

# Chapter 17

## Diaspora Policies, Consular Services and Social Protection for Latvian Citizens Abroad



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### 17.1 Introduction

In this chapter, I will demonstrate that policies for citizens abroad are largely shaped by ethnic identity arguments. While diaspora policies are new and are trying to embrace all who are willing to belong to Latvia, ethnic underpinnings are still strong. Besides, social protection policies for citizens abroad are very limited.

The chapter proceeds as follows. Firstly, I will explain diaspora characteristics, main emigration waves and destination countries. Further, I will describe the infrastructure of the key institutions involved in diaspora policy planning and main engagement policies. Secondly, I will analyse social protection policies across five main policy areas: unemployment, health care, pensions, family-related benefits and support in cases of economic hardship. Finally, I will provide the main conclusions in relation to diaspora and social protection realities in Latvia, while also explaining why ethnic arguments dominate in Latvia's engagement with its citizens abroad.

### 17.2 Diaspora Characteristics and Home Country Engagement

This part of the chapter presents the general institutional framework by which Latvian authorities interact with the Latvian 'diaspora' abroad. The term 'diaspora', in fact, started circulating in the political and public discourses only in the late 2010s. The term has a clear political incentive for emigrants and government

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institutions – to move away from the term ‘migrants’ with its negative and excluding connotations (Lulle 2018). Although emigration took place in waves before and during the two World Wars, paradoxically, the term ‘diaspora’ was not in use until recently. This discursive shift is clearly related to attempts to establish a diaspora policy and to engage with Latvians abroad who have long and meaningful ties with Latvia.

### ***17.2.1 The Latvian Diaspora and Its Relations with the Homeland***

Latvia is an emigration country. More than 400,000 people have emigrated from Latvia between 2000 and 2017 (OCMA 2018). This accounted for 17% of Latvia’s population in 2000. Hence, the resident population – i.e. the number of inhabitants in Latvia – has been rapidly declining and stood at 1.9 million at the beginning of 2018.

The country has experienced several large emigration waves during the twentieth and early twenty-first centuries. In the early twentieth century, emigration consisted in movements of refugees towards Russia during World War I or migration for opportunities in the agricultural sector. Most notably, the next emigration wave consisted of political exiles during World War II. Deportations (especially in 1941 and 1949) forcibly relocated individuals from Latvia to Siberia. Migration to Russia occurred also during the USSR and after the state independence was re-established in 1991 (Lulle 2018). The estimated number of Latvians in Russia is around 15,000 (Vlasova 2014).

Beyond Russia, another notable twentieth century emigration wave comprises that of a religious group of more than 2300 Baptists who emigrated to Brazil. Descendants of emigrants are still active diaspora nowadays, as it is estimated that around 20,000 people of Latvian origin still live in Brazil.

After World War II, the main diaspora destinations were Germany (around 142,000 refugees were settled there in 1940s), the United States (around 38,000 refugees, mainly from Germany, went to the US in 1940s and 1950s), Canada (around 26,000 refugees arrived in 1940s and 1950s), Australia (around 20,000 refugees in 1940s and 1950s), the United Kingdom (around 18,000 refugees arrived in 1940s and 1950s) and Sweden (4500 refugees in 1940s) (Lulle 2018; Veigners 2015).

More recently, a broad spectrum of labour and, to lesser extent, lifestyle migrants who emigrated after Latvia joined the European Union (EU) has increased yet again emigration. Today, the main countries of residence of the old diaspora and the new Latvian emigration are the United Kingdom (around 100,000), the United States (96,000), Germany (30,000) and Sweden (30,000). The most recent flows have however concentrated towards two new destinations countries: Ireland (30,000) and Norway (11,000) (Veigners 2015; OCMA 2018; MFA 2018; Lulle 2018).

## 17.2.2 *Diaspora Infrastructure*

The main actor in the diaspora policy framework is the Ministry of Foreign Affairs (MFA) and its network of diplomatic missions and consulates.<sup>1</sup> The Ministry of Foreign Affairs coordinates overarching diaspora policies. The latter are subordinated to a broader policy planning document “The Guidelines on National Identity, Civil Society and Integration Policy for 2012–2018”,<sup>2</sup> which defines cooperation with diaspora. The Ministry of Culture oversees the implementation of these guidelines. The document assigns the responsibility for diaspora policies to the Ministry of Culture, the Ministry of Foreign Affairs, the Ministry of Education and Science, the Ministry of Economy, and other public institutions. These institutions, together with non-governmental Latvian diaspora organisations and communities, form a permanent Diaspora Policy Working Group under the Ministry of Foreign Affairs. It is to be noted that, while it is not a state institution, the World Federation of Free Latvians and European Latvian Association acts as an umbrella organisation. It has, however, a structural link to the Latvian government authorities, as their representatives are permanent members of the diaspora working group and both organisations take active part in policy planning back in Latvia.

