



Satversmes tiesa

Press release

• Case No 2023-04-01 •

28.02.2023

A case has been initiated on the provision concerning the expiry of permanent residence permits and the conditions for obtaining a new permit for citizens of the Russian Federation

On 28 February 2023, at an assignments hearing, the Constitutional Court initiated the case “On Compliance of Paragraph 58 of Transitional Provisions of the Immigration Law with Article 1, the First Sentence of Article 91 and Article 96 of the Constitution of the Republic of Latvia”.

THE CONTESTED PROVISIONS

Paragraph 58 of the Transitional Provisions was included in the Immigration Law by the amendments of 9 September 2022, which entered into force on 24 September 2022. It provides: “A citizen of the Russian Federation who has received a permanent residence permit in accordance with Section 24, Paragraph one, Clause 8 of this Law shall have a permanent residence permit valid until 1 September 2023. If the person wishes to repeatedly obtain a permanent residence, he or she shall submit, by 1 September 2023, a document certifying their mastery of the official language as provided for in Section 24, Paragraph five of this Law. A permanent residence permit shall not be issued to a person if any of the conditions of Section 34, Paragraph one of this Law is fulfilled.”

The amendments, inter alia, removed Section 24, Paragraph one, Clause 8 from the Immigration Law, which provided for the right to apply for a permanent residence permit for a foreigner living in the Republic of Latvia who prior to the acquisition of the citizenship of another country had been a Latvian citizen or a non-citizen of Latvia.

PROVISION WITH A HIGHER LEGAL FORCE

Article 1 of the Constitution of the Republic of Latvia (hereinafter – the Constitution):
“Latvia is an independent democratic republic.”

First sentence of Article 91 of the Constitution: “All human beings in Latvia shall be equal before the law and the courts.”

Article 96 of the Constitution is the following: “Everyone has the right to inviolability of his or her private life, home and correspondence.”

FACTS OF THE CASE

The case was initiated on the basis of an application by Vera Fenchenko, Tatiana Vilkel, Miroslava Pavlyukanets and Anna Sokolova (hereinafter – the Applicants).

The Applicants are citizens of the Russian Federation who have been issued permanent residence permits. According to the contested provision, as of 1 September 2023, the permanent residence permits issued to them will expire. To obtain a permanent residence permit again, the Applicants must submit a document certifying their knowledge of the official language by 1 September 2023.

The contested provision thus allegedly places the Applicants in an unequal situation compared to other former citizens and non-citizens of Latvia who have obtained permanent residence permits in accordance with Section 24, Paragraph one, Clause 8 of the Immigration Law. Moreover, the deprivation of the permanent status granted by the State allegedly infringes their right to inviolability of private life and the principle of the protection of legitimate expectations.

Thus, the contested provision is said to be incompatible with Article 1, the first sentence of Article 91, and Article 96 of the Constitution.

JUDICIAL PROCEDURE

The Constitutional Court has requested the authority which issued the contested act, i.e., the *Saeima*, to submit to the Constitutional Court its written reply presenting the facts of the case and legal basis by **28 April 2023**.

- The term for preparing the case is **28 July 2023**.

The Court shall decide on the procedure and date for hearing the case after the case is prepared.

- The decision on initiation of the case (in Latvian) is available here: https://www.satv.tiesa.gov.lv/wp-content/uploads/2023/03/2023-04-01_lemums_par_ierosinasanu.pdf

This press release has been prepared to inform the society on the work of the Constitutional Court. Further details on the latest developments, cases opened and examined by the Constitutional Court are available on the website of the Constitutional Court www.satv.tiesa.gov.lv. **We invite you to follow the Court's activities on our Twitter account [@Satv_tiesa](#) and our YouTube [channel](#).**

Zanda Meinarte

The Constitutional Court's

Public Relations Specialist

Zanda.Meinarte@satv.tiesa.gov.lv

67830759, 26393803