

Temporary residence permit and EU Blue Card: five differences (1) 1/22/20

What is it that differentiates a temporary residence permit from an EU Blue Card? While both documents allow a foreign national to spend a certain period in Latvia, there are essential differences that need to be considered when choosing either of them. This article explores five key differences between the temporary residence permit and the EU Blue Card.

Grounds for staying in Latvia

Given the shortage of labour in Latvia, employers often seek out foreign nationals. However, before they can enter into an employment contract, they need to obtain a basis for staying and being employed in Latvia. A visa will do for any short stay. If a long stay is expected, the foreign national has a choice between applying for a temporary residence permit ("TRP") or an EU Blue Card. Both documents are temporary residence permits that may be obtained with the right to employment, yet there are five differentiators.

1. Education or work experience requirements and advantages

The temporary residence permit

This document allows a foreign national to stay in Latvia for up to five years. A TRP for spending that period in Latvia may be sought by a foreign national having –

- a qualification in the speciality prescribed by their employment contract if the occupation is a regulated one;¹ or
- an appropriate education in the speciality prescribed by the employment contract; or
- three years' experience in the required occupation if it is not a regulated one.²

When preparing a summons, which is the precondition for inviting a foreign national to work in Latvia and for obtaining a TRP, the rules on residence permits provide that the employer must file with the Citizenship and Migration Office ("CMO") a copy of a document recognising the foreign national's qualification, a legalised document of their education, or a document confirming three years' experience.

The EU Blue Card

This card is a TRP that is issued only to highly qualified foreign nationals to be employed by an employer in Latvia. To qualify, the foreign national must have –

- a higher education in a programme of studies running for a minimum of three years in the industry prescribed by their employment contract; or
- at least five years' occupational experience in the speciality or industry prescribed by their employment contract.³

Again, a summons must be filed with the CMO to employ the foreign national seeking an EU Blue Card. A foreign national applying for an EU Blue Card for employment with an employer in Latvia in an occupation that falls into the first or the second core group of the Classification of Occupations⁴ may not have acquired a higher education in a minimum three-year programme of studies in the speciality or industry

prescribed by their employment contract, yet the foreign national may be employed in Latvia on the basis of at least five years' occupational experience. In that case, along with the summons, the employer must submit to the CMO a statement of the foreign national's occupational experience in the occupation and industry they will be employed in Latvia.

2. Registering a vacant job with the National Employment Agency

The temporary residence permit

Before a foreign national seeking a TRP can be employed in Latvia under an employment contract, the employer is required under the Cabinet of Ministers' rules on employing foreign nationals⁵ to announce a vacant job on the National Employment Agency's Portal for CVs and Vacancies for a minimum of ten working days. If no Latvian resident meeting the requirements published in the vacancy has come forward when this time limit expires, the employer may file a summons with the CMO to invite the foreign national for work in Latvia.

The EU Blue Card

When inviting a foreign national that seeks an EU Blue Card, the employer is not required to announce a vacant job on the national portal, so the process of obtaining the EU Blue Card is shortened by ten working days.

(to be completed)

¹ The Prescribed Occupations and Recognition of Professional Qualifications Act. Latvijas Vēstnesis, 105, 06.07.2001.

² The Cabinet of Ministers' Rule No. 564 of 21 June 2010, Residence permit rules, paragraph 16.3. Latvijas Vēstnesis, 101, 29.06.2010.

³ Section 1(2.1) of the Immigration Act. Latvijas Vēstnesis, 169, 20.11.2002.

⁴ The Cabinet of Ministers' Rule No. 264 of 23 May 2017, Classification of occupations, baseline tasks consistent with an occupation, and basic qualification requirements. Latvijas Vēstnesis, 104, 29.05.2017.

⁵ The Cabinet of Ministers' Rule No. 55 of 28 January 2014, Employment of foreign nationals. Latvijas Vēstnesis, 31.