. Accommodation centres (important note: all the following questions are about open and not closed centres where asylum seekers are detained which are covered by another question)**

**A Are there different categories of accommodation centres, for instance depending of the stage of the procedure (admissibility and eligibility)?**

No, the only public asylum seekers reception centre in Latvia exists for the moment.

**B. Is there a legal time limit for accommodation in a centre after which the asylum seekers have access to private houses or apartments or is this limit linked to a stage of the asylum procedure?**

No, there is no such time limit and there are no alternative accommodation possibilities provided. Those asylum seekers, who reside legally in Latvia may choose freely their place of residence themselves.

**B. Is there a general regulation about the internal functioning of those centres and the rights and duties of the asylum seekers? If yes, is this general regulation applicable to public and private centres? If not, are the centres supposed to adopt an internal regulation and does a central authority have or not a kind of control about its content?**

2 administrative acts cover some practical issues of the internal functioning of the only PUBLIC reception centre in Latvia- the issues of the internal order of the reception centre are regulated by the Regulations of the Office of Citizenship and Migration Affairs «On the Internal Order of the Asylum seekers' Reception Centre «Mucenieki»» and by the Order of the Head of the Office of Citizenship and Migration Affairs of 24 July 2003 No 16/08 « On

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<sup>10</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

the approval of the Statute of the Asylum seekers' Reception Centre "Mucenieki" and of the description of the positions».

- C. Do the regulations foresee the possibility of sanctions against asylum seekers in case of breach of the rules? (see article 16, §3) If yes, which sanctions for which rules? Which is the competent authority to decide? How is it ensured that decisions are taken individually, objectively and in particular *impartially* (for instance through an independent arbitrator) as requested by §4 of article 21 which is mandatory provision? Which are the possibilities of appealing against those decisions if the system is different from the general one under question n°22? Are there already administrative appeal decisions or judgements which have been taken and if yes, which are the main important ones?<sup>11</sup>**

Section 6 of the Regulations of the Cabinet of Ministers of 8 February 2005 No 119 "On the amount of expenses for acquisition of food, as well as hygiene and first necessity goods for the asylum seeker and the procedure of cover of these expenses" provide for that if an asylum seeker has left the reception centre without the permission of the administration of the centre and has been absent for more than 48 hours, the head of the reception centre for asylum seekers has the right to take a decision not to pay expenditure for food to him or her for the time period of his or her absence. However if an asylum seeker has committed an administrative misdemeanour or a criminal offence, the administrative or the criminal liability may arise.

The complaints on any decisions of the administration of the reception centre may be appealed, by submission of the complaint the Office of Citizenship and Migration Affairs, the Ministry of Interior and later – to the administrative court. The procedure of examination of any complaints is governed by the Administrative Procedure Law. No judicial or administrative case law exists for the moment.

- D. Are asylum seekers involved in the management of these centres? If yes, how (advisory board, appointment or election of representatives)? (see article 14, §6 which is an option provision)**

The asylum seekers are not involved in the management of the centre.

- E. Do specific rules exist on work of asylum seekers inside the accommodation centres different from the general ones about employment (see below)? If yes, which ones? Can working inside accommodation centres be considered as a (mandatory) contribution of the asylum seekers to the management of the centres, is it or not paid and considered as implying access to the labour market and subject to the same rules?**

There are no specific rules on work of asylum seekers inside the accommodation centres. There is duty of an asylum seeker to do his/her room and in accordance with the established schedule – the places of the common use – kitchen and the toilet facilities. The asylum seekers do not receive the payments for the activities.

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<sup>11</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

**Q.26. A. How can asylum seekers communicate with legal advisers, representatives of UNHCR and NGOs? (see article 14, §2, (b) which is a mandatory provision).**

In accordance with Para 1, Section 6 of the Asylum Law a person, who has submitted an application have the right to apply to the United Nations High Commissioner for Refugees or his or her authorised persons or institutions. Para 4, Section 10 of the Asylum Law provides for that an asylum seeker has the right to invite another person to provide legal assistance. Para 6, Section 12 of the Asylum Law provides for that a minor who is not accompanied by parents has the right to receive legal assistance free of charge during the asylum procedure. Please see also the answers for parts B and C of this question.

**B. What are the rules about access of legal advisers, UNHCR and NGOs regarding access to accommodation centres and other housing facilities (see article 14, §7 which is a mandatory provision)**

The representatives of UNHCR and NGOs may visit the reception centre, also the asylum seekers may visit their offices. There is no legislation that would provide for the restrictions to the access. The same applies to the legal representatives – they shall just inform the administration that they wish visit an asylum seeker and on the preferable date/time prior to their visit.

**C. Can the access of legal advisers, UNHCR and NGOs be limited for security reasons or any other reason (see article 14, §7, last sentence)?**

There is no legislation that would provide for the limitation of the access.

**Q.27. A. Is a medical screening organised by the receiving State, is it mandatory or voluntary? Does it include HIV tests? (see article 9 which is an optional provision)**

Para 8, Section 10 of the Asylum Law provides for, that an asylum seeker has a duty in the interests of public health to undergo a medical examination. The Regulations of the Cabinet of Ministers of 14 June 2005 No 413 “Procedure of person’s medical and laboratory examination, compulsory and enforced isolation and treatment in the cases of contagious infectious diseases” provides for the following requirements :

- Section 23.2 provides for that a compulsory lungs’ x-ray to diagnose tuberculosis is to be applied to asylum seekers stationed in the reception centres,
- Section 24.6 states that a compulsory medical examination, to diagnose if there are no lice in the clothes and hair of the person, should be carried out for asylum seekers upon the reception in the reception centre.

The HIV test is not included in the compulsory examination.

**B. Do the legal provisions on reception conditions ensure that asylum seekers receive at least emergency care and essential treatment of illness as requested by article 15 §1 which is a mandatory provision? Do they have a further access to health care?**

Para 5, Section 10 of the Asylum Law provides for, that an asylum seeker has the right to receive emergency medical assistance and primary health care from State resources.