The Diaspora Policy Working Group was established in October 2013<sup>3</sup> and a post of an ambassador at large in cooperation with diaspora was established. The four main areas for this group are defined as follows: (1) facilitating the civic and political engagement of the diaspora; (2) preserving the diaspora’s bonds with Latvia and the Latvian identity; (3) promoting cooperation with the diaspora in business, science, education, and culture; and (4) providing support for those who wish to return to Latvia. Besides, a first pilot project to provide information and support for returnees was launched in 2018 by the Ministry of Environmental Protection and Regional Development. Hence, this ministry has also joined as a player in the whole diaspora infrastructure. Latvia has more than 100 honorary consulates across all continents. For instance, in the UK, the most popular destination country of recent Latvian migrants, there are eight honorary consulates. Mobile consular services are also provided by the embassies.

<sup>1</sup>MFA. (2014). Diaspora Policy in Latvia. Available <http://www.mfa.gov.lv/en/policy/2014-12-22-11-41-00/diaspora-policy-in-latvia>. Accessed 2 March 2019.

<sup>2</sup>MC. (2012). “The Guidelines on National Identity, Civil Society and Integration Policy for 2012–2018”, Riga: Ministry of Culture, [https://www.km.gov.lv/uploads/ckeditor/files/Sabiedribas\\_integracija/Petijumi/En\\_Pamatnostad.pdf](https://www.km.gov.lv/uploads/ckeditor/files/Sabiedribas_integracija/Petijumi/En_Pamatnostad.pdf). Accessed 2 March 2019.

<sup>3</sup>MFA. (2014). “On Cooperation of the Foreign Ministry with the Diaspora in 2013–2015,” Informational report, Ministry of Foreign affairs, Republic of Latvia. State Chancellery (2015) Work placement programme for diaspora youth, State Chancellery, Republic of Latvia, 2015.

### 17.2.3 Key Engagement Policies

The main engagement policies of Latvia with its population abroad are related to: (1) voting and political participation of Latvians abroad; (2) language and education and; (3) return migration support. None of these areas are dealing directly with the social protection of citizens abroad. The latter, however, includes social policy elements in relation to return to the homeland.

Voting rights and dual citizenship are important general policies that shape the Latvian state's relations with its diaspora. Immediately after the restoration of independence in 1991, Latvia issued regulations regarding citizenship and naturalisation (Augstākā Padome 1991).<sup>4</sup> Those who themselves or their ancestors were citizens of Latvia until 17 June 1940 (when the Soviet Union annexed Latvia), were granted the Latvian citizenship automatically. Others, who arrived in Latvia after 17 June 1940, were given the status of non-citizens<sup>5,6</sup>. When it comes to non-citizens in Latvia, their position and rights are considered closer to that of citizens than of stateless persons, although non-citizens have no voting rights and face restrictions with regard to a number of professional occupations, mostly in the public sector. Most importantly, non-citizens have more limited opportunities to benefit from the right to free movement in the EU than mobile Latvian citizens.<sup>7</sup> Conversely, non-citizens have greater facilities to travel to Russia compared to Latvian citizens.<sup>8</sup> In spite of these differences, non-citizens who reside abroad have equal access to consular protection as Latvian citizens abroad, although they cannot vote in general elections and referendum.

<sup>4</sup>Augstākā Padome. 1991. "Decision on restoration of citizenship and main principles of naturalisation", Riga: Parliament of the Republic of Latvia "Lēmums Par Latvijas Republikas pilsoņtiesību atjaunošanu un naturalizācijas pamatnoteikumiem". Riga: Parliament of the Republic of Latvia Available <http://likumi.lv/doc.php?id=69914> Accessed 2 March 2019.

<sup>5</sup>Non-citizens had to go through the naturalisation process "by which all permanent residents of Latvia may become citizens and establishes the requirements that applicants for citizenship need to fulfil," most notably, Latvian language and history knowledge (MFA 2014c). MFA. 2014c. "Citizenship Law". Available <http://www.mfa.gov.lv/en/policy/society-integration/citizenship-in-latvia/citizenship-law> Accessed 2 March 2019.

<sup>6</sup>Law on former USSR citizens. (1995). Law on the status of those former USSR citizens who do not have the citizenship of Latvia or that of any other state, Riga: Parliament of the Republic of Latvia Available <http://likumi.lv/doc.php?id=77481> Accessed 2 March 2019.

<sup>7</sup>MFA. n.d. Ministry of Foreign Affairs, Republic of Latvia. All list of countries where Latvian citizens can travel without visas, <http://www.mfa.gov.lv/konsulara-informacija/celotajiem/arvalstis-dzivojosajiem/valstu-un-teritoriju-saraksts-uz-kuram-var-doties-bez-vizas-vai-ieprieks-sanemot-ieceļošanas-atļauju>. Accessed 2 March 2019.

