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If a whole or part of a section has been amended, the date of the amending law appears in square brackets at the end of the section. If a whole section, paragraph or clause has been deleted, the date of the deletion appears in square brackets beside the deleted section, paragraph or clause.

The *Saeima*<sup>1</sup> has adopted and  
the President has proclaimed the following Law:

## **Personal Identification Documents Law**

### **Section 1. Purpose of the Law**

(1) The purpose of the Law is to determine personal identification documents and documents certifying legal status of persons (hereinafter – personal identification document) and documents substituting such documents (hereinafter – temporary document).

(2) The Law prescribes the types of personal identification documents and temporary documents, the procedures for their use, transfer and removal, as well as the rights and obligations of the holder of the personal identification document or temporary document.

### **Section 2. Personal Identification Document**

(1) A personal identification document is a document issued by a State administration institution authorised by legal acts, which certifies the identity and legal status of its holder.

(2) A personal identification document is the property of the Republic of Latvia.

(3) The holder of a personal identification document is the person for whom the personal identification document has been issued.

(4) A personal identification document, which in accordance with international agreements binding upon the Republic of Latvia, this Law and other legal acts grants the right to its holder to cross the external State border of the Republic of Latvia and is intended for travelling abroad, is a travel document.

### **Section 3. Temporary Document**

(1) A temporary document is a document issued by a State administration institution authorised by legal acts, which temporarily substitutes the travel documents for its holder.

(2) The holder of a temporary document is the person for whom the temporary document has been issued.

### **Section 4. Types of Personal Identification Documents**

(1) The types of personal identification documents are as follows:

1) an identity card;

2) a passport.

(2) Personal identification documents, except the documents referred to in Section 5, Paragraph one, Clause 5 of this Law, shall be issued on the basis of the data of the Population Register.

<sup>1</sup> The Parliament of the Republic of Latvia

(3) A personal identification document, except the documents referred to in Section 5, Paragraph one, Clause 5 of this Law, shall include information regarding the person according to the data of the Population Register and biometric data of the person in such amount and format as determined by international legal acts in relation to travel documents.

(4) The Cabinet may determine additional information to be included in the personal identification document.

(5) An official who has not been punished for committing an intentional criminal offence is entitled to carry out any activities, which are related to the issuance of a personal identification document and inclusion of information in a personal identification document.

## **Section 5. Identity Card**

(1) The types of identity cards are as follows:

1) an identity card of a citizen of Latvia;

2) an identity card of a non-citizen of Latvia;

3) an identity card of a citizen of another European Union Member State, Member State of the European Economic Area or the Swiss Confederation (hereinafter – citizen of the Union);

4) an identity card of a third country citizen;

5) an identity card of an employee of a foreign diplomatic or consular representation accredited in Latvia, international organisation or its representation, consular institution or a family member of such employee (hereinafter – identity card of an accredited person).

(2) An identity card of a third country citizen is a residence permit, which is issued in accordance with legal acts governing migration.

(3) An identity card may shall be used as a travel document when going abroad if provided for in international agreements binding upon the Republic of Latvia. If the passport is lost or has become invalid for use, the citizen or non-citizen of Latvia has the right to use the identity card as a travel document in order to return to the Republic of Latvia from a third country, with which a respective international agreement has not been entered into.

(4) Information shall be included in an identity card in electronic form, which is necessary for electronic verification of the identity of the holder of the identity card, as well as for the creation of a safe electronic signature. The Cabinet shall determine the amount and content of the information to be included in the identity card, the procedures for creating, activating, deactivating and updating it, as well as restrictions for use.

(5) An identity card that includes information in electronic form, which is necessary for electronic verification of the identity of the holder of the identity card, as well as for the creation of a safe electronic signature, shall be deemed valid personal identification means for the receipt of electronic services, if in the cases specified in laws and regulations certification of the personal identity is already carried out using the means for authentication included in the smart card of safe electronic signature or of the electronic settlement system of the credit institution.