Section 15.3.2. of the Regulations of the Cabinet of Ministers of 21 December 2004 No 1036 «Procedure of organisation and financing of the medical care» provides for, that the Ministry of the Interior covers payments for the following medical care services to following persons: asylum seekers, as well as foreigners detained according to the procedure stated in the Immigration law – for the health care services which are necessary during and in the place of their stay and according to the legislation are granted for these persons (except emergency medical assistance, child-birth assistance and cases stated in the Law of Epidemiological Security, as well as medicine necessary for the cure of tuberculosis, that are covered by state budget assets for medical care). If the health of these persons is insured, expenses for the medical care are to be covered by the insurer.

The Ministry of Interior covers all payments for the medical care of asylum seekers. Refugees and persons who are granted alternative status have the personal identity number and access to the Latvian medical care system. If the asylum seekers do not have the personal identity number, it is possible to register them as short-term patients.

**C. What is the practice regarding access of asylum seekers to health care and how is it organised? In particular, what is the situation in accommodation centres (are doctors coming to the centres or do asylum seekers go to doctors outside)?<sup>12</sup>**

For the moment in case of the health problems an asylum seeker is delivered for the medical assistance to the health protection institutions outside the reception centre (it shall be taken into account that the centre is located near the capital of Latvia, that means – close to the best medical facilities). However the reception centre has also its own room for medical assistance, and if the number of asylum seekers will increase it will hire its own medical specialist.

**Q.28. A. What is the length of the period determined by the concerned Member State during which asylum seekers have no access to the labour market? (see article 11 which is a mandatory provision)**

1 (one) year. Section 28.<sup>1</sup> of the Regulations of the Cabinet of Ministers of 20 January 2004 No 44 “Regulations on the work permits for the foreigners” provides for that if an asylum seeker has not received the decision of the Refugees Affairs Department about the granting of the refugee or alternative status within one year from the submission of the application for the refugee or alternative status and it has not happened because of the fault of the asylum seeker, the Office of Citizenship and Migration Affairs shall issue a working permit to the asylum seeker (without affirmation of the employer’s application in the affiliate of the agency), on the basis of the asylum seeker’s personal identity document until the final decision on the granting of the refugee or alternative status. There no any administrative case law related to the application of this provisions.

**B. After that period, are asylum seekers or not obliged to obtain a work permit? In case is there a limit for the administration to deliver the permits and how quick are they delivered? What is their length?**

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<sup>12</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

Please see answer for A.

- C. After that period, what are the conditions for access of the asylum seekers to the labour market? (in particular, are there rules concerning the maximum allowed of working hours or days per week, month or year, limits in terms of type of work or of professions authorised?)**
- D. What are the rules in terms of priorities between asylum seekers on the one hand and nationals, EU or EEE citizens and legally third-country nationals on the other?**

C-D. There are no such priorities as the Regulations of the Cabinet of Ministers of 20 January 2004 No 44 “Regulations on the work permits for the foreigners” do not distinguish between different types of the foreigners. In fact any other category of foreigners needs to prolong his/her work permit after it expires, but an asylum seeker receives it for the indefinite period-till the closure of his/her case.

- E. Do asylum seekers have access to vocational training, does this or not depend of their right to access to the labour market, and in case at which conditions? (see article 12 which is optional regarding §1 and mandatory regarding § 2)**

There are no special provisions on the vocational trainings for the asylum seekers and no practice so far as well.

- F. Are the rules regarding access to the labour market adopted to transpose the directive more or less generous than the ones applicable previously?**

There was no access of the asylum seekers to the labour market previously at all, therefore the rules shall be considered more generous.

- Q.29. Are reception conditions subject to the fact that asylum seekers do not have sufficient resources? Are asylum seekers requested to contribute to reception conditions when they have personal resources (for instance if they work) or to refund the authorities if it appears that they have resources? (see article 13 §§ 3 and 4 which are optional provisions)

Upon arrival an asylum seeker submits the declaration about his financial situation. In practice they indicate that they have no such means. There are no legal provisions concerning the contribution or the refund and therefore no such practice as well.

## **7. SPECIAL NEEDS OF PARTICULAR CATEGORIES OF ASYLUM SEEKERS**

- Q.30. **A. Which of the different categories of persons with special needs considered in the directive are taken into account in the national legislation (see article 17, §1 which is a mandatory provision): disabled people, elderly people, pregnant women, single parents with minor children, persons who have been tortured, raped or victims of serious**

**physical or psychological violence? Include in your answer all other categories envisaged in national law.**

- B. How is their specific situation taken into account (see articles 13, §2, second indent, 16 §4 second sentence and 17 which are mandatory provisions)?**
- C. How and when are the special needs of the concerned persons supposed to be legally identified (see article 17 § 2 which is a mandatory provision and clarify how it has been interpreted by transposition)?**
- D. Is the necessary medical and other assistance provided to persons with special needs as requested by article 15, §2 which is a mandatory provision and in particular to victims of torture and violence as requested by article 20 which is a mandatory provision?**

A-D The legislation of Latvia does not specify any provisions in relation to the asylum seekers with the special needs and the procedure of their identification.

So far there was no any experience in work with the persons who have been tortured, raped or victims of serious physical or psychological violence. It is possible that in this case the assistance of the psychologist would be ensured, keeping at the same time all the guarantees provided in the legislation for asylum seekers. Para 5, Section 10 of the Asylum Law provides for, that an asylum seeker has the right to receive emergency medical assistance and primary health care from State resources. Section 15.3.2. of the Regulations of the Cabinet of Ministers of 21 December 2004 No 1036 «Procedure of organisation and financing of the medical care» provides for, that the Ministry of the Interior covers payments for the following medical care services to following persons: asylum seekers, as well as foreigners detained according to the procedure stated in the Immigration law – for the health care services which are necessary during and in the place of their stay and according to the legislation are granted for these persons (except emergency medical assistance, child-birth assistance and cases stated in the Law of Epidemiological Security, as well as medicine necessary for the cure of tuberculosis, that are covered by state budget assets for medical care). If the health of these persons is insured, expenses for the medical care are to be covered by the insurer. The Ministry of Interior covers all payments for the medical care of asylum seekers. Refugees and persons who are granted alternative status have the personal identity number and access to the Latvian medical care system. If the asylum seekers do not have the personal identity number, it is possible to register them as short-term patients.