<sup>8</sup>When Latvia joined the EU, non-citizens needed visas to travel to the EU. After 2007, they were able to travel without visa except for non-citizens who still must acquire work permits in other EU countries. While citizens of Latvia can travel to 102 countries without applying for a visa, non-citizens can do so only to 43 countries (MFA, n.d.). For entering in non-Schengen Ireland and the UK, non-citizens have to apply for a visa. A different asymmetry comes into force with respect to Russia: while citizens of Latvia must apply for a visa for travelling to Russia, non-citizens can travel without a visa. (for further details, see Lulle and Jukane-Hobein 2017)

Until 1995, exiles and their descendants who were living outside Latvia's territory between 1940 and 1991 and had obtained the nationality of another state (especially Australia, Canada, Germany, the UK, the US or Sweden) could apply for the Latvian citizenship without renouncing the other citizenship. As a result, approximately 30.000 persons obtained dual citizenship (Birka 2015, 55–56; Lulle and Jurkane-Hobein 2017). After 1 July 1995, this window of opportunity for dual citizenship was closed. Latvians abroad who wanted to obtain the Latvian citizenship had to give up their other citizenship and this system continued until 1 October 2013.<sup>9</sup> The purpose of the amendments of the Citizenship Law in 2013 were “to recognise dual citizenship in compliance with the political objectives and interests of the State of Latvia and to retain the aggregate of the citizens of Latvia under increased mobility conditions” (Citizenship Law 1994, Section 1).<sup>10</sup> The general principles of the dual citizenship acquisition were stated as follows:

Latvian citizenship shall be retained for a Latvian citizen who has:  
 acquired citizenship of another Member State of the European Union or Member State of the European Free Trade Association; another Member State of the North Atlantic Treaty Organisation; the Commonwealth of Australia, Federative Republic of Brazil or New Zealand; such country with which the Republic of Latvia has entered into an agreement regarding recognition of dual citizenship (Citizenship Law, Section 9).

While stating multiple exceptions, these general principles excluded dual citizenship with Russia. Citizens and dual citizens can vote in national elections and referendums abroad, although this does not apply for non-citizens. Citizens abroad can vote in person or by post. No registration at consulates is required if a person votes on an election/referendum day in person. Registration at consulates is required if a person wants to vote by post. In addition, consular departments try to maintain lists of contact details of those who want to register voluntarily.

The registration data regarding the Latvian population abroad is not fully reliable as it is common for Latvian citizens abroad to still appear as residents in Latvia. A law on population register stipulates to de-register from Latvia after 3 months, but there are few incentives to de-register. The Diaspora Law (2018)<sup>11</sup> envisages an

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<sup>9</sup> However, between 1 July 1995 and 1 October 2013, and especially after Latvia joined the EU and Latvian nationals emigrated in larger numbers to EU countries, a liminal practice existed in Latvia: if parents, one being a citizen of Latvia, wanted to obtain dual citizenship for their child, this was allowed in certain cases as an exception to the law. For example, if a parent was a citizen of a country which permits dual citizenship, parents could first apply for a Latvian citizenship to their child and then later to the second citizenship, e.g. in the UK. Such situation with dual citizenship for children could exist until a child reaches 16 years and applies for a passport. If Latvia had not introduced dual citizenship in 2013, these children would have had to choose only one citizenship.

<sup>10</sup> Citizenship law (1994). Riga: Parliament of the Republic of Latvia. Available <http://likumi.lv/doc.php?id=57512>. Accessed 2 March 2019.

<sup>11</sup> Diaspora Law (2018). Adopted on 01.11.2018. Riga. Parliament of Latvia. Available <https://likumi.lv/ta/id/302998-diasporas-likums> Accessed 2 March 2019.

option to declare an additional domicile in Latvia. Besides, when obtaining the Latvian citizenship, dual citizens are advised to register their new status, although this is not stipulated by law. Hence, precise data on dual citizens and actual residence are not available.

Next to citizenship and voting rights, another key engagement area is the one concerning language and education. Latvian language is the main question discussed in the meetings of the Diaspora Policy Working Group. To respond to this concern, weekend schools abroad operate with the Latvian state funding which is matched with donations from parents. Such schools exist worldwide in over 100 locations. Most of them are based in top destination countries for the Latvian diaspora: Australia, Canada, Ireland, Germany, Russia, Sweden, the US and the UK. Online distance learning is also provided by the Broceni Secondary school, a state-funded school in Latvia. Education in Latvian language is useful especially for those who want to return to the Latvian education system. Additionally, the Society Integration Fund of the Ministry of Culture and the Ministry of Foreign Affairs organises competitions for diaspora organisations by which funding for specific events can be obtained to organize specific activities for the diaspora.

