

Procedure for the receipt of legal aid (1)

A foreigner residing in the Republic of Latvia and the voluntary return decision or the decision regarding the disputed removal order is issued in relation to him or her, shall fill in an application regarding request of the State-ensured legal aid and income and submit to the institution having made the decision regarding the disputed voluntary return decision or removal order (SBG or OCMA). The submission of an application shall suspend the period of time for appeal.



The application regarding the request for State ensured legal aid and income, without delay, but not later than the following working day, by the SBG or OCMA shall be forwarded to the LAA.



A decision regarding provision of the State-ensured legal aid or refusal to provide it shall be made by the LAA within 21 day.



A decision regarding provision of the State-ensured legal aid shall specify the provider of legal aid, place and time for the receipt of legal aid.



Receipt of the State ensured legal aid. LAA shall ensure communication of the recipient of legal aid with the provider of legal aid.

Procedure for the receipt of legal aid (2)

A foreigner who has been detained and is residing in the Republic of Latvia in specially equipped premises or accommodation centre, shall, without delay, but not longer than the following working day after a decision has been taken on the contested removal order, shall apply to the SBG with a request to provide a legal aid ensured by the State.



SBG shall invite the recipient of legal aid from the list prepared by LAA.



Receipt of the State ensured legal aid. SBG shall ensure communication of the recipient of legal aid with the provider of legal aid.

Important!

- It is substantial to request legal aid in a timely manner and inform on the changes in the information provided.
- The recipient of legal aid shall be obligated to cooperate with LAA and the provider of legal aid, including in a timely manner to provide comprehensive information related to the dispute subject to resolution, to inform regarding the activities performed independently and the difficulties in the receipt of legal aid.



Juridiskās
palīdzības
administrācija

PROCEDURE OF REMOVAL AND THE STATE-ENSURED LEGAL AID TO THIRD-COUNTRY NATIONALS WHO BEING REMOVED

LEGAL AID ADMINISTRATION

Pils laukums 4, Rīga, Latvia LV-1050
Telephone information: +371 67514208
fax: +371 67514209
e-mail: jpa@jpa.gov.lv

Monday	13:00-18:00
Tuesday	9:00-14:00
Wednesday	9:00-14:00
Thursday	9:00-14:00
Friday	8:00-12:00
Pre-holiday	9:00-13:00
Pre-holiday Fridays	8:00-12:00

Project is co-funded by the European Union. These handouts are developed with support of the European Return Fund. Legal Aid Administration shall be held responsible for the content of handouts, and this cannot be considered to be the opinion of the European Union

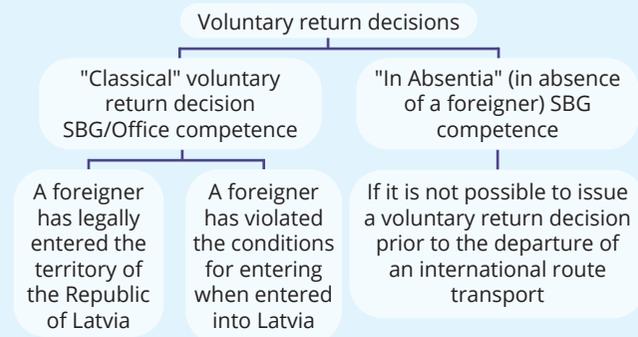
Riga 2014

Procedure of removal

- * A voluntary return decision;
- * A removal order.

Section 41 of the Immigration Law determines a decision-making competence of the State Border Guard (SBG) and the Office of Citizenship and Migration Affairs (OCMA) depending on the subject who has detected illegal stay of a foreigner and connection of a foreigner with the Republic of Latvia.