As the administration of the reception centre indicated in its reply, the reception centre is equipped for the disabled persons – there is a ramp and special equipment (wheelchair and other remedies). It is also planned to establish a separate facilities for minors and women. There is an experience in work with the families, that had infants. Taking into account the number of the asylum seekers each person with the special needs it are enough resources to ensure the satisfaction of these groups of the asylum seekers. The special identification of the persons is not performed, but the staff of the centre rely on their experience and on the individual wishes expressed by the asylum seekers.

**Q.31. About minors:**

- A. Till which age are asylum seekers considered to be minor?**

Section 11 of the Asylum Law provides for, that a minor is a person who has not attained the age of 18 years.

- B. How is access of minor asylum seekers to the education system ensured? Is it at school or in case inside accommodation centres and can it be considered as similar to the conditions for nationals as requested by article 10, §1?**
- C. Is access to education ensured not later than 3 months as requested by article 10, §2 (or after maximum one year if specific education for asylum seekers is provided) and till an expulsion decision is really enforced?**
- D. Is specific education (like language classes) available for asylum seekers, in particular to facilitate their effective access to the education system of the reception Member State (see article 10, §2 which is an optional provision)?**

B-D. Para. 2, Section 3 of the Law on the Protection of the Rights of the Child provides for that “The State shall ensure the rights and freedoms of all children without any discrimination – irrespective of race, nationality, gender, language, political party alliance, political or religious convictions, national, ethnic or social origin, place of residence in the State, property or health status, birth or other circumstances of the child, or of his or her parents, guardians, or family members.”, as well as in the Section 18: “Guarantees for the rights of the child shall be as determined by the Constitution, this Law and other laws and regulatory enactments, as well as international agreements binding on Latvia.” The legislative acts of Latvia provide for the principle of equality of all the children, so it concerns also the minor asylum seekers.

In accordance with Para 7, Section 11 of the Asylum Law the minor children of an asylum seeker or minor asylum seekers shall be ensured the acquisition of education in conformity with the laws in force, the Government shall determine the procedures by which education shall be ensured. Para. 4, Section 32 of the General Education Law provides for that such institutions as the reception centres, in which students aged up to 18 years permanently reside shall ensure the possibility for the acquisition of the basic education programme. It shall be mentioned that in accordance with the practice established the reception centre proposes the asylum seekers the elementary courses of Latvian language.

The Regulations of the Cabinet of Ministers of 9 August 2005 No 586 “On order in which the education is ensured for the minors-children of the asylum seekers or to the minors-asylum seekers” prescribe the necessary procedures by which education is to be ensured. They provide for that the basic and secondary education shall be ensured for asylum seekers. The education shall be ensured for asylum seekers in accordance with the procedures specified in the Regulations until the day of the granting or a refusal to grant refugee status or alternative status. The commencement of the acquisition of education shall be ensured for an asylum seeker within a period of 3 (three months) from the day when the minor or his or her parents submitted an application for the granting of refugee status or alternative status in accordance with the procedures specified in the Asylum Law. If the asylum seeker needs special education, the commencement of the acquisition thereof shall be ensured within a period of (1) one year. The reception centre for asylum seekers shall inform the Ministry of Education and Science regarding an asylum seeker for whom education shall be ensured not later than 1 (one) month after the placement of the asylum seeker in the centre. If the asylum seeker has a lawful basis for residing in the Republic of Latvia, the accommodation centre for asylum seekers shall inform the Ministry of Education and Science within a period of 1 (one) month from the day when an application regarding the granting of refugee status or alternative status was submitted. In the case referred to in Section 14 of the Asylum Law, a structural unit of the State Border Guard shall inform the Ministry of Education and Science within a period

of one month from the day when the asylum seeker or his or her parents submitted an application regarding the granting of refugee status or alternative status.

The accredited educational institutions that implement licensed general education programmes at the relevant educational level and that are located near an accommodation centre for asylum seekers or, in accordance with Section 14 of the Asylum Law, near a structural unit of the State Border Guard shall ensure education. If an asylum seeker is detained in accordance with Section 14 of the Asylum Law, the acquisition of education shall be ensured on the premises of the structural unit of the State Border Guard. The Ministry of Education and Science shall determine, after co-ordination with the founder of an educational institution, the educational institutions that shall provide educational services to asylum seekers. Co-ordination with the founder shall not be necessary if a State educational institution provides educational services. The Ministry of Education and Science shall develop the necessary samples of subject programmes and methodological recommendations for the ensuring of educational opportunities for asylum seekers. The remuneration of teachers and services of the development and publication of teaching aids for the ensuring of education of asylum seekers shall be financed from the resources included in the basic budget of the Ministry of Education and Science for the current year. In order to receive a government grant for the provision of educational services to asylum seekers, an educational institution shall enter into an agreement with the Ministry of Education and Science, including in the agreement the remuneration of teachers in accordance with the regulatory enactments regarding the work remuneration of teachers. The opportunity to acquire secondary education shall also be ensured after an asylum seeker has attained legal age (18 years).

