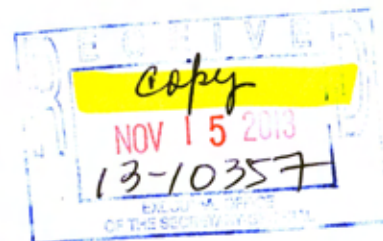


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NEPILSONU KONGRESS
КОНГРЕСС НЕГРАЖДАН
NON-CITIZENS' CONGRESS

H.E. Mr. Ban Ki-moon
United Nations, S-233
New York, NY 10027
Fax. 212-963-7055

(Rel Coz Log. 13-10221)

Riga, 14. November 2013

Your Excellency,

Referring to our letter send to You on 11. November 2013 and the statement shared by your spokesmen on 12. November 2013 about encouraging the Latvian government to engage with civil society to follow up on the recommendations of the Universal Periodic Review, as well as those of special procedures and treaty bodies, in a holistic manner, and in this context, step up its efforts to address the issue of non-citizenship in the country, we would like to share our will and openness to such cooperation, as well as our views on the situation and possible solutions.

There is a strong necessity for mediation between civil society and state authorities - something we feel intervention of UN bodies like High Commissioner Human Rights, Independent Expert on minority issues, Experts of Human Rights Committee or other UN bodies could facilitate. We kindly ask you for UN support to an effective dialogue between Latvian civil society and government concerning solving of mass statelessness problem.

Situation and possible solutions for statelessness problem in Latvia

1. Effectiveness of naturalisation

Naturalisation procedure proposed by the Latvian government as a solution for mass statelessness gave some results between 1999 and 2006 when the naturalisation rates was growing and amounted more than 10 000 persons yearly. For last five years the naturalisation rate are less than 1% or 2 500 persons per year. There are no indications that facilitation of naturalisation without considerable change of the procedural framework will be effective.

As of 1 July 2012- 304,806 or 13, 8% of all Latvian residents were without citizenship. The number of naturalisation applications, as well as persons receiving Latvian citizenship through naturalisation has remained low during last five years. In accordance with the Office of Citizenship and Migration Affairs from the beginning of naturalisation procedure from 1 February, 1995 until 30 April 2013 140,473 persons

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have become citizens of Latvia, including 14,153 non-citizen children. From 1999 until 2006, the number of naturalised persons exceeded 10-15,000 per year, since 2008 the number of naturalised persons has decreased to approximately 2500 per year, i.e. less than 1% of non-citizens per year.

Applications for naturalisation predominantly are received from young people aged 18-30 (47% of all applicants for citizenship in 2011), while the least likely applicants are over 60 (5.7%). It means that naturalisation is not effective for the main target group – 38% of non-citizens are more than 60 year old, 31% of non-citizens are in age 45-59. In accordance with Naturalisation Board from 2009 until 2012 the number of noncitizens annually decreases by 15,000. However, only 20 – 29% becomes citizens of Latvia. The majority of non-citizens died or opted for the citizenship of another country, mainly Russia. Normally when non-citizens accept other country's citizenship they stay for residence in Latvia with permanent residence permit.

Annual decrease of non-citizens by number/ %

Year	Number of non-citizens	Total	Received Latvian citizenship	Other reasons (e.g., received citizenship of another country, died, etc.)
01.01.2009.	357 881	14 610	4 230/ 29%	10 380/ 71%
01.01.2010.	344 095	13 716	3 235/ 24%	10 481/ 76%
01.01.2011.	326 735	17 360	3 518/ 20%	13 842/ 80%
01.01.2012.	312 189	14 546	3 917/ 27%	10 629/ 73%

Source: Naturalisation Board, Ministry of Interior

There is a tendency of a growing number of citizenship applicants failing the Latvian language exam. Out of 3,486 citizenship applicants taking Latvian language test for the first time in 2010, 1,497 or 43% failed (in 2009 this figure was 39%, while in 2004, when the highest number of applications had been received, this figure was 10%). In 2011, among 3,028 applicants for citizenship, who took the Latvian language test, 1,253 or 41, 4% failed. The number of citizenship applicants failing history test has also grown significantly. Out of 2,731 citizenship applicants taking history test for the first time in 2010, 496 or 18% failed (this figure was 17.6% in 2009 and 3.8% in 2004). Out of 2,910 citizenship applicants taking history test for the first time in 2011, 569 or 19.6% failed. At the same time, the number of naturalisation applicants exempt from Latvian language tests has also increased (youths who have received higher education in Latvian, taken centralised exam in Latvian in primary or secondary school) – from 10% in 2010 and 29% during the first half of 2012.