(6) Identity cards, except identity cards of accredited persons, shall be issued by the Office of Citizenship and Migration Affairs.

(7) Identity cards of accredited persons shall be issued by the Ministry of Foreign Affairs.

(8) Identity card specimens, content, procedures for issue, as well as the term of validity shall be determined by the Cabinet.

(9) A State fee shall be paid for the issuance of an identity card. The amount of the State fee, the payment procedures, reliefs and exemptions from the State fee shall be determined by the Cabinet.

## **Section 6. Passports**

- (1) The types of passports are as follows:
  - 1) a passport of a citizen of Latvia;
  - 2) a passport of a non-citizen of Latvia;
  - 3) a diplomatic passport;
  - 4) a service passport;
  - 5) a travel document for a stateless person;
  - 6) a travel document for a refugee;
  - 7) a travel document for a person who has been granted alternative status in the Republic of Latvia (hereinafter – person who has been granted alternative status).
- (2) The passport is a travel document.
- (3) Passports, except diplomatic passports and service passports, shall be issued by the Office of Citizenship and Migration Affairs.
- (4) Diplomatic passports and service passports shall be issued by the Ministry of Foreign Affairs.
- (5) Diplomatic passports shall be issued in accordance with the Law On Diplomatic Passports.
- (6) The range of persons to whom service passports shall be issued, their specimens, content, procedures for issue, as well as the term of validity shall be determined by the Cabinet.
- (7) Specimens of passports of citizens and non-citizens of Latvia, as well as of travel documents of stateless persons, refugees and persons who have been granted alternative status, their content, the procedures and conditions for issue, as well as term of validity shall be determined by the Cabinet.
- (8) A State fee shall be paid for the issuance of the passport. The amount of the State fee, the payment procedures, reliefs and exemptions from the State fee shall be determined by the Cabinet.

## **Section 7. Types of Temporary Documents**

- (1) The types of temporary documents are as follows:
  - 1) a return certificate;
  - 2) a temporary travel document.
- (2) A temporary document shall temporarily substitute a personal identification document.
- (3) A return certificate may be received by a citizen of Latvia, a non-citizen of Latvia, a person who has been granted the status of a stateless person in the Republic of Latvia and who has a valid residence permit in the Republic of Latvia (hereinafter – stateless person), a person who has been granted the status of a refugee in the Republic of Latvia (hereinafter – refugee), or a person who has been granted alternative status, if the abovementioned person is staying abroad and does not have a valid travel document at his or her disposal.
- (4) A temporary travel document may be received by a citizenship of the Union (except a citizen of Latvia) at whose place of stay in the foreign state there is no diplomatic or consular representation of his or her state of citizenship and who does not have a valid travel document at his or her disposal.
- (5) A return certificate shall be issued so that its holder may return to Latvia or the state of residence within the term of validity of the certificate, crossing the State border of the Republic of Latvia once.
- (6) A temporary travel document shall be issued so that its holder may return to his or her state of citizenship, state of residence or – in exceptional cases – another state (for example, the state of citizenship ensures issuance of a personal identification document to the person at its embassy in another state) within the term of validity of the certificate, crossing the border of the respective state once.
- (7) Temporary documents shall be issued by the Ministry of Foreign Affairs.

- (8) Temporary document specimens and content, the procedures and conditions for issue, as well as the term of validity shall be determined by the Cabinet.
- (9) A State fee shall be paid for the issuance of a temporary document. The amount of the State fee, the payment procedures, reliefs and exemptions from the State fee shall be determined by the Cabinet.

### **Section 8. Information System of Personal Identification Documents**

- (1) The State information system “Information System of Personal Identification Documents” (hereinafter – the Information System of Personal Identification Documents) shall be used for the issuance, accounting and verification of personal identification documents.
- (2) The Office of Citizenship and Migration Affairs shall be the administrator of the Information System of Personal Identification Documents.
- (3) The Cabinet shall determine the information to be included in the Information System of Personal Identification Documents, as well as the procedures for creating, maintaining and using the Information System of Personal Identification Documents.