In order to enrol an asylum seeker in an educational institution, the parents or an authorised representative of a minor person (if the minor person is not accompanied by his or her parents) shall submit to an accommodation centre for asylum seekers or, in the case referred to in Section 14 of the Asylum Law, to a structural unit of the State Border Guard a submission that is addressed to the head of the educational institution and a copy of a document certifying the status of the person, presenting the original. The head of the accommodation centre for asylum seekers or the structural unit of the State Border Guard shall send the submission and the copies of documents attached thereto to the head of the educational institution. If the submission regarding the enrolment of the asylum seeker in the educational institution is not submitted by the parents, such submission shall be submitted by the head of the accommodation centre for asylum seekers or the structural unit of the State Border Guard. The originals or copies of documents certifying the previously acquired education (if applicable) and a photograph of an asylum seeker shall be attached to a submission. If such documents do not exist, the parents or an authorised person of a minor person (if the minor person is not accompanied by parents) shall indicate the education previously acquired by the asylum seeker in the submission to the head of an educational institution. In evaluating the submitted documents and the study achievements of an asylum seeker (if necessary, teachers of subjects or other experts shall be invited), the head of an educational institution shall take a decision regarding the admission of the asylum seeker to a specific grade and shall inform the parents or the legal representative of a minor person (if the minor person is not accompanied by parents) regarding such admission. If necessary, the Academic Information Centre shall perform an expert-examination of education documents in accordance with the procedures specified in Section 11.<sup>1</sup> of the Education Law. Within a period of 1 (one month) after the taking of the decision, an educational institution shall develop an individual lesson plan for an asylum seeker, based on methodological recommendations and samples of subject programmes developed by the Ministry of Education and Science, for an adaptation period that shall not be longer than one school year.

An educational institution shall co-ordinate a developed lesson plan with the founder of the educational institution and submit such plan for approval to the Ministry of Education and Science. Co-ordination with the founder shall not be necessary if educational services are provided by a State educational institution. Asylum seekers shall be ensured with the acquisition of the native language during the basic education stage in accordance with possibilities.

The children-asylum seekers living in the reception centre firstly have the introductory courses in Latvian language (provided by the centre) and then they study in the usual local school together with the other children living in the district where the centre is located.

**E. Are minors in general accommodated with their parents or with the person responsible of them? (see article 14, § 3)**

Yes, minors in general are accommodated with their parents or with the person responsible of them.

**F. Do minors with special needs enumerated by article 18, §2 which is a mandatory provision, have access to appropriate mental health care and qualified counselling?**

There were no such cases so far. In the absence of the special legal provisions for asylum seekers if such case would arise the overall system described in answer for Q.30 would apply.

**G. How and when is organised the representation of unaccompanied minors (guardianship, special organisation) and regularly assessed? (see article 19, §1 which is a mandatory provision)**

**H. How is placement of unaccompanied minors organised (with adult relatives, a foster family, in special accommodation centres or other suitable accommodation)? (see article 19, §2 which is mandatory provision)**

G-H The Board of Appeals for Asylum Seekers' Affairs was responsible for the appointment of the guardians before its termination. Currently the Office of Citizenship and Migration Affairs has the obligation to provide the representatives for the unaccompanied minor asylum seekers. The supervision of their activities is being carried out by the Ministry of Justice. But Section 7 of the Amendments to the Asylum Law adopted on 7 June 2006 (will come into force on 10 July 2006, the Official Journal, 98 (3466), 27.06.2006) provides for Para. 3, Section 11 of the Asylum Law to be read as the following:

If a minor is not accompanied by parents and wishes to submit a submission himself or herself, his or her rights and lawful interests shall be represented during the asylum procedure by the representative appointed by the Custody Court. The duties of the representative and his/her appointment procedure, the procedure of the granting and payment of the reward and the amount of the reward for the representative, as well as requirements for the representative shall be defined by the Cabinet of Ministers. Section 19 of the Amendments to the Asylum Law provides for the adding of new points 6 and 7 to the transitional provisions of the Asylum Law, that provides for the obligation of the Cabinet of Ministers to adopt the Regulations on the above-mentioned procedures related to the representative of the minor asylum seeker till 30 November 2006. In its turn the Office of Citizenship and Migration Affairs has the obligation to provide the representatives for the minor asylum seekers till 31 December 2006.

In accordance with his/her wish an asylum seeker may be accommodated together with his relatives. In case if guardian has been appointed, has guardian is accommodated in the room separate (next room) from unaccompanied minor in the reception centre.

- I. How is the tracing of the family members of the unaccompanied minors organised? Are measures taken to protect confidentiality of information when necessary? (see article 19, §3 which is a mandatory provision)**

There are no legal provisions on the tracing of the family members of the unaccompanied minors. Section 29 of the Refugee Law indicates in relation to the refugees indicates that a minor refugee who is not married has the right to take in his or her mother and father (also adopters) who have arrived from a foreign country. Para 2, Section 74 of the Law on the Protection of the Rights of the Child provides for that the Custody Court together with the social assistance institutions of the self-government and the migration authorities carries out measures in order to find the parents.

## **8. EXCEPTIONAL MODALITIES OF RECEPTION CONDITIONS**

- Q.32. Apart from detention covered by the next question, are there exceptional modalities for reception conditions in the following cases and if yes, which ones and for how long are they applicable, knowing that they should be “as short as possible” (see article 14, §8)?**
- A. Persons with specific or special needs, regarding in particular the period of assessment of those needs?**
  - B. Non availability of reception conditions in certain areas**
  - C. Temporarily exhaustion of normal housing capacities**
  - D. The asylum seeker is confined to a border post**
  - E. All other cases not mentioned in the directive (for instance urgent situation in case of a sudden high number of applicants outside a case of application of the directive on temporary protection).**

A-E – There are no specific modalities of reception conditions provided by Latvia’s legislation or practice.

- Q.33. Detention of asylum seekers (we do not cover the situation of rejected asylum seekers detained for the purpose of their return) (see articles 6 §2, 7 §3, 13, §2 2<sup>nd</sup> indent and 14 §8 which implies that the directive is in principle applicable in case of detention):**
- A. In which cases or circumstances and for which reasons<sup>13</sup> (identity verification in particular if the persons have no or false documents, protection of public order or national security, refugee status determination, way of entry into the territory, etc) can an asylum seeker be detained during the asylum procedure till his request has been finally rejected. Quote precisely in English in your**

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<sup>13</sup> Please specify it article 18 §1 of the directive on asylum procedures of 1 December 2005 which specifies that “Member States shall not hold a person in detention for the sole reason that he/she is an applicant for asylum” is or not respected (even if has not yet to be transposed).

answer the legal basis for detention of asylum seekers in national law.

