

By-Law of the OCMA

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By-Law of the Office of Citizenship and Migration Affairs

Issued in accordance with Section 16, Paragraph one of the State Administration Structure Law

I. General Provisions

1. The Office of Citizenship and Migration Affairs (hereinafter - Office) shall be the direct administration authority, being under the supervision of the Minister for the Interior.

2. The purpose of the Office shall be to provide the management and implementation of determination of migration, asylum, the legal status of persons, registration of inhabitants and management and implementation of documentation processes corresponding with the interests of the state.

II. Functions, tasks and competence of the Office

3. Functions of the Office shall be implementation of the state policy and ensuring the development in the following areas:

3.1 migration and asylum;

3.2 determination of the legal status of persons;

3.3 registration and documentation of inhabitants;

3.4 issue of personal identification documents and travel documents.

4. In order to implement the determined functions, the Office shall:

4.1 perform the tasks determined in regulatory enactments in the field of determination of migration, asylum and legal status of the persons and registration of inhabitants, as well as in the field of issue of personal identification and travel documents;

4.2 create, maintain and develop the information systems and electronic services necessary for implementation of the administration functions;

4.3 analyze the course of processes for determination of migration, asylum, legal status of persons, registration of inhabitants, issue of personal identification and travel documents, as well as perform studies in the above-mentioned areas and participate therein;

4.4 on the basis of the results acquired from studies referred to in sub-paragraph 4.3 of these rules, perform the measures for development of the policy areas referred to in Paragraph 3 of these rules;

4.5 develop draft regulatory enactments and development planning documents in the field of determination of migration, asylum,

legal status of persons, registration of inhabitants, as well as issue of personal identification and travel documents, and provide opinions on the draft regulatory enactments and development planning documents prepared by other institutions;

4.6 cooperate with the state administration institutions, international and non-governmental organizations and migration services of other countries, organize international meetings and conferences in the areas of activity of the Office, as well as participate in their work, analyze experience of the Republic of Latvia and other countries in solving the issues related with the areas of activity of the Office;

4.7 inform mass media and public on the operation of the Office;

4.8 in accordance with the competence, define the state interests and represent them at the authorities of the European Union and other international institutions;

4.9 participate in the preparation and fulfilment of international agreements;

4.10 perform the tasks of the central service of the member state of the European Image Archiving System (FADO);

4.11 perform the tasks of the national contact point:

4.11.1 in the field of administrative cooperation, in order to implement provisional protection;

4.11.2 for information and documentation exchange with regard to the holders of the European Union Blue Card and their family members;

4.12 perform the tasks of the national contact point:

4.12.1 for cooperation with the European Asylum Support Office on all issues related to the asylum support groups;

4.12.2 for direct cooperation and information exchange between the competent authorities of the member states of the European Union on granting and removal of the international protection status;

4.12.3 for implementation of the effective cooperation and information exchange between the competent authorities of the member states of the European Union on travel and stay conditions for third-country national in relation to the transfer within the framework of the company;

4.12.4 for implementation of effective cooperation and information exchange between the competent authorities of the member states of the European Union regarding entry and stay in relation to research, studies, internship, voluntary and au pair work, student exchange programs or education projects;

4.12.5 in accordance with Regulation (EU) 2019/1157 of the European Parliament and of the Council of 20 June 2019 on strengthening the security of identity cards of Union citizens and of residence documents issued to Union citizens and their family members exercising their right of free movement;

4.13 perform the tasks of the national contact point of the European Migration Network;

4.14 perform the tasks of the competent authority in accordance with Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person;

4.15. performs other tasks specified in regulatory enactments.

5. The Office shall have the following rights:

5.1 to establish working groups and also include experts in the composition thereof;

5.2 to request and receive free of charge information from the State administrative institutions and private persons necessary for the implementation of the functions of the Office, in cases determined by external regulatory enactments;

5.3 to submit applications for the projects of the European Union co-financed programmes and bi-lateral and multi-lateral co-operation financial programmes;

5.4 to provide paid services in the cases determined by regulatory enactments;

5.5 to conduct the administrative violation proceeding in accordance with the procedure determined by regulatory enactments;

5.6 to issue administrative acts in accordance with the procedure determined by regulatory enactments.

III. Structure and Competence of Officials of the Office

6. The Office shall consist of the following structural units:

6.1 departments and the divisions thereof;

6.2 self-dependent central and regional divisions.

7. The Office structural units shall act in accordance with this By-law and regulations of the Office and the relevant structural unit.

8. The Office is administered by a Head. The Head of the Office is an official of the State civil service, performing the functions of the head of an institution of direct administration prescribed by the State Administration Structure Law.

9. The Head of the Office may have deputies

IV. Provision of the Rule of Law in the Activity of the Office and the Reporting on the Activity of the Office

10. The rule of law of the Office shall be ensured by the Head of the Office. The Head of the Office shall be responsible for the establishment and functioning of a system for internal control of the institution and verification of decisions of the Office.

11. Administrative acts issued by or actual action of the officials of the Office may be contested and appealed by the following procedure (if it is not specified otherwise in regulatory enactments):

11.1 the administrative acts issued by or the actual action of an official of the structural unit of the Office may be contested by submitting a relevant submission to the Head of the Office. A decision of the Head of the Office may be appealed to a court;

11.2 administrative acts (excluding the act referred to in Sub-paragraph 11.1 of these Regulations) issued by or the actual action of the Head of the Office may be contested to the Ministry of the Interior. Decision by the Ministry of the Interior may be appealed to a court.

12. The Office shall submit at least once a year to the Ministry of the Interior reports on performance of functions of the Office and use of financial means.

V. Closing Provision

13. To recognize the Cabinet Regulation No 811 "By-law of the Office of Citizenship and Migration Affairs", adopted on 3 October 2006 (*Latvijas Vēstnesis* [The Official Gazette of the Government of Latvia], 2006, No 160, 2008, No 150, 2010, No 40, 2011, No 178) as void.

Prime Minister

A. K. Kariņš

Minister of the Interior

S. Ģirģens

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