Voluntary return decisions



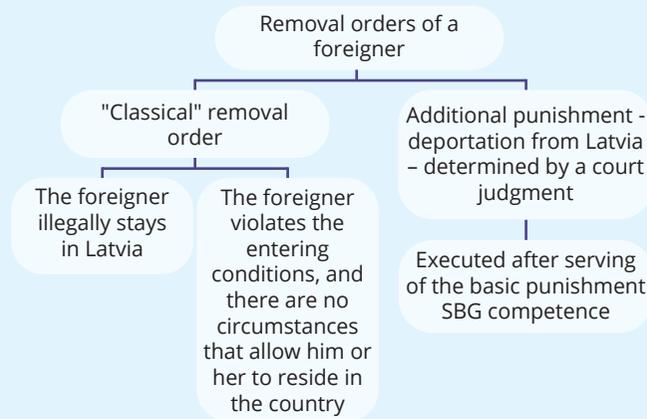
“Classical” voluntary return decision

- * Issued if illegal stay of a foreigner has been justify in the Republic of Latvia.
- * Term of execution of a voluntary return decision shall be 7 to 30 days.
- * Voluntary return decision may include a decision on prohibition for a foreigner to enter the Schengen territory.
- * Upon the foreigner’s request the time period for compliance with the obligation imposed by the voluntary return decision may be extended (for a time period not exceeding 1 year).

Voluntary return decision under “in absentia” procedure

- * Issued if illegal stay of a foreigner in the country is detected when he or she is departing by crossing the external border, and it is not possible to issue a voluntary return decision prior to the departure of an international route transport.
- * An official of the SBG shall inform the foreigner that in relation to him or her a voluntary return decision shall be issued, to which a decision on inclusion in the list on entry ban into the Schengen territory may be attached.
- * Voluntary return decision shall be issued by the SBG within 10 days from the day when the foreigner departed. It shall enter into effect on the day of issue thereof, and shall be sent to the foreigner to the address indicated by him or her.

Removal orders



Taken if there are grounds to believe that the foreigner will avoid the removal procedure or will impede the preparation thereof, or there is a risk of absconding of the foreigner, and it is substantiated by any of the circumstances stipulated by Section 51, Paragraph 2 of the Immigration Law.

For example:

- * is hiding his or her identity, provides false information or refuses to co-operate in other ways;
- * the foreigner has crossed the external border, avoiding border checks (used a forged travel document, forged visa or residence permit);
- * cannot indicate a place where he or she will reside until the end of the relevant removal procedure;
- * is involved in promoting illegal immigration;
- * has previously avoided a removal procedure;
- * has unjustifiably failed to execute the voluntary return decision;
- * has unjustifiably failed to fulfil the specified obligation to register with the relevant SBG unit;
- * has previously arbitrarily left an accommodation centre for detained foreigners or detention premises.

Contesting and appeal against a voluntary return decision or a removal order

- * A foreigner may, within seven days after coming into effect of a voluntary return decision or a removal order, to contest these to a higher authority in accordance with the procedures regarding subordination.
- * Contesting and appeals against a return decision shall suspend operation of the return decision (with exception of the voluntary return decision in the event of “in absentia”). Contesting and appeals against a removal order shall not suspend operation thereof.

- * The decision taken by a higher authority on a voluntary return decision or a removal order may be appealed in the Administrative District Court within seven days after coming into effect thereof.
- * The term of appeal shall be suspended by submission of the application regarding request of the State-ensured legal aid and income to the institution having taken the decision regarding the disputed voluntary return decision or removal order (SBG or OCMA).

Legal Aid Administration (LAA) is the institution responsible for provision of legal aid in the events and under procedure prescribed by the State Ensured Legal Aid Law

LAA shall ensure legal aid within the framework of appeals against the decision regarding the disputed voluntary return decision or the decision regarding the disputed removal order.

Who shall be entitled to receive legal aid in the mentioned administrative matters?

A foreigner has the right to receive legal aid if:

- * he or she does not have sufficient resources, he or she is residing in the Republic of Latvia and the voluntary return decision or removal order is issued in relation to him or her;
- * he or she has been detained in the cases and according to the procedures specified in the Immigration Law and is residing in the Republic of Latvia in specially equipped premises or an accommodation centre.

What kind of legal aid is it possible to receive?

- * legal consultations;
- * drawing up of procedural documents;
- * representation in court.

Communication with the provider of legal aid is also ensured.

Where can the forms of the State-ensured legal aid request and income application and information regarding the completion thereof be received?

- * in the institution taking a decision regarding the disputed voluntary return decision or removal order (SBG or OCMA);
- * JPA - Pils laukums 4, Riga;
- * LAA website - www.jpa.gov.lv section “Services”.
- * Latvija.lv