### **Section 9. Mandatory Nature of a Personal Identification Document**

- (1) An identity card or a passport of a citizen or non-citizen of Latvia is a mandatory personal identification document for a citizen or non-citizen of Latvia accordingly who has attained 15 years of age.
- (2) A person may concurrently have one identity card and one passport at his or her disposal, excluding service passport or diplomatic passport.
- (3) A travel document for a stateless person is a mandatory personal identification document for a stateless person.
- (4) A travel document for a refugee is a mandatory personal identification document for a refugee.
- (5) A travel document for a person who has been granted alternative status is a mandatory personal identification document for a person who has been granted alternative status, if such person does not have a valid travel document and it is not possible to receive it.

### **Section 10. Personal Identification Document for a Person who is Under the Age 15**

- (1) A person who has not attained 15 years of age shall be issued a personal identification document upon request of the legal representative of such person.
- (2) A person who has attained 14 years of age shall receive a personal identification document in person. This condition shall not apply to receipt of an identity card of accredited persons.
- (3) If a person has not attained 14 years of age, the legal representative of such person shall receive his or her personal identification document.
- (4) If a request to issue a personal identification document for a person who has not attained 15 years of age is made or a wish to receive a personal identification document of a person who is under the age of 14 is expressed by a person who is not the legal representative of the respective person, he or she shall present a notarially certified authorisation for the submission of documents or receipt of a personal identification document, which has been issued by the legal representative of the person who is a citizen or non-citizen of Latvia or a citizen of the Union, or a stateless person who has been granted the status of a stateless person in the Republic of Latvia, in a European Union Member State, Member State of the European Economic Area or the Swiss Confederation (hereinafter – stateless person of the Union).
- (5) If a request to issue a personal identification document for a citizen or non-citizen of Latvia who has not attained 15 years of age is made or a wish to receive a personal identification document of a citizen or non-citizen of Latvia who is under the age of 14 is

expressed by his or her legal representative who is a foreigner but is not a citizen of the Union or a stateless person, he or she shall present a notarially certified authorisation of the legal representative of the respective person – citizen or non-citizen of Latvia, or citizen of the Union, or stateless person – for the submission of documents or receipt of a personal identification document.

(6) The authorisation referred to in Paragraphs four and five of this Section may be drawn up in oral form at the Office of Citizenship and Migration Affairs or the diplomatic or consular representation of the Republic of Latvia in the foreign state. The respective institution shall draw up an oral authorisation in writing, and the authorising person shall sign it.

(7) The authorisation referred to in Paragraph four, five or six of this Section is not necessary, if:

1) none of the legal representatives of a citizen or non-citizen of Latvia is a citizen or non-citizen of Latvia, citizen of the Union or stateless person;

2) the legal representative of a citizen or non-citizen of Latvia is not entitled to give such authorisation (for example, he or she has had the custody rights removed) or cannot be reached, or refuses to give a consent, and the Orphan's court has agreed to the departure of the child from the state.

(8) A personal identification document of a person who is under the age of 14 shall not be issued, if:

1) a submission of his or her legal representative has been received with a request not to issue a personal identification document – a month from the day of receipt of the submission;

2) a document confirming that a request has been submitted to the court to take a decision, by which a prohibition to bring out the child from the state is imposed, has been received – until the day when a court decision to prohibit to bring out the child from the state or to refuse to impose such a prohibition enters into effect;

3) a court decision has been taken to prohibit the respective person to leave the state or leave the state until court proceedings are terminated by the final adjudication in the case.

## **Section 11. Identification of a Person**

(1) A person shall be identified until issuance of a personal identification document.

