

# Dublin procedure - Latvia | DIP EUAA

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## Overview

### Relevant EU legislation

Latvia is bound by the Dublin III Regulation (AMMR) and applies its provisions directly.

### National legislation

The Dublin III Regulation is enforced directly in Latvia and there are no additional provisions related to the regulation in national legislation.

### Competent authorities and stakeholders

**Entity responsible for the Dublin procedure (the application of the criteria and mechanisms for determining the Member State responsible):** [Asylum](#)

### Place in the institutional framework

An autonomous Dublin unit does not exist. The responsible entity is the Asylum Affairs Unit of the Office of Citizenship and Migration Affairs. There is one main specialist who manages Dublin cases.

### Competencies of the entity

<b>No</b>	Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handling the form to be completed during registration)
<b>No</b>	Organising Dublin transfers
<b>Yes</b>	Notifying the transfer decision
<b>No</b>	Accompanying/escorting applicants during a Dublin transfer
<b>Yes</b>	Sending and replying to take charge and take back requests to/from other Member States
<b>No</b>	Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)
<b>Yes</b>	Sending and replying to information requests to/from other Member States

### Stakeholders involved in the procedure:

<b>Handing over the common leaflet on the Dublin procedure</b>	<a href="#">State Border Guard   Valsts robežsardze</a>
<b>Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handling the form to be completed during registration)</b>	<a href="#">State Border Guard   Valsts robežsardze</a>
<b>Referral of cases to the Dublin unit</b>	<a href="#">State Border Guard   Valsts robežsardze</a>

<p><b>Sending and replying to a take charge or take back request</b></p>	<p><a href="#">Office of Citizenship and Migration Affairs   Pilsonības un migrācijas lietu pārvalde</a></p>
<p><b>Sending and replying to information requests to/from another Member State</b></p>	<p><a href="#">Office of Citizenship and Migration Affairs   Pilsonības un migrācijas lietu pārvalde</a></p>
<p><b>Notification of the transfer decision</b></p>	<p><a href="#">Office of Citizenship and Migration Affairs   Pilsonības un migrācijas lietu pārvalde</a>  <a href="#">State Border Guard   Valsts robežsardze</a> for applicants in detention</p>
<p><b>Free legal assistance during the appeal of a transfer decision</b></p>	<p>Court Administration   Tiesu administrācija</p>
<p><b>Representation of the asylum authority in an appeal against a transfer decision</b></p>	<p><a href="#">Office of Citizenship and Migration Affairs   Pilsonības un migrācijas lietu pārvalde</a></p>
<p><b>Organising the transfer to the responsible Member State</b></p>	<p><a href="#">State Border Guard   Valsts robežsardze</a> in close cooperation with the <a href="#">Office of Citizenship and Migration Affairs   Pilsonības un migrācijas lietu pārvalde</a></p>
<p><b>Providing information on the transfer modalities to the applicant</b></p>	<p><a href="#">State Border Guard   Valsts robežsardze</a></p>
<p><b>Accompanying/escorting applicants during a Dublin transfer when necessary</b></p>	<p><a href="#">State Border Guard   Valsts robežsardze</a></p>

<p><b>Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)</b></p>	<p><a href="#">State Border Guard   Valsts robežsardze</a></p>
<p><b>Court/authority responsible for deciding on an appeal against a transfer decision</b></p>	<p><a href="#">District Administrative Court   Administratīvā rajona tiesa</a></p>

## **Provision of information on the Dublin procedure**

Information is provided to the applicant by the Latvian State Border Guard officials after the applicant lodges the asylum application. In practice information to the applicants, including children, is provided both in writing and orally, depending on the individual circumstances. Annexes of the Regulation 118/2014 laying down detailed rules for the application of the Dublin regulation are used. The applicant is provided with the written common information leaflet. Additionally, a brochure on the asylum procedure in Latvia is provided to the applicant. The aforementioned brochure contains useful information and addresses of all the relevant governmental and non-governmental institutions.

## **Right to legal counselling on the Dublin procedure**

In accordance with the [Asylum Law](#), an asylum seeker is entitled to state-funded legal aid only during the appeal of a transfer decision, provided the applicant does not have sufficient resources to obtain legal aid otherwise. Legal aid is provided by the Court Administration which is an institution under the Ministry of Justice.

Counselling is usually provided in person (in exceptional cases, it may be organised online).

## **Personal interview for determining the Member State responsible**

## **Organisation of the interview**

There is no separate Dublin interview. Information on Dublin indicators are obtained during the lodging procedure when the applicant is interviewed by officials of the State Border Guard who have received the necessary training. The initial interview is recorded using sound or video technical means.

## **Persons present during interview**

Information is currently not available.

## **Notification of the transfer decision**

The notification of a decision taken within the scope of the asylum procedure and procedures for requesting State-provided legal aid are set out in Section 36 of the [Asylum Law](#).

A decision taken within the scope of the asylum procedure shall enter into effect when it is notified to the asylum seeker. Such decision shall be notified to the asylum seeker in accordance with the [Law on Notification](#).

If an asylum seeker has been detained in accordance with the procedures laid down in the Asylum Law and is accommodated in the State Border Guard premises for asylum seekers, the State Border Guard shall inform them of the decision and explain the conditions for accessing State-provided legal aid.

The notification covers the legal basis for the decision to transfer the person, as well as information regarding appeal process.

## **Remedies**

<b>Competent authority/court</b>	District Administrative Court.
<b>Deadline for review/appeal</b>	15 working days from the day when the decision has entered into effect or 5 working days from the day the decision has entered into effect, if the person is notified by the State Border Guard officials.
<b>Deadline for decision on the review/appeal</b>	5 working days.
<b>Suspensive effect of the review/appeal</b>	The appeal has automatic suspensive effect.

## Transfer arrangements

In case the applicant does not appeal the transfer decision to the responsible Member State, the transfer usually takes place within a period of two months.

Prior to the transfer, the responsible Member State is sent all necessary information concerning the transfer (completed standard form provided in Annex VI of the Commission Implementing Regulation (EU) No 118/2014, *Laissez-passer* and medical certificate (if necessary)) via DubliNet. An asylum seeker may be detained if it is determined that a transfer procedure under Article 28 of Regulation (EU) No 604/2013 (Dublin III Regulation) is necessary.

The State Border Guard and the Office of Citizenship and Migration Affairs evaluate whether the asylum seeker has special reception or procedural needs during asylum procedure, but no specific mechanisms are in place within Dublin procedure.

## Guarantees for minors in the Dublin procedure

**Assessment of the best interests of the child:** There are no step-by-step guidelines for the purpose of the Dublin procedure.

**Legal guardian:** The [Asylum Law](#) contains information on specific tasks of the legal guardian during different steps of the asylum procedure, including the Dublin procedure.

**Detection of potential family reunification cases:** There are no specific rules. Cases are screened as soon as possible after registration of the application. Initial interview, which contains questions related to Dublin III criteria, is done by the State Border Guard and serves as initial source of information for any further identification of the potential family reunification cases.