The third main (and recent) engagement area relates to return migration. The Ministry of Environmental Protection and Regional Development<sup>12</sup> carried out a pilot project in 2018 with the main aim to encourage emigrants to return to certain regions in Latvia. To facilitate return, positions of return policy consultants were established in regional municipalities. Consultants provided information for those who are still abroad and wish to return in terms of employment opportunities, housing, schools and kindergartens. As a result of this pilot project, 163 families returned to Latvia in 2018 (LRC 2019).

In addition, several other ad hoc policies that focus on precise needs of the diaspora exist. For instance, the Latvian state can provide loans for study fees and subsistence. Conditions are constantly changing, but the core requirement is as follows: a person can apply for a loan only if such study programme is not available in Latvia. However, this loan from Latvia might be less favourable than others because it should be paid back regardless of the social situation or employment status. Diaspora organisations also actively provided scholarships and loans for living expenses for Latvians studying abroad, especially in the US and the UK. However, these were carried out without the Latvian state involvement or indeed, when students were not able to obtain loans from the state due to various reasons.

Lastly, the interest of Latvia to engage at the economic and scientific level with its diaspora has materialized recently in the organization of different events. For instance, the diaspora conference takes place every 2 years and is organised by the Ministry of Culture with the participation of diaspora organisations. Similarly, the World Latvian Economics and Innovation Forum or the World Latvian Scientists

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<sup>12</sup>Ministry of Environmental Protection and Regional Development <http://www.varam.gov.lv/>; Pilot project (2018). "On return migration support to regions" "VARAM uzsāk latviešu remigrācijas projektu" Riga: Ministry of Environmental Protection and Regional Development, [http://www.varam.gov.lv/lat/aktual/preses\\_relizes/?doc=25756](http://www.varam.gov.lv/lat/aktual/preses_relizes/?doc=25756). Accessed 2 March 2019.

Congress also bring together state institutions and diaspora organisations on a sporadic basis.

### 17.3 Diaspora Policies and Social Protection in Latvia

Although the previous section has shown that Latvia has engaged with its population in specific areas and has developed an infrastructure to do so, very few services and policies exist for populations abroad in the area of social protection. In Latvia, the main institutions engaged in social protection policies for nationals abroad are the Ministry of Welfare and institutions subordinated to this ministry – the State Employment Agency and The State Social Insurance Agency. In addition, as discussed below, the Ministry of Health and the Ministry of Finance might become more involved in future.

The limited engagement in social policy for citizens abroad needs to be contextualized. Few existing formal practices are usually related to the EU framework of free movement of people. Considering that Latvia has started developing its diaspora policy very recently, with the first policy document published in 2013, this section will present a broader context which may be indirectly related to or may pave a way towards social protection policies in future. The section will focus on three actors: consulates, diaspora institutions and home country institutions in charge of specific social protection areas: unemployment, health care, pensions, family-related benefits and support in economic hardships.

It should also be noted that consulates usually help Latvian citizens in getting in touch with Latvian and the host country institutions in social protection, but it is by no means an obligation. The main obligation is to provide requested documents such as a birth or marriage certificates. Embassies may inform Latvian citizens about a host country's social protection institutions, but this is also not an established policy. Consular assistance is provided only in cases of emergency by offering financial help that should be repaid by the beneficiaries themselves or their relatives.<sup>13</sup> In terms of social protection or consular support, non-citizens of Latvia are treated in the same way as Latvian citizens when they reside abroad. The only difference abroad is that non-citizens are not allowed to vote in general elections and referendums.

Repatriation policy is the only established policy that includes a clear social dimension. Repatriation is a form of return migration policy that is not specifically designed to respond to social difficulties met by citizens abroad but can, de facto, act as such. This policy has three characteristics: (i) a strong ethnic dimension by supporting repatriation of ethnic Latvians; (ii) a historical dimension, by supporting those returnees who left Latvia before 1990 rather than contemporary emigrants

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<sup>13</sup> Consular Support. n.d. Riga: Ministry of Foreign Affairs. Available <http://www.mfa.gov.lv/usa/konsulara-informacija> Accessed 2 March 2019.

and; (iii) a social policy dimension. Specifically, the understanding of ‘a repatriate’ in the Latvian legislation is related to ethnicity (cf Agarín 2013). As stated in the law: “A repatriate is a person, who is a citizen of the Republic of Latvia or whose one of the relatives in the direct ascending line is Latvian or Liv and who is voluntary moving for a permanent life to the Republic of Latvia.”<sup>14</sup> Repatriate is a person who has left Latvia before 4 May 1990 (before independence was re-established), was born abroad, or left Latvia after 4 May 1990 while being under-age. Section 14 of the Repatriation Law envisages the provisions of these benefits to repatriates and their family members:

- covering of travelling costs up to the amount of EUR 711.44 per person;
- a monthly allowance of 90% of the minimum salary in the case of unemployment. In order to receive it, one should submit an application to the Office within 1 year after moving permanently to Latvia and should be registered with the Employment State Agency as an unemployed person. Allowance will be paid each month for up to 6 months, provided that the returnee stays unemployed.

