

# Obligation to declare domicile address (3/49/20)

Under the Constitution every individual legally staying in the territory of Latvia is free to travel and choose a domicile.<sup>1</sup> The domicile is a place freely chosen by the person and linked to real estate – the address the person will reside at and be reachable in their legal relationship with the state and the municipality. We are increasingly hearing questions such as who is required to declare their domicile address in Latvia, why and when. This article provides answers to these and other questions.

## Why a domicile address needs declaring

The obligation to declare a domicile address ensures the person can be reached at that address, up-to-date domicile details are available from registers of national significance such as the Register of Residents, and a simplified procedure can be used for giving domicile details, including electronically.<sup>2</sup> Case law recognises that the real purpose of declaring a domicile address has to do with the public legal relationship between the individual and the state or the municipality, i.e. the person's right to receive any information addressed them at the place of their choice.<sup>3</sup>

## Who is required to declare a domicile address?

Section 6(1) of the Declaration of Domicile Act imposes the obligation to declare a domicile address on –

1. Latvian citizens;
2. non-citizens;
3. citizens of an EU member state, an EEA country, or Switzerland;
4. third-country nationals; and
5. stateless persons.

EU/EEA and Swiss citizens and third-country nationals liable to declare their domicile address in Latvia should consider the following aspects:

- The obligation to declare a domicile address lies only with EU/EEA and Swiss citizens that hold an EU citizen's registration certificate or permanent residence permit in Latvia.  
The obligation to declare a domicile address extends to their family members if an EU/EEA or Swiss citizen's family members hold an EU citizen's family member's residence permit or permanent residence permit;
- The obligation to declare their domicile address in Latvia extends to third-country nationals and their family members that hold a temporary or permanent residence permit in Latvia.  
However, any third-country nationals entering and staying in Latvia on a visa need not declare a domicile address in Latvia.

## When must a domicile address be declared?

A domicile address must be declared within one month after the person permanently settles at their new domicile.

## Where must a domicile address be declared?

A domicile address can be declared on [www.latvija.lv](http://www.latvija.lv) or at the municipal agency for domicile declarations

in charge of the area that includes the domicile address, or at the Citizenship and Migration Office (“CMO”) – only foreign nationals and stateless persons.

How much does it cost?

As stated above, a domicile address can be declared electronically on [www.latvija.lv](http://www.latvija.lv) free of stamp duty.<sup>4</sup> A stamp duty of EUR 4.27 is payable by someone declaring their domicile address in person at the CMO or the municipal agency for domicile declarations.<sup>5</sup>

Finally we must add that the agencies for domicile declarations or municipalities have the power to verify the details declared.<sup>6</sup> Failure to provide information, improper provision of information or provision of false information on the declared domicile address attracts a fine of up to EUR 700.<sup>7</sup> Failure to declare a domicile address attracts a warning or a fine of up to EUR 350.<sup>8</sup>

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<sup>1</sup> Section 97 of the Constitution

<sup>2</sup> Annotation to the Declaration of Domicile Bill

<sup>3</sup> Supreme Court Civil Division Ruling C15233815 SKC-304/2020 of 7 July 2020, paragraph 8.

<sup>4</sup> The Cabinet of Ministers’ Rule No. 720 of 30 June 2009, Stamp duty on registering details of declared domicile: levels, payment terms and reliefs, paragraph 4.7

<sup>5</sup> Ibid, paragraph 2

<sup>6</sup> Section 11(1) of the Declaration of Domicile Act

<sup>7</sup> Section 3(1) of the Administrative Penalties Act for breaches of government, public order and the use of the national language

<sup>8</sup> Section 16 of the Declaration of Domicile Act