

Temporary residence permit and EU Blue Card: five differences (2) 1/23/20

This article finishes off [what we posted last week](#).

3. Minimum pay to employ a foreign national in Latvia

A temporary residence permit

An employer wishing to employ a foreign national in Latvia has to satisfy the minimum pay requirement and match the monthly average gross employment pay in the previous year according to the latest information published by the Central Statistical Office ("CSO"). According to CSO statistics for 2019, the average pay before taxes in Latvia was EUR 1,076 so this is the minimum pre-tax amount payable to a foreign worker. Employers should monitor information published by the CSO, as the monthly average gross pay for the previous year may change on 1 April each year.

An EU Blue Card

The amount payable to a foreign national seeking an EU Blue Card is based on the average pay for the previous year after applying a coefficient of 1.5 (or 1.2 if the foreign worker is to be employed in a "missing" occupation¹). Accordingly, from 1 April 2020 the amount payable to someone seeking an EU Blue Card must be at least EUR 1,614 (or EUR 1,291.2 if the foreign worker's occupation is on the "missing" list).

4. Stamp duty for handling documents at the Citizenship and Migration Office ("CMO")

After receiving approval for the summons, the foreign national has to file additional documents with the CMO regardless of whether it is a temporary residence permit or an EU Blue Card they are applying for. The different amounts of stamp duty payable when seeking a temporary residence permit or an EU Blue Card are prescribed by the Cabinet of Ministers' Regulation.²

A temporary residence permit

The rates of stamp duty for handling documents when seeking a temporary residence permit are:

EUR 100	EUR 200	EUR 400
within 30 days	within 10 days	within 5 days

An EU Blue Card

The rates of stamp duty for handling documents when seeking an EU Blue Card are:

EUR 100	EUR 200
within 10 days	within 5 days

As you can see, when applying for an EU Blue Card there are only two time limits for handling documents and the stamp duty is lower than what is charged for handling documents within the same time limit when seeking a temporary residence permit.

5. Length of stay in Latvia and implications after the end of employment

A temporary residence permit

A foreign national may seek a temporary residence permit for an employment period of up to five years. The permit will be issued for the duration of employment, i.e. for the period of the foreign worker's employment contract with the employer in Latvia. Once the employment period specified by the employment contract expires (in the case of a fixed-term contract) the foreign worker must leave Latvia, unless there is another legal basis allowing them to stay. However, if the foreign worker's employment relationship with the employer in Latvia is terminated before the expiry of the permit and of the employment period specified by the contract, the worker and the employer have three working days to notify the CMO of the termination. The CMO will make a decision to cancel the permit and will name the date the foreign worker must leave Latvia. Any foreign national is allowed to spend a maximum of 45 days in Latvia after their temporary residence permit is cancelled.³

An EU Blue Card

This card, too, can be issued to a foreign worker for the duration of employment in Latvia, capped at five years. A key difference from the temporary residence permit is where the foreign national seeks an EU Blue Card for a period of up to one year. The card will be issued and remain valid three months longer than the employment period in Latvia.⁴ The card will not be cancelled for three months after the end of the employment relationship, and the foreign national may claim unemployment benefit for those three months. Any foreign national staying in Latvia with a valid EU Blue Card is covered by the Unemployed and Jobseekers Support Act.

¹ The Cabinet of Ministers' Rule No. 108 of 20 February 2018 on specialities (occupations) in which a significant shortage of labour is forecast and foreigners can be invited to work in Latvia. Latvijas Vēstnesis, 47, 06.03.2018.

² The Cabinet of Ministers' Rule No. 557 of 12 September 2017 on stamp duty for examining documents required for applying for a visa, a residence permit or EU permanent resident status in Latvia and related services. Latvijas Vēstnesis, 187, 20.09.2017.

³ The Cabinet of Ministers' Rule No. 564 of 21 June 2010, Residence permit rules, paragraph 100. Latvijas Vēstnesis, 101, 29.06.2010.

⁴ Section 23(1)(6) of the Immigration Act. Latvijas Vēstnesis, 169, 20.11.2002.