In addition, the municipality of residence has the obligation to help repatriates by providing information about housing possibilities and/or providing a land plot for building a house if available.

### 17.3.1 Unemployment

The main home institutions in charge of unemployment in Latvia are the State Unemployment Agency and the State Social Insurance Agency. In the case of Latvian nationals moving to an EU country, unemployment benefits can be transferred according to the Latvian national legislation and the EU framework (Law on State Social Insurance 1997<sup>15</sup>; Law on Social Services and Social Assistance 2002).<sup>16</sup> For the specific (but numerically relevant) case of Latvian nationals residing in Russia, their social protection in case of unemployment is regulated according to the Latvia-Russia agreement on social protection and its reciprocity (the bilateral social security agreement between Latvia and Russia, 2008). It states that unemployment benefits of Latvian citizens in Russia are paid according to the regulations applicable in Russia and, reciprocally, that Russian citizens living in Latvia receive unemployment benefits according to the Latvian legislation. Beyond EU obligations, no additional unemployment assistance scheme for nationals abroad

<sup>14</sup>Repatriation Law. (1995). Riga: Parliament of Latvia. Available <https://likumi.lv/doc.php?id=37187> Accessed 2 March 2019.

<sup>15</sup>Law on State Social Insurance. (1997). “*Par valsts sociālo apdrošināšanu*” 1/10/1997. Riga: Parliament of Latvia. Available <https://likumi.lv/doc.php?id=45466> Accessed 2 March 2019.

<sup>16</sup>Law on Social Services and Social Assistance (2002). “*Sociālo pakalpojumu un sociālās palīdzības likums*” Riga: Parliament of Latvia 31/10/2002. Available <https://likumi.lv/doc.php?id=68488> Accessed 2 March 2019.



exists. A first pilot project to provide information and support for returnees was launched in 2018 by the Ministry of Environmental Protection and Regional Development. However, its emphasis was on providing information on how to return to regions, find a housing, job and school, but not on social protection.<sup>17</sup>

Lastly, consulates are usually not involved in providing support for the unemployed, although they are involved if documents need to be obtained or renewed to access unemployment benefits. As mentioned above, only the Repatriation Law (1995) envisages monetary support for those who choose to return to Latvia.

### 17.3.2 Health Care

The Ministry of Health and its subordinated institutions are the main institutions responsible for healthcare in Latvia. Support for health-related issues, e.g., in case of invalidity, are also under the mandate of Ministry of Welfare and its subordinated institution – the State Social Insurance Agency. The main instrument for Latvian citizens residing in the European Union derives from the EU legislation and is the European Health Insurance Card (EHIC)<sup>18</sup> accessible to all Latvian nationals residing in other EU countries. As provided by the EU framework, when temporarily returning to Latvia, citizens can access healthcare either privately or with the EHIC card for emergency care.

The fact that access to public healthcare in Latvia is based on the principle of permanent residence<sup>19</sup> is usually an important barrier for citizens officially residing abroad. However, a new healthcare funding law came into force in 2018, stating that access to healthcare will be linked to residence and payments of taxes.<sup>20</sup> For potential returnees, this entails that payments into social budget need to be done several

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<sup>17</sup>In terms of diaspora institutions, there are no special programmes either. Historically, support in the US was provided through the sub-unit of care of the American Association of Latvians in the United States, whereas in the UK, such support was provided via the Latvian Welfare Fund, but rather on an individual, informal basis. Most recently, Latvians who returned to Latvia have established the association “Your Move” that tries to match potential returnees with employers in Latvia, hence indirectly preventing cases of unemployment upon return (Your move n.d) However, these are mainly business-oriented activities for highly educated nationals abroad and potential returnees. There is no stable financial link supporting such initiatives. State institutions simply express (neoliberal) ideological support for self-organisation and self-reliance of diaspora-related activities. Your move. n.d. Available <https://www.yourmove.lv/>

<sup>18</sup>European Health Insurance Card. (n.d.). Available <http://www.vmnvd.gov.lv/lv/nvd-pakalpojumi/456-evak-karte>

<sup>19</sup>Law on Patient Rights. (2009). “*Pacientu tiesību likums*” 30/12/2009 Rīga: Parliament of Latvia Available <https://likumi.lv/doc.php?id=203008>. Accessed 2 March 2019.

Medical Treatment Law. (1997). “*Ārstniecības likums*” 12/06/1997 Rīga: Parliament of Latvia. Available <https://likumi.lv/doc.php?id=44108>

<sup>20</sup>Health care (2017). “*Veselības aprūpes finansēšanas likums*” Health care funding law. Rīga: Parliament of Latvia 14/12/2017 Available <https://likumi.lv/ta/id/296188-veselibas-aprupes-finansesanas-likums> Accessed 2 March 2019.

years before the return if people want to receive healthcare in Latvia. It also means that access to public healthcare will be more restricted to those nationals abroad who would return to Latvia. No specific health benefits are envisaged for people who left Latvia before 1990 and are willing to return to their homeland.

