Chapter Nineteen

Access to and Loss of Latvian Citizenship

The first draft law adopted was extremely restrictive, introducing a minimal quota for naturalization. The State President, being under international pressure, refused to sign the law.\(^1\) On 22 July 1994 the *Saeima* adopted the Law without quotas but with a timetable that allowed naturalization to start with the youngest applicants for citizenship. This Law is still in force and has been amended only twice, i.e., in 1995 and 1998. More profound were the changes adopted in 1998 which abolished the age groups entitled to apply for citizenship and allowed children to register as citizens if born in Latvia after 21 August 1991 to stateless persons or non-citizens. Further changes are expected when the *Saeima* adopts amendments which are currently being prepared for the final reading.

19.1. **Recognition of Latvian Citizenship**

According to Article 2 of the Citizenship Law, nationals of Latvia are:

- (1) persons who were nationals on the date of occupation and their descendants, unless they had acquired the nationality of another state after Latvia proclaimed its independence on 4 May 1990;
- (2) Latvians and Livs who permanently reside in Latvia, do not hold the nationality of another state or have received an expatriation permit;
- (3) women who permanently reside in Latvia and had lost their nationality according to the Law on Citizenship of 1919 as well as their descendants unless they had acquired the nationality of another state after 4 May 1990;
- (4) naturalised persons;
- (5) children who are found in the territory of Latvia whose parents are unknown;
- (6) orphans living in an orphanage or a boarding school in Latvia;
- (7) children born of parents both of whom were nationals of Latvia at the time of such birth, irrespective of the place of birth of such children;

\(^1\) See below section 19.2.
(8) persons who permanently reside in Latvia and are duly registered and
who have completed a full educational course in general education
schools in which Latvian was the language of instruction, or in mixed lan-
guage schools, if they are not nationals of another state or have received
an expatriation permit.2

This Article asserts that Latvia adheres to the principle of State continuity and
claims to be a nation State. Those who were nationals before occupation and their
descendants retain ratione temporis an unlimited right to register as Latvian citi-
zens. According to Transition provisions the only requirement was to renounce a
nationality acquired in the meantime, if they had not registered by 1 July 1995.3

In order to follow the State continuity principle Latvia is predominantly guided
by the ius sanguinis principle. This is confirmed not only by the provisions already
mentioned but also by the fact that a child is recognized as a citizen if born abroad
to parents who are Latvian. The exception to general ius sanguinis concerns only
those children who are foundlings or who have no parents. These provisions are
in line with rules developed in international law.4 The same applies to the provi-
sion concerning the nationality of women who might have lost Latvian citizens-
ship because of marriage to a foreign national.

From the provisions of Article 2 quoted above no conclusion can be drawn that
it has been applied on the basis of ethnicity, because the 1919 Law on the basis of
which nationals of Latvia had been registered was based on the ius soli principle
irrespective of national origin. Therefore, citizens re-acquired their rights on the

2 Grounds 2, 3, and 8 included in 1995.
3 Detailed discussion on application of respective transition provision on dual citizenship,
see Constitutional Court Judgment No. 2009-94-01, 13 May 2010, paras 15–16. Ziemele Ineta,
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the Supreme Council and Transition provisions of the Citizenship Law those who were Latvian
citizens on 17 June 1940 and their descendants could keep the other citizenship if they registered
by 1 July 1995. Otherwise, dual nationality is, in principle, not permitted in Latvia. However, the
Citizenship Law is ambiguous in this regard. Article 9 provides that a person who acquires Latvian
citizenship cannot be a dual national. Article 9(2) states that where a person is considered to be a
national of another State, in their relations with Latvia the person is considered only to be a citi-
zen of Latvia. Only citizens of the pre-occupation period and their descendants who registered by
1 July 1995 are allowed to preserve dual nationality. But see Judgment of the Civil Cases Court
Chamber of the Supreme Court in case No. C04318208, PAC-0118-12, 16 February 2012 (not final)
where the Court allowed dual nationality in case of Latvian citizen who had acquired Swedish
nationality. Reasoning was based on his merits as scientist, link with Latvia as well as general
interest of Latvia. The reasoning of the Court was clearly contra legem and will be reviewed by the
Senate of the Supreme Court.
4 See sections 7.2. of part II of this volume.