(2) If a citizen or non-citizen of Latvia who has attained 15 years of age receives a personal identification document for the first time, his or her identity upon submitting documents for the issuance of a personal identification document shall be confirmed by his or her legal representative or any of his or her relatives of legal age.

(3) If a refugee or a person who has been granted alternative status receives a personal identification document in Latvia for the first time, the identity of the respective person shall be confirmed by a personal document of an asylum seeker issued by the State Border Guard.

## **Section 12. Obligations of a Holder of a Personal Identification Document or Temporary Document**

(1) A holder of a personal identification document or temporary document has an obligation to keep the respective document so that it would not fall into hands of another person or would not become invalid for use due to a damage.

(2) If a person has not attained 14 years of age, the legal representative of such person shall be responsible for storage of his or her personal identification document or temporary document.

(3) The holder of the personal identification document or return certificate shall notify the issuing authority of the personal identification document or return certificate, the State Police or the State Border Guard regarding losing thereof immediately after establishment of the

fact, but if the holder of the document is in a foreign state – the diplomatic or consular representation of the Republic of Latvia, if there is such in the respective foreign state.

### **Section 13. Transfer of a Personal Identification Document**

(1) A holder of a personal identification document shall, within a month after change in the legal status or expiry of the term of validity of the document, transfer the personal identification document to the issuing authority, but if the holder of the document is in a foreign state – to the diplomatic or consular representation of the Republic of Latvia, if there is such in the respective foreign state.

(2) The legal representative of a person who is under the age of 14 shall, within a month after losing the status of a legal representative, transfer the personal identification document of the abovementioned person to another legal representative, if any, or to the issuing authority of the document, the State Police or the State Border Guard, or to the diplomatic or consular representation of the Republic of Latvia in the foreign state.

(3) If a personal identification document or temporary document has been found, it shall be transferred to the document issuing authority, the State Police or State Border Guard, or to the diplomatic or consular representation of the Republic of Latvia in the foreign state.

(4) A personal identification document of a deceased person, except a diplomatic passport, service passport or identity card of an accredited person, shall be transferred to the General Registry Office.

(5) A diplomatic passport, service passport or certificate of an accredited person of a deceased person shall be transferred to the Ministry of Foreign Affairs.

(6) A personal identification document or temporary document of a person who has died in the foreign state shall be transferred to the diplomatic or consular representation of the Republic of Latvia in the foreign state.

(7) A holder of a return certificate after returning to Latvia shall transfer the return certificate to the Office of Citizenship and Migration Affairs.

(8) The diplomatic or consular representation of the Republic of Latvia, the State Police, the State Border Guard or the General Registry Office shall deliver the transferred personal identification documents or temporary documents to the issuing authorities thereof.

### **Section 14. Removal of a Personal Identification Document**

(1) The issuing authority of a personal identification document or temporary document, an institution authorised thereby, the State Police and the State Border Guard have the right to remove the personal identification document or temporary document without term restrictions, if the person has obtained the document illegally, is using a document, which has become invalid for use in accordance with Section 16, Paragraph one, Clause 6 of this Law, or upon a change in legal status of the person has not transferred the document in accordance with the procedures laid down in Section 13, Paragraph one or two of this Law.

(2) For a person who is detained for committing an administrative violation or criminal offence for a time period exceeding three hours, the personal identification document or temporary document shall be removed by the institution that detained the person. The person has the right to request that removal of the abovementioned document is recorded in writing in accordance with the Latvian Administrative Violations Code and the laws and regulations governing criminal proceedings.

(3) A personal identification document or temporary document that has been removed for a person who has been applied the security measure – detention – or the punishment – deprivation of liberty or arrest, or administrative arrest – shall be handed over to the place of imprisonment of the detained person or convicted person and shall be stored in the file of the respective person.

(4) Upon release of the person, the document removed in the cases referred to in Paragraphs two and three of this Section shall be returned to him or her.