**B. Has your member State adopted measures to transpose §3 of article 7 which is an optional provision? If yes, how has this provision been legally understood (is it a case of detention or an obligation to stay in and not leave a certain place?) and for which reasons can an asylum seeker be “confined” in such a place?**

A-B In accordance with Section 14 of the Asylum Law :

(1) The State Border Guard has the right to detain an asylum seeker up to 10 days if:

1) the identity of the asylum seeker has not been ascertained;

2) there is a reason to believe that the asylum seeker will endeavour to misuse the asylum procedure;

3) there is reason to believe that the asylum seeker will not have, in accordance with the provisions of this Law, a legal basis to reside in the Republic of Latvia; or

3) it is necessary in the interests of State security and public order.

(2) The State Border Guard shall detain an asylum seeker and a judge shall take a decision regarding the detention according to the procedures specified in the Immigration Law.

(3) The State Border Guard may present a submission regarding the extension of the time period of detention repeatedly, however, the total detention time period may not exceed the time period for the examination of an application.

(4) During detention an asylum seeker shall be accommodated in premises provided for this purpose separately from persons who are held on suspicion of committing a criminal offence:

1) at the border control point or at the State Border Guard territorial structural unit if an application in accordance with the procedures prescribed by Section 13 of this Law is being examined; and

2) at the State Border Guard territorial structural unit if an application has been submitted to the State Border Guard territorial structural unit.

Article 18 §1 of the Directive on asylum procedures of 1 December 2005 is respected.

**C. Are there legally alternatives to detention, like obligation to report to the authorities, obligation to stay in a place, provision of a guarantor or of a financial guarantee?**

There are no such alternatives.

**D. Which is the competent authority to order the detention of an asylum seeker? Explain if different authorities are involved to first take and later confirm the decision.**

The State Border Guard has the right to order the detention of an asylum seeker. In case of the prolongation of the duration of the detention the court shall decide on this issue (Section 14 of the Asylum Law). Please see the answer for A-B for details.

**E. For how long and till which stage of the asylum procedure can an asylum seeker be detained?**

Please see the answer for A-B for details (Section 14 of the Asylum Law).

**F. In which places (can we call them “closed centres”?) are asylum seekers detained (places in a special closed centres reserved only to asylum seekers, together with returnees like illegal aliens or even in a normal prison, in case within separated areas or with the other detainees)? Indicate if a difference has to be made following the location of the “closed centres” at the border or on the territory? Which is the authority managing those places and is it the same as the one in charge of reception conditions?**

In accordance with Para.4, Section 14 of the Asylum Law during detention an asylum seeker shall be accommodated in premises provided for this purpose separately from persons who are held on suspicion of committing a criminal offence:

1) at the border control point or at the State Border Guard territorial structural unit if an application in accordance with the procedures prescribed by Section 13 of this Law is being examined; and

2) at the State Border Guard territorial structural unit if an application has been submitted to the State Border Guard territorial structural unit.

In practice if the asylum seekers are detained inside the country they are being placed into the detention centre for illegal migrants “Olaive”. This detention centre is managed by the State Border Guard.

**G. Does UNHCR and NGOs have access to the places of detention and under which conditions?**

Yes, they have. The Asylum Law does not provide for any conditionalities for the UNHCR or NGOs to visit the asylum seekers in detention.

**H. What appeal(s) can asylum seekers introduce against the fact he is detained? Is article 18 of the directive on asylum procedures of 1 December 2005 following which “Where an applicant for asylum is held in detention, Member States shall ensure that there is a possibility of speedy judicial review” respected (even if it has not yet to be transposed)?**

In accordance with Section 14 of the Asylum Law :

(1) The State Border Guard has the right to detain an asylum seeker up to 10 days if:

1) the identity of the asylum seeker has not been ascertained;

2) there is a reason to believe that the asylum seeker will endeavour to misuse the asylum procedure;

3) there is reason to believe that the asylum seeker will not have, in accordance with the provisions of this Law, a legal basis to reside in the Republic of Latvia; or

3) it is necessary in the interests of State security and public order.

(2) The State Border Guard shall detain an asylum seeker and a judge shall take a decision regarding the detention according to the procedures specified in the Immigration Law.

(3) The State Border Guard may present a submission regarding the extension of the time period of detention repeatedly, however, the total detention time period may not exceed the time period for the examination of an application.

(4) During detention an asylum seeker shall be accommodated in premises provided for this purpose separately from persons who are held on suspicion of committing a criminal offence:

1) at the border control point or at the State Border Guard territorial structural unit if an application in accordance with the procedures prescribed by Section 13 of this Law is being examined; and

2) at the State Border Guard territorial structural unit if an application has been submitted to the State Border Guard territorial structural unit.

As mentioned above, the judicial examination of the detention shall take place according to the procedures specified in the Immigration Law. Para 6-8, Section 55 of the Immigration Law provides for that both initial decision on detention (made on the basis of the above-mentioned automatic submission of the materials by the State Border Guard) and the decision on prolongation of the duration of the detention may be appealed against within 48 hours since the reception of the copy of the judicial decision. The decision on the appeal made by the court is final and not subject to the further appeals. The submission of the appeal is not basis for the release of the person from detention.

**I. Is the directive on reception conditions considered to be in principle applicable to the places where asylum seekers are detained? In particular which information do they receive about their rights, which access do they have to legal advice and health care?**

Yes, directive is applicable, including the information about the asylum seekers' rights.

**J. Apart from freedom of movement, what are the main differences between normal reception conditions and exceptional modalities for reception conditions in case of detention, knowing that they should be "as short as possible" (see article 14, §8)? If it is about closed centres, are the regulations of those places in line with the requirements of the directive (is article 13, §2, second indent of the directive following which "*Member States shall ensure that standards of living is met (...) in relation to the situation of persons who are in detention*" respected?).**

There is no additional information in my responsibility concerning such differences.

