

**TRANSLATION OF THE CRUCIAL PROVISIONS
OF THE DIRECTIVE TEMPORARY PROTECTION 2001/55/EC¹**

by Juris Gromovs
jurisgromovs@yahoo.com

Article 5, §1: The existence of a mass influx of displaced persons shall be established by a Council Decision adopted by a qualified majority on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council.

Translation:
Not transposed

Article 5, §3: The Council Decision shall have the effect of introducing temporary protection for the displaced persons to which it refers, in all the Member States, in accordance with the provisions of this Directive. The Decision shall include at least:

- (a) a description of the specific groups of persons to whom the temporary protection applies;
- (b) the date on which the temporary protection will take effect;
- (c) information received from Member States on their reception capacity;
- (d) information from the Commission, UNHCR and other relevant international organisations.

Translation:

Section 44 of the Asylum Law:

“(1) Temporary protection is the right granted to a group of persons to reside in the Republic of Latvia for a specified period of time if such persons need protection and they are or have been forced to leave the country of their citizenship or, if the persons are stateless persons, their country of former residence due to:

- 1) ethnic conflict, or
- 2) civil war.

(2) The Cabinet shall issue an order to grant temporary protection to a group of persons, determining their total number, the time period of residence, and accommodation procedures in the Republic of Latvia, and the necessary financing, as well as the procedures according to which persons who has been granted temporary protection shall cross the State border of the Republic of Latvia.

¹ The directive in Latvia transposed both in the current Asylum Law in force and in the Draft Asylum Law (adopted in 1st reading in the Parliament of Latvia). Therefore the translation of the national norms is provided on the basis of the current Asylum Law, since the new Asylum Law has not been finally adopted yet.

(3) The social mix of the group of persons referred to in Paragraph one of this Section shall be determined by the Department in co-operation with the United Nations High Commissioner for Refugees.”

Article 8, §1: The Member States shall adopt the necessary measures to provide persons enjoying temporary protection with residence permits for the entire duration of the protection. Documents or other equivalent evidence shall be issued for that purpose.

Translation:

Para. 2, Section 44 of the Asylum Law: “ The Cabinet of Ministers shall issue an order to grant temporary protection to a group of persons, determining their total number, the time period of residence, and accommodation procedures in the Republic of Latvia, and the necessary financing, as well as the procedures according to which persons who has been granted temporary protection shall cross the State border of the Republic of Latvia.”

Para. 1, Section 45 of the Asylum Law:

“An identity card shall be issued to persons who have been granted the right to reside in the Republic of Latvia for a specified period of time in accordance with Paragraph one, Section 44 of this Law [persons, who were granted temporary protection], and the form and procedures for issuing such identity cards shall be determined by the Cabinet of Ministers.”²

Article 8, §3: The Member States shall, if necessary, provide persons to be admitted to their territory for the purposes of temporary protection with every facility for obtaining the necessary visas, including transit visas. Formalities must be reduced to a minimum because of the urgency of the situation. Visas should be free of charge or their cost reduced to a minimum.

Translation:

Para 2, Section 44 of the Asylum Law:

“The Cabinet of Ministers shall issue an order to grant temporary protection to a group of persons, determining their total number, the time period of residence, and accommodation procedures in the Republic of Latvia, and the necessary financing, as well as the procedures according to which persons who has been granted temporary protection shall cross the State border of the Republic of Latvia.

Article 9: The Member States shall provide persons enjoying temporary protection with a document, in a language likely to be understood by them, in

² the details of the issuance and format of the identity documents are regulated by the by-law- the Governmental Regulations Nr. 410 regarding the Personal Identity Document of Persons, Who Were Granted the Alternative Status and the Personal Identity Document of Persons, Who Were Granted the Temporary Protection.

which the provisions relating to temporary protection and which are relevant to them are clearly set out.

Translation:

Para 2, Section 44 of the Asylum Law:

“The Cabinet of Ministers shall issue an order to grant temporary protection to a group of persons, determining their total number, the time period of residence, and accommodation procedures in the Republic of Latvia, and the necessary financing, as well as the procedures according to which persons who has been granted temporary protection shall cross the State border of the Republic of Latvia.”

Article 17, §1:

1. Persons enjoying temporary protection must be able to lodge an application for asylum at any time.

Translation:

Not transposed

Article 17, §2:

2. The examination of any asylum application not processed before the end of the period of temporary protection shall be completed after the end of that period.

Translation:

Not transposed