Lastly, consulates are usually not involved in providing support for health-related issues. However, the following can be done under the emergency support in very specific cases, but is not an obligation for authorities: help finding a doctor, help traveling back to Latvia or providing repayable financial support.<sup>21</sup>

### 17.3.3 Pensions

In Latvia, the basic principle of qualifying period to receive old age pensions is to hold at least 15 years of contributions (Law on State Social Insurance 1997; Law on State Pensions 1995<sup>22</sup>; Law on State Funded Pensions 2000).<sup>23</sup> The current retirement age in Latvia is 63. The legal retirement age is gradually increasing by 3 months per year until reaching 65 years in 2025.

In spite of the lobbying of diaspora organizations, different policy recommendations in the area of pensions were not included in the Diaspora Law (2018). The European Latvian Association (ELA 2017), for instance, proposed that the minimum pensions earned in other EU countries could be exempt from the income tax.<sup>24</sup> The current legislation stipulates that income tax should be paid for income from old age pensions (Income tax 1994; State Revenue Service 2015) and the non-taxable minimum was of 235 EUR per month in 2018. The European Latvian Association also emphasised the existence of discrepancies due to bilateral social security agreements<sup>25</sup> by which minimum pensions earned in the US and Canada are

<sup>21</sup> Currently in the UK, commercial consultations for nationals abroad are provided by “Med Refund” ([medRefund.co.uk](http://medRefund.co.uk)). This organisation specialises in health care reimbursement within the EU. Latvian authorities are not involved in this business.

<sup>22</sup> Law on State Pensions. (1995). “*Par valsts pensijām*” 2/11/1995 Rīga: Parliament of Latvia. Available <https://likumi.lv/doc.php?id=38048> Accessed 2 March 2019.

<sup>23</sup> Law on State Funded Pensions. (2000). “*Valsts fondēto pensiju likums*” 17/2/2000 Rīga: Parliament of Latvia. Available <https://likumi.lv/doc.php?id=2341> Accessed 2 March 2019.

<sup>24</sup> Income tax. 2014. “Law on individual income tax” “*Par Iedzīvotāju Ienākuma Nodokli*” Rīga: Parliament of Latvia 01/01/1994 Available <https://likumi.lv/doc.php?id=56880> Accessed 2 March 2019.

<sup>25</sup> Historically, in 1950s American Association of Latvians in the United States established a sub-unit of care, which is not a policy but an NGO initiative. It was primarily aimed at helping Latvians to provide mutual support. In the 1960s and 1970s when more and more World War II exiles reached pensionable age, its main focus was on pensioners, providing information on state and private pensions in the US. (Garozā C). The Latvian National Council in Great Britain and the Latvian Welfare Fund “*Daugavas Vanagi*” in the UK in 1950–1980s were providing support to war veterans, including care home possibilities. Currently, there are no specific activities and programmes related to pensions. It should be noted that it was time when Latvia was annexed to the USSR and no support was possible from Latvian state institutions.

exempt from this requirement, while pensions received from Russia and Ukraine are not taxed at all (ELA 2018, Latvia-US Convention 1998).<sup>26</sup>

Looking more precisely at those agreements with top destination countries, it is noteworthy that the Latvia-US Convention (1998) only envisages dual taxation avoidance that includes non-taxation of the minimum pension for Latvian nationals living in the US and vice versa. The Latvia-Russia agreement<sup>27</sup> goes more in depth as it includes provisions on portability and cumulation of pension contribution in both countries. However, the most important difference is that, in Russia, the contribution period can be with 10 years less than in Latvia. The implication is that people can qualify for old age pensions with fewer years spent in employment. Also, Russian citizens who receive pensions from Russia reach pensionable age at 60 (in 2017), while Latvian citizens who receive pensions from Latvia reach retirement at age of 63 (in 2017) and therefore can use benefits envisaged specifically for retired people earlier. Such benefits are provided by local municipalities (e.g., discounted prices for public transport in Riga).

Another relevant provision in the 1995 Law on State Pensions is related to the specific history of the Latvian diaspora. This legislation focuses on the repatriation of ethnic Latvians who were deported or escaped before 1990s, but not on contemporary emigrants. The law envisages social support for returnees who were imprisoned or deported to Soviet camps during and after World War II. Support includes the possibility to request a full pension 5 years earlier than an average pensioner, and time spent in camps are counted triple towards the accumulated work experience, while time spent in camps in the Far East of Siberia counts five time more. Pensions are indexed (gradually increased with coefficient 1.1 compare to the average old age pension). In case of those who were forced to work in German industries during World War II, compensations are provided by Germany, not the Latvian state.