According to research conducted in 2012 and 2013, non-citizens have a "wait and see" attitude towards Latvian citizenship through naturalisation. There are two main

reasons why non-citizens do not apply for Latvian citizenship. Firstly it is opinion that naturalisation procedure historically is not fair and the citizenship should be granted automatically. Secondly it is doubts if they are able to pass the naturalisation exams.¹

2. Granting citizenship to all non-citizens automatically

This solution requires a radical change of Latvian Citizenship law. In 2012-2013 this proposal faced strong political obstruction. In early 2012 the movement "For Equal Rights" initiated the collection of voters' signatures for organizing referendum on this issue. The draft amendments provide that from 1 January 2014 those non-citizens, who will not submit an application about the retention of the non-citizen's status according to the procedure set by the Cabinet of Ministers until 30 November 2013, shall be deemed to be citizens of Latvia. The transitional regulations also envisioned that the Office of Citizenship and Migration Affairs shall send to the subjects of the law a special reference note about becoming Latvian citizens and from 1 January 2014 the passports of non-citizens with the reference note presented, shall be considered as the passports of Latvian citizens

By September 2012 the required number of signatures was collected (12, 686 signatures were collected, exceeding the required 10, 000) and on 4 September the draft amendments were submitted to the Central Election Commission (CEC) for the organisation of the second stage of the collection of voters' signatures. The collection of voters' signatures for the draft amendments led to discussions among the politicians and experts about the compliance of the draft with the Constitution (Satversme) and the principle of legal continuity of the Republic of Latvia. On 1 November 2012 the CEC took the decision not to declare the second stage of the collection of signatures and the draft amendments were also not put to a referendum. The initiators claimed against the decision by the court, at the moment the case is in Constitutional court of Latvia.

3. Shaping special naturalisation procedure for non-citizens

This solution requires adjustment of the naturalisation procedure as defined by the Citizenship Law and shaping more liberal naturalisation requirements for non-citizens being in special historical situation. At the moment the naturalisation procedure is equally applicable for two non-equal groups, i.e. new immigrants, citizens of third countries and for Latvian non-citizens living in Latvia for decades and holding no citizenship of any other state, so effectively stateless. It is necessary to distinguish naturalisation of migrants and of non-citizens.

This solution would have impact of reconciliation, because for many non-citizens it is unacceptable to be treated as immigrants, but it would be possible to convince them for compromise solution. Historically non-citizens came to work and to rebuild Latvia after Second World War in fully legal manner being citizens of one country and after

¹ Office of Citizenship and Migration Affairs (2011) Research „Attitude of non-citizens about obtaining Latvian citizenship" (Pētījums „Nepilsoņu attieksme par Latvijas pilsonības iegūšanu) Available at: http://www.pmlp.gov.lv/lv/par_pmlp/publikacijas/Nepilsoņu_attieksme_2011.pdf Kvalitatīvs pētījums. Par trešo valstu valstspiederīgo un Latvijas nepilsoņu viedokli par Latvijas pilsonību un iemesliem, kas veicina vai kavē pilsonības iegūšanu., Baltic Institute of Social Sciences, Rīga 28.03.2013. Pētījums ir apsaktāms PMLP mājas lapā http://www.pmlp.gov.lv/doc/Nepilsoņu_petijums/HTML/index.html#/1/

receiving invitation or administrative directive. However Latvian government is arguing with the concept of continuity of the Latvian statehood and illegality of the incorporation of Latvian Republic into Soviet Union, holding non-citizens as illegal migrants. Despite of legal discussions the fact is, that 38% of non-citizens are older than 60 year, 30% are in age 45-59 year, it is unlikely that they will accept disfranchising and to define themselves as illegal immigrants.

There are many options for shaping special naturalisation procedure. Non-citizens can be exempted from history exam, which is seen by many non-citizens as controversial and ideological. Persons who have reached retirement age can be exempt from any examinations. The naturalisation examination can be simplified to an essay about Latvia as homeland written in any language. In combination to the adjustment of naturalisation procedure for non-citizens the free language courses for non-citizens would facilitate the naturalisation process.

4. Gradually integration of non-citizens

If an effective granting of citizenship as a long-term solution for statelessness is not possible at the moment, the efforts can be focused on gradually integration of non-citizens through granting them voting rights on municipal elections similar to the voting rights already granted to citizens of other EU member states and through decrease of restrictions of social and economic rights, especially profession restrictions and elimination of excessively restrictive regulations on professional language proficiency, which have a discriminatory effect on the working opportunities of minorities.

Kind regards,

Head of Latvian Non-citizens' Congress
Elizabete Krivcova

Head of Parliament of Unrepresented
Valery Komarov

