

# The long-term resident status of the European Community in Latvia

Published: 06.10.2020.

On 23 January 2006 Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents of a Member State of the European Union came into force.

On 22 June 2006 the Law on the Status of a Long-term Resident of the European Union in the Republic of Latvia was adopted, which introduced a new status – the status of the long-term resident of the European Union in the Republic of Latvia.

According to this Law, persons who are not citizens of Latvia or another Member State of the European Union, a Member State of the European Economic Area or Swiss Confederation are deemed third country nationals. According to this definition Latvian non-citizens are also considered to be third country nationals.

The status of the long-term resident of the European Union is not mandatory and is not granted to persons automatically – a person willing to acquire such status has to apply to the Office of Citizenship and Migration Affairs and at the same time correspond to certain criteria.

The criteria for acquiring of the status of the long-term resident of the EU are:

1. The status of the long-term resident of the EU is granted provided the person has, for the last five years, continuously and lawfully resided in the territory thereof, with the toleration of the person's absence that does not exceed six successive months or ten months altogether. Absence is deemed justified if the reasons thereof are circumstances beyond the person's control (the person's illness, force majeure, etc.). The absence is deemed justified for a holder of the European Union's Blue Card provided the reasons thereof are performance of business activities in the status of an employee or as a self-employed, voluntary service or studies in the person's country of origin and the absence from the European Union has not exceeded 12 successive months or 18 months altogether. The time spent by a Latvian non-citizen in another European Union Member State, provided it does not exceed a period of five years is included in the continuous residence term.
2. The person has to prove sufficient means of sustenance both for himself or herself and his or her family members. Moreover, the sustenance must be stable and regular, namely, during the last 12 months prior to filing of the application the person should have had received at least the minimum wage applicable in the country, on which taxes have been paid. Pension is also deemed to be sufficient sustenance.
3. Taking into account that the aim of the directive is also integration of third country nationals who have been residing in the Member State for a certain period of time, the acquisition of the status of the long-term resident of the EU requires also the knowledge of the official language. Persons willing to acquire this status have to prove their language proficiency of at least A2 level.

The holder of the status of the long-term resident of the EU will receive a permanent residence permit in which it is indicated that he or she is the long-term resident of the EU.

What is the status of a person who is not willing to acquire the status of the long-term resident of the EU?

If a Latvian non-citizen does not wish to acquire such privileged status in the European Union, his or her status in Latvia does not change, and he or she may stay in other Member States of the European Union as any third country national according to the general procedure.

A Latvian non-citizen or a foreigner in Latvia who has acquired the status will enjoy the same rights as any Latvian non-citizen or a foreigner with a permanent residence permit.

May holders of the status of the long-term resident of the EU travel to other EU Member States without visas?

A person with the status of the long-term resident of the EU may travel without visa to other countries of Schengen Agreement. The Office reminds that Ireland, Great Britain, Cyprus, Romania and Bulgaria are not members of Schengen Agreement.

For whom the status of the long-term resident of the EU is an advantage?

If a person who has acquired the status of the long-term resident of the EU in Latvia travels to another EU Member State for work, such person must have regular and stable income for himself or herself in order not to apply for the social assistance of that country. One should also have health insurance that covers all such risks of illness in another Member State as are generally covered for the citizens of the respective Member State. The Member State may set forth requirements regarding language skills and suitable housing. The person has to obtain a residence permit and a work permit in the other Member State.

Acquisition of the status of the long-term resident of the EU is an advantage for those third country nationals who wish to work in another EU Member State. A person who has acquired the status of the long-term resident of the EU in Latvia is free to change his or her employer after one year of work in any EU country.

The provisions are even more advantageous for the persons who lose the status and move to reside to a third country, for example, the USA or Russia. These persons may return within a period of three years and repeatedly acquire the status of the long-term resident of the EU after two more years.

The status grants the right to apply for a residence permit during the stay in the Member State and for a temporary residence permit also in the case the person has sufficient sustenance but has not specific reason to reside in that State. In such case each State has determined its own amount of minimum financial assets.

May a third country national who studies in an EU Member State apply for the status of the long-term resident of the EU?