Next to these public policies, during 1990s and early 2000s, the sub-unit of care of the American Association of Latvians in the US provided information on compensations granted to those exploited in Germany as foreign workers during World War II (so-called *Fremdarbeiter*) as Germany had set up a special fund to pay compensations to people who were exploited in industries, farm work, suffered body mutilation due to medical experiments or lost their children while being exploited in slave work. The American Association of Latvians in the United States gathered information from former workers in Germany who were residing in the US and submitted claims to the US based “International Migration Conference” (IMC)

<sup>26</sup>Latvia-US Convention. (1998). “Par Latvijas Republikas un Amerikas Savienoto Valstu konvenciju par nodokļu dubultās uzlikšanas un nodokļu nemaksāšanas novēršanu attiecībā uz ienākuma nodokļiem” Rīga: Parliament of Latvia 14/05/1998 Available <https://likumi.lv/doc.php?id=48313> Accessed 2 March 2019.

<sup>27</sup>Latvia- Russia Social Support Agreement. (2008). “Par Latvijas Republikas un Krievijas Federācijas līgumu par sadarbību sociālās drošības jomā” Rīga: Parliament of Latvia 22/10/2008. Available <https://likumi.lv/doc.php?id=182689> Accessed 2 March 2019.

which had a mandate to submit claims of American Latvians to the German fund (Garoza 2018, 144–145).

Lastly, in addition to the policies discussed above, consulates provide paid services to access archive information relevant to access pensions, but usually information is exchanged through the state social insurance institutions and the state revenue services in Latvia and the host country's institutions. While pensions are not the area of responsibility for consulates, in reality, many of them deal with pension issues in terms of preparation or certification of documents and providing information.

### 17.3.4 Family-Related Benefits

The main criteria for receiving all categories of benefits – such as birth grants, child benefits, parental leaves, family benefits – is a permanent residence of at least one parent in Latvia. The basic principle to qualify for family benefits from Latvia is the tax-financed universal scheme with flat-rate benefits that covers all permanent residents in Latvia (MISSOC 2017). Children must have received their personal identity number in Latvia, this number being granted upon registration in the Population Register, under the Office of Citizenship and Migration Affairs. This registration is not conditional on permanent or temporary residence or on nationality (MISSOC 2017). It means that children born abroad can obtain a personal identity number in Latvia and Latvian citizenship, but family benefits are not linked to this number or nationality. Family benefits are earmarked part of the personal income tax and the subsidy from the state budget (Law on State Social Benefits 2002<sup>28</sup>; Law on State Social Insurance 1997; Law on Maternity and Sickness 1995<sup>29</sup>). Family benefits are paid by the State Social Insurance Agency. According to the EU legislation, Latvian nationals living in the EU can receive family benefits from Latvia, but only if they qualify under these laws (parents have paid tax in Latvia) and only if they do not receive family benefits from any other state. For nationals residing in non-EU countries, family benefits are not paid from Latvia. There are no special programmes organised by diaspora institutions with respect to family benefits.<sup>30</sup>

Next to benefits, it is worth mentioning that the Society Integration Fund and the Latvian Language Agency organise summer camps for diaspora children in Latvia

<sup>28</sup>Law on State Social Benefits. (2002). “*Valsts sociālo pabalstu likums*” Rīga: Parliament of Latvia 31/10/2002 Available <https://likumi.lv/doc.php?id=68483> Accessed 2 March 2019.

<sup>29</sup>Law on Maternity and Sickness Insurance. (1995). *Likums “Par maternitātes un slimības apdrošināšanu”* Rīga: Parliament of Latvia 6/11/1995. Available <https://likumi.lv/doc.php?id=38051> Accessed 2 March 2019.

<sup>30</sup>Several emigrant initiatives have existed under the Association of World Free Latvians, the American Association of Latvians in the United States, the Latvian Welfare Fund in the UK or the Münster Latvian Secondary School in Germany in supporting summer camps, weekend schools and summer schools for Latvian families.

and give support for low-earning families of Latvians abroad in terms of paying for their travel expenses to and from Latvia (European Summer School 2015). However, this is not an established policy, but rather used on an ad-hoc basis when certain summer camps are organised.

In terms of consulates' intervention in this area, they deliver and renew birth certificates, passports and other documentation needed to obtain family benefits. Ordering these documents can be done via email and the documents can be sent by post.

### 17.3.5 Economic Hardship

Guaranteed minimum income benefit are usually available for those residing in Latvia, being distributed by local municipalities (Law on Social Services and Social Assistance 2002; No. 299; Regulations 2010; No. 5502009; No. 9132012<sup>31</sup>). Residence in Latvia is the main criteria to access this benefit. The benefit cannot be claimed by Latvian nationals residing abroad.