**K. Are measures taken to avoid detention of asylum seekers with special needs (if yes, which ones?) or are special measures taken because of their needs?**

Yes, in practice people with special needs (e.g. mothers with small children) are sent for the accommodation in the reception centre.

**L. Can minor asylum seekers be detained together with relatives? Can unaccompanied minor asylum seekers be detained? If yes, are there special measures which take into account that children are concerned?**

Yes, minors can be detained together with their relatives. The unaccompanied minors can be detained as well. The Law on the Protection of the Rights of the Child shall be taken into account by the authorities. In case of complaints they may also complain to the State Inspection for Protection of Children's Rights, which main tasks will be to supervise and control implementation of legal standards of child protection.

**M. In particular is article 10 regarding access to education of minors respected in those places?**

Yes. In accordance with Para 7, Section 11 of the Asylum Law the minor children of an asylum seeker or minor asylum seekers shall be ensured the acquisition of education in conformity with the laws in force, the Government shall determine the procedures by which education shall be ensured. Para. 4, Section 32 of the General Education Law provides for that such institutions as the detention places similarly to the reception centres, in which students aged up to 18 years permanently reside shall ensure the possibility for the acquisition of the basic education programme.

Before the implementation of the directive there were a few cases where the detained minors attended the local school near the detention centre. Now the legal procedure is established and therefore the responsibility for such education was shifted from the Ministry of Interior to the Ministry of Education and Science. There is no statistics for the moment on the practice of the application of this procedure. However due to the overall number of the asylum seekers (and very few minors among them) and also due to the fact that the usual practice is in most cases not to detain the minors-asylum seekers it could be suggested that there were only few cases of the application of the new procedure if any. The additional information on the statistics for 2005-2006 was requested by the rapporteur in written from the Ministry of Education and Science. In its letter of 24 August 2006 the Ministry of Education and Science indicated that for the moment, in accordance with its data, there are no minor children of the asylum seekers or minor asylum seekers that would acquire the education in the detention or in the reception centre

**N. How many asylum seekers are for the moment detained in your Member State? Which proportion does this represent in comparison of the total number of asylum seekers at the same moment?**

On 1 July 2006 7 asylum seekers were detained. In total the applications of 9 asylum seekers are in the procedure of the examination for the moment.

**9. ORGANISATION OF THE SYSTEM OF RECEPTION CONDITIONS**

**Q.34. Explain if the system of providing reception conditions is centralised or decentralised (which levels of government do provide practically reception conditions?) (do not confuse this question with question number 3 about the competence to make rules about reception conditions).**

Provision of the reception conditions is centralised. The Office of Citizenship and Migration Affairs is a supervisory body of the Ministry of Interior of Republic of Latvia responsible for the operation of the reception centre.

**Q.35. In case, are accommodation centres public or/and private (managed by NGOs? If yes, are the NGOs financially supported by the State?)<sup>14</sup>**

<sup>14</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

The only existing reception centre “Mucenieki” is public one and is managed by the Office of Citizenship and Migration Affairs.

**Q.36. In case, how many accommodation centres are there in your Member State (distinguish in your answer between public and private centres)?<sup>15</sup>**

There is one asylum seekers reception centre in Latvia. It is planned to establish the second public centre near the city of Daugavpils in the future. However for the moment the capacity of the only centre allows to cope with the number of asylum seekers successfully.

**Q.37. Is there in the legislation a plan or are there rules in order to spread the asylum seekers all over the territory of your Member State to avoid their concentration in some areas like big cities or to share the costs of their reception between central, regional and local authorities?**

There is no such plan. Taking into account the number of the asylum seekers - 78 asylum seekers stayed in the centre since 1998, 5 asylum seekers stayed during first 6 months of 2006, this plan is not necessary for the moment.

**Q.38. Does a central body representing all the actors (like NGOs) involved in reception conditions exist? Does it play a consultative role for the State authorities, a coordination role for the actors or any other role?<sup>16</sup>**

No such body exists.

**Q.39. A. Which is the body in charge of guidance, monitoring and controlling the system of reception conditions as requested by article 23 which is mandatory provision? Include in your answer which is the competent ministry (Interior, Social affairs, etc) for reception conditions?**

The Office of Citizenship and Migration Affairs is body under the supervision of the Ministry of Interior of Republic of Latvia responsible for the operation of the reception centre. The special system of guidance, control and monitoring of reception conditions that would differ for the overall system of guidance, control and monitoring of work of the different bodies of the Ministry of Interior, has not been introduced.

Section 7 of the State Administration Structure Law provides for that the Government shall implement subordination in the organisation of state administration (institutional subordination) and in the performance of the functions of state administration (functional subordination). The Government shall implement subordination through the intermediation of an particular Minister. The Ministers shall implement subordination directly or through the intermediation of an institution of direct administration, its unit or official. The subordination shall be implemented in the form of control or supervision.

The Ministry of Interior exercise the control over the Office of Citizenship and Migration Affairs in the form of the supervision. The supervision means the rights of higher

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<sup>15</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>16</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

institutions or officials to examine the lawfulness of decisions taken by lower institutions or officials and to revoke unlawful decisions, as well as to issue an order to take a decision in case of unlawful failure to act. Therefore taking into account the above-mentioned law and the fact that there is only 1 public reception centre with the average 8-10 asylum seekers staying there per year this system could be considered as the sufficient one for the moment.

**B. Has your Member State (like the Czech Republic did recently) approved quality standards (not necessary legally binding) for housing services (for instance about the number of persons per bedroom on the basis of its size, number of accessible toilets, bathrooms, showers and washing machines per number of persons, existence of common rooms with radio, television, newspapers, books, computers, accessibility of telephone, existence of recreative rooms for children,...) to be respected in particular in accommodation centres?**<sup>17</sup>

No there are no quality standards approved for housing services.

