

Employing third country nationals in Latvia: from idea to execution (2) (3/33/18)

To pick up where we left off last week about a foreign national's lawful entry and employment in Latvia, this article explores the steps to be taken at the Latvian embassy in either the foreigner's residence country or the one nearest to it, after the Latvian Citizenship and Migration Office (CMO) has approved the invitation.

Filing documents with the embassy

Once the invitation has been approved, the foreigner should book a visit to the Latvian embassy in their country of residence or the one nearest to it. Documents should be filed with the embassy –

1. to take out a visa for short-term or irregular employment of up to 90 days in a 180-day period after the entry in Latvia, or
2. to apply for a temporary residence permit if employment in Latvia exceeds 90 days in a 180-day period after the entry.

The embassy has two weeks to review a visa application. If all the documents are drawn up and submitted correctly, the foreigner will be granted a visa with the right to be employed, and they may enter Latvia.

The process of reviewing documents is more complicated and time-consuming where a temporary residence permit is being sought. The foreigner should file not only a completed questionnaire, a photo, and an insurance policy, but also a certificate of no criminal record, a copy of their employment contract or contract for services, and a copy of their tenancy agreement or any other document confirming their proposed place of living in Latvia under paragraph 28 of the Cabinet of Ministers' Regulation No. 564 on residence permits.

The embassy has seven days to forward the documents to the CMO, where the time limit for reviewing them depends on how much stamp duty has been paid at the embassy:

- EUR 400 within five working days;
- EUR 200 within ten working days;
- EUR 70 within 30 days.

If the CMO decides to grant a temporary residence permit, the foreigner should again book a visit to the Latvian embassy to file a visa application. The embassy has two weeks to review the application and decide to grant the foreigner a visa for taking out a temporary residence permit. A visa is valid for 30 days, within which the foreigner should enter Latvia and settle the remaining formalities associated with taking out a temporary residence permit, i.e. presenting an insurance policy and filing a Latvian medical institution's certificate confirming that the foreigner does not have tuberculosis, with the CMO.

A temporary residence permit with the right to be employed by a particular Latvian employer will be granted for the period of employment but not to exceed five years under section 23(6) of the Immigration Act. Only if the worker has spent at least five uninterrupted years in Latvia with a temporary residence permit may they apply for a permanent residence permit.

As you can see, the road from the idea of employing a foreign national to his actual entry in Latvia is quite

long and complicated, and so the employer should evaluate all the pros and cons before inviting a foreign national. Given the shortage of highly skilled workers in Latvia, on 18 May 2018 the Ministry of Economics presented a list of occupations in which there is considerable shortage of labour and foreign workers might be brought in on easy terms.¹ So we might expect some legislative amendments soon that will make it easier to employ foreign nationals in Latvia.

¹ Easy terms for bringing in highly skilled workers from abroad - a solution to labour shortage in certain occupations
<https://www.em.gov.lv/lv/jaunumi/14946-atviegloti-nosacijumi-augsti-kvalificetu-specialistu-piesaistei-no-arvalstim-risinajums-darbaspeka-trukumam-atseviskas-profesijas>