Consular departments are involved in crisis situations when a national abroad has been left without income or is homeless. However, there are no specific services in place to provide social support for homeless Latvian nationals abroad. Support is provided for the preparation of documents, getting in touch with relatives, representing a person in court if he/she cannot do it himself/herself. In emergency

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<sup>31</sup>Regulations 299. 2010. "Regulations on the Recognition of a Family or Person Living Separately as Needy, the Cabinet of Ministers," *"Noteikumi par ģimenes vai atsevišķi dzīvojošas personas atzīšanu par trūcīgu"* Riga: Cabinet of Ministers 30/03/2010. Available <https://likumi.lv/doc.php?id=207462>

Regulations 550. 2009. "Procedures for the Calculation, Granting, Disbursement of the Benefit for Ensuring the Guaranteed Minimum Income Level and for the Entering into an Agreement Regarding Participation," the Cabinet of Ministers. *"Kārtība, kādā aprēķināms, piešķirams, izmaksājams pabalsts garantētā minimālā ienākumu līmeņa nodrošināšanai un slēdzama vienošanās par līdzdarbību"* Riga: Cabinet of Ministers 17/06/2009. Available <https://likumi.lv/doc.php?id=193738>

Regulations 899. 2006. "On Procedures for the Reimbursement of Expenditures for the Acquisition of Medicinal Products and Medical Devices Intended for Out-patient Medical Treatment" *"Ambulatorajai ārstēšanai paredzēto zāļu un medicīnisko ierīču iegādes izdevumu kompensācijas kārtība"* 31/10/2006. Riga: the Cabinet of Ministers Available <https://likumi.lv/doc.php?id=147522>

Regulations 913. 2012. "Regulations of Guaranteed Minimum Income Level," *"Noteikumi par garantēto minimālo ienākumu līmeni"* Riga: Cabinet of Ministers 18/12/2012. Available <https://likumi.lv/doc.php?id=253731>

Regulations 299. 2010. "Regulations on the Recognition of a Family or Person Living Separately as Needy," *"Noteikumi par ģimenes vai atsevišķi dzīvojošas personas atzīšanu par trūcīgu"* Riga: Cabinet of Ministers 30/03/2010. <https://likumi.lv/doc.php?id=207462>

situations only, monetary support can be provided, although the amount should be paid back to the Latvian state.<sup>32</sup>

## 17.4 Conclusions

This chapter has shown that Latvia's engagement with citizens abroad presents two key features. On the one hand, its policies are shaped by the timing of emigration and the ethnicity of the expatriate population. On the other hand, public interventions in the area of social protection are overall rather limited.

Policy initiatives towards diaspora are relatively recent at the state level. They were not possible during the USSR (1945–1991), as the USSR ideology treated emigrants as traitors. Latvia has formulated its diaspora policy in 2010s with the Ministry of Foreign Affairs as the main coordinating institution. The main areas of work – civic and political engagement, Latvian identity, cooperation with the diaspora in business, science, education, and culture and return to Latvia – are only indirectly related to social protection via consulate information and services, and emergency support (Consular support n.d).

An additional peculiarity of the Latvian case is the way it treats the specific category of non-citizens. When Latvia regained independence in 1991, a citizenship policy was established, creating a group of non-citizens (former citizens of the USSR, mainly Russian-speaking), who had to go through the naturalisation process and prove that they speak Latvian. To this day, the right to free movement within the EU and political rights of non-citizens in Latvia are restricted. In addition, this group also faces restrictions to work in certain professions where fluency of Latvian and the Latvian citizenship are required (e.g., legal and state positions).

Whereas this chapter shows that, beyond social security agreements and the EU framework, Latvia's involvement in the area of social protection for citizens abroad is limited, a major exception concern its repatriation policy for those who left the country before 1990. This policy envisages unemployment benefits and pension support for returnees.

In terms of the ideology underpinning the recent evolution and directions of the Latvian diaspora policy, it is clear that initiatives and efforts form a mixture of support for culture (support for language and culture in weekend schools) and expansion of access to dual citizenship and investment (e.g. Economics and Innovation forum) where the diaspora is seen as potential resource for economic activities.

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<sup>32</sup>I reiterate that social and general diaspora support is usually carried out without direct or continuous state engagement. For instance, the Latvian Welfare Fund “Daugavas Vanagi,” Association of World Free Latvians and Association of Latvians in America, Münster Latvian Secondary school have been historically involved in providing ad hoc support for minimum resources or help in emergency situations. However, there are no special programmes with respect to guaranteed minimum resources nowadays. A research on youth mobility in London (YMOBILITY 2015) got in touch with an informal support group “LaLonda”, established by recent Latvian migrants in London, UK, voluntary providing help for homeless people, including from Latvia. However, there was no institutionalised programme related to homelessness.

Even though social protection has not received major policy attention from the Latvian authorities, the fact that diaspora policies have only recently become salient in Latvia mean that this could evolve in the future.

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