**C. How is this system of guidance, control and monitoring of reception conditions organised?**<sup>18</sup>  
**D. Does the body in charge of guidance, control and monitoring produce reports about the level of reception conditions? If yes, how frequently and are they public?**<sup>19</sup>

C-D. The Office of Citizenship and Migration Affairs is a supervisory body of the Ministry of Interior of Republic of Latvia responsible for the operation of the reception centre. The special system of guidance, control and monitoring of reception conditions that would differ for the overall system of guidance, control and monitoring of work of the different bodies of the Ministry of Interior, has not been introduced. Therefore there are no special reports about the level of reception conditions.

**Q.40. A. What is the total number of asylum seekers covered by reception conditions for the last year for which figures are available (see article 22 obliging Member States to calculate those statistics about which we also asked the Commission to require them from Member States for mid June)?**

In total 78 asylum seekers stayed in the centre since 1998, 11 asylum seekers stayed during first 7 months of 2006. In accordance with the information provided by the Permanent Representation of the Republic of Latvia to the European Union to the European Commission on 26 July, 2006, the reception conditions following from the Directive were provided in 2005-2006 to the following numbers of the asylum seekers:

**In 2005**

| <b>Country</b> | <b>In total</b> | <b>Male</b> | <b>Female</b> |
|----------------|-----------------|-------------|---------------|
|----------------|-----------------|-------------|---------------|

<sup>17</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.  
<sup>18</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.  
<sup>19</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

|                 |   |   |   |
|-----------------|---|---|---|
| <b>Iraq</b>     | 6 | 4 | 2 |
| <b>Belarus</b>  | 1 | 1 | 0 |
| <b>In total</b> | 7 | 5 | 2 |

#### Division by ages

| Age             | In total | Male     | Female   |
|-----------------|----------|----------|----------|
| 0-4             | 2        | 2        | 0        |
| 5-9             | 1        | 1        | 0        |
| 10-14           | 1        | 0        | 1        |
| 40-44           | 2        | 1        | 1        |
| 50-54           | 1        | 1        | 0        |
| <b>In total</b> | <b>7</b> | <b>5</b> | <b>2</b> |

#### In 1st half of 2006 (till 20 July 2006)

| Country                           | In total  | Male     | Female   |
|-----------------------------------|-----------|----------|----------|
| <b>Tchechnya</b>                  | 3         | 2        | 1        |
| <b>Afganistan</b>                 | 1         | 1        | 0        |
| <b>Nationality not identified</b> | 7         | 5        | 2        |
| <b>In total</b>                   | <b>11</b> | <b>8</b> | <b>3</b> |

#### Division by ages

| Age             | In total  | Male     | Female   |
|-----------------|-----------|----------|----------|
| 5-9             | 2         | 2        | 0        |
| 15-19           | 4         | 3        | 1        |
| 20-24           | 1         | 0        | 1        |
| 25-29           | 3         | 2        | 1        |
| 35-39           | 1         | 1        | 0        |
| <b>In total</b> | <b>11</b> | <b>8</b> | <b>3</b> |

**B. What is the total budget of reception conditions in euro for the last year for which figures are available?<sup>20</sup>**

In 2005 and in 2006 the annual total budget for the reception system was LVL 87 723 (EUR 125 318, 56).

**C. What is the average cost of reception conditions in euro per asylum seeker for the last year for which figures are available?<sup>21</sup>**

It is not possible to provide the average cost since the budget for the reception does not provide for such a detailed calculation. However please take into account that in 2006 LVL 87 723 (EUR 125 318, 56) are available for the reception centre, where 200 inhabitants can be

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<sup>21</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

house and only 5 asylum seekers stayed or continue staying in this centre during first 6 months of 2006.

- D Are the costs of reception conditions of asylum seekers supported by the central/federal or federated government or are they shared with regional and/or local authorities?**

All the costs are covered from the state budget without involvement of the local self-government.

- E. Is article 24 § 2 of the directive following which “*Member States shall allocate the necessary resources in connection with the nationals provisions enacted to implement this directive*” respected?<sup>22</sup>**

Yes, Article 24 § 2 of the directive is respected.

- Q.41. A. What is the total number of persons working for reception conditions?<sup>23</sup>**

There are 5 workers in the reception centre and 5 – in the Refugee Affairs Department of the Office of Citizenship and Migration Affairs.

- B. How is the training of persons working in accommodation centres organised? Does it take into account specific needs of unaccompanied minors when relevant as well as the gender dimension? (see article 14 §5, 19 § 4 and also 24 §1 which are mandatory provisions)?<sup>24</sup>**

Training by means of the European Refugee Fund takes place once a year. At average per year 3 study visits of the workers of the reception centre in other Member States take place.

- C. Are there rules about the deontology of persons working in accommodation centres, in particular on confidentiality?<sup>25</sup>**

In accordance with the Section 7 of the Asylum Law all the employees of Latvia’s institutions involved in asylum procedures do not have the right to disclose information on asylum seekers, except in the cases listed in the Asylum Law. An employee guilty of disclosure of information shall be held liable in accordance with procedures prescribed by law. Information on an asylum seeker may be disclosed if the person concerned has given written consent for disclosure or if law enforcement institutions in accordance with procedures prescribed by law have requested the information. Information regarding asylum seekers shall not be provided to his or her state of citizenship or if the asylum seeker is a stateless person – to his or her previous country of domicile.

The issues of the deontology are covered by the general legal acts on the conduct of the civil servants and state employees. There are no specific legal acts, that would target the staff of the reception centre.

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<sup>23</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>24</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

<sup>25</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

## **10. IMPACT OF THE DIRECTIVE**

Legal impact of the transposition of the directive:

**Q.42. Specify if there are or not big problems with the translation of the directive in the official language of your Member State and give in case a list of the worst examples of provisions which have been badly translated? (please note that this question has in particular been added to the questionnaire concerning the new Member States)**

No, there were no such problems encountered so far.