### **Section 15. Restrictions for Use of a Personal Identification Document or Temporary Document**

It is prohibited to perform the following activities involving a personal identification document or temporary document:

- 1) to damage the document, to make notes therein that are not provided for in legal acts or changes in the initial content;
- 2) to remove it (the prohibition shall not apply to the cases referred to in Section 14 of this Law);
- 3) to give or take the document as a pawn;
- 4) to give the document for use to another person;
- 5) to use the personal identification document or temporary document of other person;
- 6) to issue the document to another person, except the cases specified in this Law;
- 7) to use a document that has become invalid for use.

### **Section 16. Personal Identification Document or Temporary Document Invalid for Use**

(1) A personal identification document or temporary document is invalid for use, if:

- 1) the given name or surname of the person has changed;
- 2) the legal status of the person has changed;
- 3) there are damages to the document, due to which it is not possible to visually identify the holder of the document or to read the information indicated therein, or the document does not conform to the specimen specified;
- 4) notes that are not provided for in laws and regulations or changes in the initial content have been made in the document;
- 5) information indicated in the document regarding the holder of the document has changed or inaccuracies in records have been established;
- 6) the holder of the personal identification document or temporary document has notified in writing the loss of the respective document to the State Police or State Border Guard, the document issuing authority or the diplomatic or consular representation of the Republic of Latvia;
- 7) the term of validity of the document has expired;
- 8) a new personal identification document or temporary document has been issued replacing the document;
- 9) the document has not been handed over in accordance with the procedures laid down in Section 13, Paragraph two of this Law.

(2) The Cabinet shall determine the cases when information regarding personal identification documents and temporary documents invalid for use and non-completed forms of such documents shall be included in the State information system "Register of Invalid Documents", the amount of information to be included, the procedures for inclusion and the time periods for storage, as well as the institutions, which shall be granted access to the information included in the register, and the amount of information available to private individuals.

### **Transitional Provisions**

1. With the coming into force of this Law, the Personal Identification Documents Law (*Latvijas Republikas Saeimas un Ministru Kabineta Ziņotājs*, 2002, No. 13; 2004, No. 9; 2005, No. 13; 2006, No. 6, 22; 2007, No. 24; 2009, No. 17), is repealed.

2. Until the date of the coming into force of the respective Cabinet regulations, but no longer than until 1 April 2012, the following Cabinet regulations shall be applicable, insofar as they are not in contradiction with this Law:

1) Cabinet Regulation No. 878 of 22 November 2005, Regulations Regarding the Invalid Document Register;

2) Cabinet Regulation No. 775 of 13 November 2007, Regulations On Passports;

3) Cabinet Regulation No. 2 of 6 January 2009, Regulations Regarding Service Passports of the Republic of Latvia;

4) Cabinet Regulation No. 1258 of 3 November 2009, Regulations Regarding the State Fee for the Issuance of Passports;

5) Cabinet Regulation No. 1420 of 15 December 2009, Regulations Regarding Temporary Travel Documents;

6) Cabinet Regulation No. 1421 of 15 December 2009, Regulations Regarding the Amount of the State Fee for the Issuance of Return Identification Documents or Temporary Travel Documents and the Procedures for Payment of the State Fee;

7) Cabinet Regulation No. 1422 of 15 December 2009, Regulations Regarding Return Certificates.

3. Until electronic registration of voters in the *Saeima* elections, national referendum and signature collection for initiating drafts laws or draft amendments to the Constitution the passport of a citizen of Latvia shall be a mandatory document for execution of the election rights. If there is no valid passport of a citizen of Latvia, an identity card of a citizen of Latvia together with a voter's certificate approved by the Central Election Commission shall be a document for exercising the election rights in the *Saeima* elections taking place in 2014.

[10 May 2012; 14 July 2014]

This Law has been adopted by the *Saeima* on 12 January 2012.

President

A. Bērziņš

Rīga, 1 February 2012