Republic of Latvia

Cabinet

Regulation No. 488

Adopted 26 July 2016

**Procedures by which Minor Asylum Seeker shall be Provided with Opportunities for Acquiring Education**

*Issued pursuant to*

*Section 9, Paragraph seven of the Asylum Law*

1. This Regulation prescribes the procedures by which a minor asylum seeker (hereinafter – the asylum seeker) shall be provided with opportunities for acquiring education in the official language in a State or local government educational institution (hereinafter – the educational institution).

2. The asylum seeker shall be provided with preparation from the age of 5 for the acquisition of basic education and an opportunity to acquire basic education and general education (hereinafter – the general education) in accordance with the laws and regulations regarding the procedures by which the educatees are enrolled in the general educational institutions and expelled from them, and also moved up into the next grade.

3. The commencement of the acquisition of general education shall be ensured for the asylum seeker within three months from the day when an application regarding granting refugee or alternative status is submitted to the State Border Guard.

4. Within ten working days after the day the application regarding granting refugee or alternative status is submitted, the State Border Guard shall inform the Ministry of Education and Science (hereinafter – the Ministry) by post or electronically regarding the address of the place of accommodation or the place of residence of the asylum seeker.

5. If the address of the place of accommodation or the place of residence of the asylum seeker changes, the Office of Citizenship and Migration Affairs shall inform the Ministry about it by post or electronically not later than within ten working days.

6. The general education shall be ensured for the asylum seeker according to his or her place of accommodation – in accredited educational institutions which implement licensed educational programmes in the official language in the relevant level of general education in the neighbourhood of the accommodation centre or the place of residence of the asylum seeker, the place of residence of a guardian appointed by the Orphan’s and Custody Court, a childcare institution or a territorial unit of the State Border Guard, and also in pre-school educational institutions.

7. The Ministry shall determine the educational institution which provides the asylum seeker with the opportunities for the acquisition of general education by co-ordinating it with the founder of educational institution. Co-ordination with the founder shall not be necessary if the acquisition of general education is provided by a State educational institution.

8. The Ministry shall organise the development and issuance of teaching aids suitable for educational programmes for the acquisition of Latvian in order to provide the asylum seeker with the opportunities for the acquisition of general education.

9. The remuneration of teachers for the provision of the acquisition of general education for asylum seekers and teaching aids approved by the Ministry and to be used in the educational process (hereinafter – the list of teaching aids) for the acquisition of general education programmes shall be financed from the State budget resources intended for the current year in the basic budget of the Ministry.

10. In order to register the asylum seeker for the acquisition of general education, the parents, a representative authorised by the Orphan’s and Custody Court or the head of the childcare institution shall submit a relevant application, a copy of the personal document of the asylum seeker and documents attesting education of the asylum seeker (if any) to the Office of Citizenship and Migration Affairs or the State Border Guard if the asylum seeker is accommodated in the territorial unit of the State Border Guard. After receipt of the application and the documents appended thereto the Office of Citizenship and Migration Affairs or the State Border Guard shall notify the Ministry thereof by post or electronically.

11. Within a month after receipt of the application referred to in Paragraph 10 of this Regulation, the Ministry shall inform the applicant regarding the educational institution in writing.

12. Within a month after receipt of the information referred to in Paragraph 11 of this Regulation, the parents of the asylum seeker or a representative authorised by the Orphan’s and Custody Court, or the head of the childcare institution shall submit an application to the head of the educational institution determined by the Ministry regarding enrolling of the asylum seeker in the educational institution.

13. The head of the educational institution shall evaluate the application referred to in Paragraph 12 of this Regulation, the compliance of education acquired by the asylum seeker with the requirements of general education programmes of Latvia, if necessary, inviting the asylum seeker, teachers of subjects, the parents of the asylum seeker or a representative authorised by the Orphan’s and Custody Court, or the head of the childcare institution, and shall take a decision on enrolling of the asylum seeker in the educational institution.

14. In order to provide the asylum seeker with the general education, the educational institution shall conclude an agreement with the Ministry regarding granting of financing. An estimate of expenditure regarding expenditure items for the provision of remuneration for teachers and the list of teaching aids approved by the head of the educational institution shall be appended to the agreement.

15. The educational institution shall, until commencement of the acquisition of education, develop an in-depth plan for the acquisition of subjects by the asylum seeker for a period of time which is determined in the agreement referred to in Paragraph 14 of this Regulation regarding granting of financing.

16. The asylum seeker shall be provided with an opportunity to finish the commenced acquisition of general education also after reaching the age of 18 years.

17. The Ministry is entitled to request information from the head of the educational institution regarding provision of education opportunities for the asylum seeker and to control the utilisation of the State budget funds under the submitted reports in accordance with the laws and regulations in force regarding earmarked grants of the State budget for work remuneration of teachers.

18. Within seven working days after the entering into effect of the decision on granting or refusing to grant refugee or alternative status, the Office of Citizenship and Migration Affairs shall inform the Ministry thereof by post or electronically. The Ministry shall, within seven working days after the receipt of the abovementioned information, inform the educational institution in writing regarding the termination of the agreement referred to in Paragraph 14 of this Regulation.

19. The educational institution shall, within a month after the termination of the agreement referred to in Paragraph 14 of this Regulation, submit to the Ministry an acceptance and transfer act approved by the director of the educational institution and a report on the execution of the individual plan.

**Informative Reference to European Union Directive**

This Regulation contains legal norms arising from Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection.

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