No, if a person resides in an EU Member State to acquire education the person is not eligible for the status of the long-term resident of the EU, and even more so, if a foreigner has studied in Latvia and afterwards continues residency due to work or family reunification and wishes to apply for the status of the long-term resident of the EU, only half of the time of studies is counted into the five-year period that the person is required to spend in the Member State. For example: a foreigner who has studied in Latvia for four years and afterwards acquired a residence permit related to work will be eligible to application for the status of the long-term resident of the EU after three years of work.

What is the procedure for acquisition of the status of the long-term resident of the EU?

To acquire the status of the long-term resident of the EU a person has to personally address the Office of Citizenship and Migration Affairs or a diplomatic or consular representation of the Republic of Latvia, produce a valid travel document and submit the following documents:

Application,

 [Iesniegums Eiropas Savienības pastāvīgā iedzīvotāja statusa Latvijas Republikā pieprasīšanai](#) 

The person's photograph,

A document that confirms sufficient means of sustenance for oneself and the dependent family members (A statement as evidence of income for last 12 months. After the person submits the statement from the employer regarding remuneration received over the specified period of time, the employees of the OCMA, with assistance from the State Revenue Service, verify whether the relevant taxes have been paid on the indicated remuneration. Hence, if the person has received "under the table" wages or only did occasional work irregularly, this status cannot be acquired),

Confirmation of the official language skills of the prescribed (A2) level or higher,

The OCMA also verifies whether the person has a place of residence,

A document that confirms payment of the state fee.

The decision on granting of the status of the long-term resident of the EU is passed within three months after submission of all

documents. If the status is applied for by a Latvian non-citizen, the decision is passed within 30 days.

It is required to renew the residence permit one in five years by registering it. To register the residence permit a third country national shall present a valid travel document and payment document that confirms payment of the state fee for the registration of the residence permit.

The state fee:

Review of the documents submitted for application for the status of the long-term resident of the EU in the Republic of Latvia if the foreigner is staying with a valid temporary residence permit:

Within 90 days – EUR 100;

Within 45 days – EUR 200;

Within 10 business days – EUR 400.

Review of the documents submitted for application for the status of the long-term resident of the EU in the Republic of Latvia for a foreigner who was a citizen of Latvia before acquiring citizenship of another country or for a foreigner who is residing in the Republic of Latvia with a valid permanent residence permit:

Within 90 days – EUR 70;

Within 45 days – EUR 140;

Within 10 business days – EUR 210.

Review of the documents submitted for application for the status of the long-term resident of the EU in the Republic of Latvia for a Latvian non-citizen:

Within 30 days – EUR 50;

Within 10 business days – EUR 200.

May a person acquire the status of the long-term resident of the EU in another EU Member State?

Yes, a person who has acquired the status of the long-term resident of the EU in Latvia may, after five years of legal residence in another State, provided he or she is compliant with all necessary criteria, acquire the status of the long-term resident of the EC also in another EU Member State, however, losing with the same the status of the long-term resident of the EC in Latvia. The directive states that such status may be held in one of the EU Member States

The status of the long-term resident of the EU is lost, if:

the person acquires the Latvian citizenship;

the person refuses the status;

the person is deprived of the status.

A third country national may refuse the status, if he or she:

acquires citizenship of another Member State of the European Union, a country of the European Economic Area or the Swiss Confederation;

leaves for permanent residence in another country or has been granted the status of the long-term resident of the European Union in another State.

If the decision is passed regarding losing of the status of the long-term resident of the EU in the Republic of Latvia the residence permit issued to the third country national is annulled.

The person is deprived of the status of the long-term resident of the EU, if:

the person acquires citizenship of another Member State of the European Union, a country of the European Economic Area or the Swiss Confederation and has not refused the status;

the person acquires the status of the long-term resident of the EU in another State and has not refused the status;

the person has provided false information to acquire the status;

the person has without interruption stayed outside the territory of the European Union for 12 months or for 24 months if prior to acquisition of the status the third country national was the holder of the European Union's Blue Card or his/her family member and the absence was related to performance of business activities in the status of an employee or as a self-employed, or voluntary service;

the person has stayed outside the Republic of Latvia for six years without interruption;

the person threatens national security or public order, whereby an opinion of a competent security authority has been received.

A third country national has to report an expected absence to the Office prior to leaving by submitting an application and documents that confirm the necessity of absence (the need for prolonged medical treatment, business travel, enrolment in an educational institution, etc.).

<https://www.pmlp.gov.lv/en/long-term-resident-status-european-community-latvia>