**Q.43. Where there precise legal rules on reception conditions for asylum seekers before the adoption of the norms of transposition of the directive (if yes, specify what the nature of those rules was (legislation, regulation, administrative instructions,...))?**

Yes, since the reception of the asylum seekers was regulated by the same Asylum Law that was later amended to transpose the provisions of the Directive, and by the governmental regulations issued on the basis of the delegation provided for by the Asylum Law. In addition 2 (two) administrative acts cover some practical issues of the work of the only reception centre in Latvia- the issues of the internal order of the reception centre are regulated by the Regulations of the Office of Citizenship and Migration Affairs «On the Internal Order of the Asylum seekers' Reception Centre «Mucenieki»» and by the Order of the Head of the Office of Citizenship and Migration Affairs of 24 July 2003 No 16/08 «On the approval of the Statute of the Asylum seekers' Reception Centre «Mucenieki and of the description of the positions».

**Q.44. Did the legal rules applicable to reception conditions become more clear, precise, coherent or detailed with the adoption of the transposition norms (for instance do you now have after the transposition one basic text dealing with reception conditions instead of numerous different texts in the past?**

The legal regulation on some issues, e.g. like expenses for hygiene and first necessity goods, education of minors-asylum seekers etc., become more precise. The number of the legislative acts regulating the reception issues has not decreased, since the number of the governmental regulations, covering the different issues of the reception increased – e.g. The Regulations of the Cabinet of Ministers of 9 August 2005 No 586 “On order in which the education is ensured for the minors-children of the asylum seekers or to the minors-asylum seekers”(The Official Journal, 126 (3284) 11.08.2005), the Regulations of the Cabinet of Ministers of 21 December 2004 No 1036 «Procedure of organisation and financing of the medical care» (The Official Journal, 9 (3167) 18.01.2005) and the Amendments to the Regulations of the Cabinet of Ministers of 20 January 2004 No 44 “Regulations on the work permits for the foreigners” (The Official Journal, 147 (3305) 15.09.2005) and other legal acts were adopted or the existing ones were amended (pleased see the complete list in the beginning of the questionnaire and in the bibliography).

**Q.45. Did the transposition of the directive imply important changes in national law or were the changes of minor importance? In case, list the most important changes that have been introduced.**

Technically speaking, most of the provisions of the Asylum Law related to the reception of the asylum seekers were already in compliance with the requirements of the Directive upon its entry into force. Therefore only Para.1 and 2, Article 3 of the Asylum Law were changed in order to ensure compliance with Articles 9 and 15 of the Directive and a few governmental regulations were adopted or amended:

At the same time the substantial new issues were introduced or made more precise:

- order in which the education is ensured for the minors-children of the asylum seekers or to the minors-asylum seekers was approved,
- regulations on the work permits for the foreigners were introduced,
- procedure of organisation and financing of the medical care for asylum seekers was made more precise,
- the amount of expenses for acquisition of hygiene and first necessity goods for the asylum seeker and the procedure of cover of these expenses was defined at the level of the governmental regulations.

**Political impact of the transposition of the directive:**

**Q.46. Explain briefly if there has been an important debate about the transposition of the directive (in particular in the Parliament, but possibly also in the government, between political parties, including in medias, etc; underline in case the main points which have been discussed or have created difficulties)**

There were no such important debates, that probably may be explained by the overall very low number of the asylum seekers and refugees in Latvia (in comparison with the other EU Member States). For the moment there are 9 refugees and 9 persons, who were granted alternative protection, in Latvia.

**Q.47. Did the transposition of the directive contribute to make the internal rules stricter or more generous? In particular, did your Member State use the occasion of the transposition to abolish more favourable provisions of national law? Does your Member State still have rules more favourable than the provisions of the directive (if yes, try to give the more important examples).**

It is hard to evaluate whether transposition of the directive contribute to make the internal rules stricter or more generous. However Latvia still maintain certain elements of the reception conditions, that are more favourable than the Directive allows:

- There are no provisions for refusal of reception conditions for unreasonably late applications,
- In relation to the reductions or withdrawals of the reception conditions Section 6 of the Regulations of the Cabinet of Ministers of 8 February 2005 No 119 “On the amount of expenses for acquisition of food, as well as hygiene and first necessity goods for the asylum seeker and the procedure of cover of these expenses” provide for that if an asylum seeker has left the reception centre without the permission of the administration of the centre and has been absent for more than 48 hours, the head of

the reception centre for asylum seekers has the right to take a decision not to pay expenditure for food to him or her for the time period of his or her absence. No other reductions or withdrawals are possible in accordance with the legislation,

- Asylum seekers are not requested to refund the spent financial means for the reception conditions by the authorities if it appears that they have resources.

## **11. ANY OTHER INTERESTING ELEMENT**

**Q.48. What are in your view the weaknesses and strengths of the system of reception conditions in your Member State?<sup>26</sup>**

The strengths:

- good co-operation between the authorities involved in the reception process- the State Border Guard and the Office of Citizenship and Migration Affairs,
- well –equipped reception centre,
- good theoretical knowledge of the reception standards and best practices by the staff of the reception centre, that is being regularly improved by means of communication with the colleagues from another EU Member States.

The weaknesses:

- the reception system is established, however few issues are not yet tested by practice (e.g. employment of the asylum seekers and the overall system of education of the asylum seekers),
- there is no compulsory mechanism that would require an asylum seeker to observe the rules of the internal order of the reception centre,
- in case of the sudden large increase in numbers of the asylum seekers, the problem may arise concerning hiring the specially qualified staff.

**Q.49. Mention any good practice in your Member State which could be promoted in other Member States<sup>27</sup>**

The application of the provisions of the reception Directive transposed by the Sections of the Asylum Law to those asylum seekers, who are in the Dublin procedure, can be considered as the good practice.

**Q.50. Please add here any other interesting element about reception conditions in your Member State which you did not had the occasion to mention in your previous answers.**

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<sup>27</sup> To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.