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The *Saeima*<sup>1</sup> has adopted  
and the President has proclaimed the following Law:

## **On Residence of a Victim of Trafficking in Human Beings in the Republic of Latvia**

### **Section 1.**

The following terms are used in this Law:

1) **social rehabilitation service provider** – a person who provides social rehabilitation services and is registered in the register of social rehabilitation service providers in conformity with the requirements specified in regulatory enactments; and

2) **reflection period** – a period of time that is granted to a person who has been recognised as a victim of trafficking in human beings (hereinafter – victim of trafficking in human beings) so that he or she would consider a possibility to provide information, which would promote the disclosure or elimination of the cases of trafficking in human beings, to the investigative institution or a performer of procedures, who fulfils the functions specified in this Law.

### **Section 2.**

(1) The purpose of this Law is to promote the fight against trafficking in human beings, providing the conditions for the granting of the reflection period and termination of such period to the victim of trafficking in human beings, as well as the conditions in relation to his or her residence in the Republic of Latvia.

(2) The provisions of this Law shall not apply to the citizens of the European Union.

### **Section 3.**

If a third-country national provides information that possibly might aid in the disclosure and elimination of trafficking in human beings, but it is not sufficient in order to decide the matter regarding commencement of criminal proceedings or in order to decide the matter, within the framework of the commenced criminal proceedings, regarding recognition of such third-country national as a victim of a criminal offence that is related to trafficking in human beings, the State Border Guard, investigative institution, performer of procedures or the social rehabilitation service provider shall inform in writing such third-country national regarding the possibility of the granting of the reflection period and rights that he or she accordingly would obtain.

<sup>1</sup> The Parliament of the Republic of Latvia

#### **Section 4.**

(1) A third-country national within a time period of three days after he or she has been granted the status of the victim of trafficking in human beings, in accordance with the regulatory enactments regarding recognition of a person as a victim of trafficking in human beings, may submit to the investigative institution or performer of procedures a submission regarding granting of the reflection period.

(2) The reflection period shall not be granted to the victim of trafficking in human beings if he or she has been recognised as the victim of a criminal offence that is related to trafficking in human beings.

(3) If the examination of the submission is not within the competence of the relevant investigative institution or performer of procedures, the submission shall be immediately sent to the investigative institution or performer of procedures, in whose record-keeping the relevant criminal proceedings are located, and the victim of trafficking in human beings shall be informed thereof.

(4) The investigative institution or performer of procedures shall take the decision regarding granting of the reflection period or regarding refusal to grant the reflection period within a time period of five working days after the receipt of the submission and shall inform regarding the taken decision the victim of trafficking in human beings and the State Border Guard. The decision taken by the investigative institution or performer of procedures regarding granting of the reflection period shall give the right to the victim of trafficking in human beings to reside in the Republic of Latvia during the relevant time period.

(5) The decision of the investigative institution or performer of procedures regarding refusal to grant the reflection period shall not be appealed.

(6) The reflection period shall be counted starting from the day when the investigative institution or performer of procedures takes the decision regarding granting of the reflection period.

(7) The reflection period shall be 30 days.

(8) A victim of trafficking in human beings, as well as a minor in the accompaniment thereof, have the right to receive the services intended in Section 7 of this Law during the period of time when the submission regarding granting of the reflection period is examined, during the reflection period and until the moment when the Office of Citizenship and Migration Affairs (hereinafter – the Office) takes the decision regarding the issue of a temporary residence permit.

(9) The reflection period alone does not create the right to the victim of trafficking in human beings to receive the temporary residence permit.

#### **Section 5.**

(1) The investigative institution or performer of procedures has the right to take the decision regarding termination of the reflection period at any time at least in one of the following cases:

1) it has been ascertained that the victim of trafficking in human beings actively, voluntarily and on his or her own initiative maintains contact with persons, who are suspected, accused or in relation to whom a judgement of conviction or a punishment prescription of a prosecutor regarding a criminal offence that is related to trafficking in human beings has come into force; or

2) there is a reason to consider that the victim of trafficking in human beings causes a threat to the national security or public order and safety.

- (2) The decision of the investigative institution or performer of procedures regarding termination of the reflection period shall not be appealed.
- (3) The investigative institution or performer of procedures shall inform the Office, the State Border Guard and social rehabilitation service provider regarding termination of the reflection period.

## **Section 6.**

(1) If the victim of trafficking in human beings provides information in writing that may help in the disclosure and elimination of cases of trafficking in human beings or has been recognised as a victim in a criminal offence that is related to trafficking in human beings, the performer of procedures during the reflection period or on the next working day after the end of the reflection period within a time period of three working days shall:

1) assess whether the further residence of the victim of trafficking in human beings in the Republic of Latvia is efficient (whether it promotes the investigatory process or court proceedings); and

2) verify whether the victim of trafficking in human beings does not maintain contact with persons, who are suspected, accused or in relation to whom the judgement of conviction or the punishment prescription of a prosecutor regarding criminal offence that is related to trafficking in human beings has come into force.

(2) The performer of procedures shall request that the Office would issue a temporary residence permit to the victim of trafficking in human beings, as well as to the minor in accompaniment thereof, by submitting to the Office a proposal with an opinion regarding conformity of the victim of trafficking in human beings with the requirements referred to in Paragraph one of this Section.

(3) The performer of procedures, when requesting the Office to issue the temporary residence permit for a period of time that is not less than six months, shall take into account the time period in which the pre-trial criminal proceedings or the adjudication might be completed, as well as the nature and intensity of the threat to the victim of trafficking in human beings (if any).

(4) The performer of procedures may request that the Office prolongs the temporary residence permit, if the conditions referred to in Paragraph one of this Section continue to exist.

## **Section 7.**

The social rehabilitation service provider, in accordance with the regulatory enactments regarding the provision of social rehabilitation services, within the period of time specified in Section 4, Paragraph eight and Section 8 of this Law shall ensure a safe asylum and accommodation, first aid, the consultations of a psychologist, a lawyer, a medical practitioner and of other specialists, a possibility to receive emergency medical treatment, as well as a possibility to get involved in training and educational programmes, to the victim of trafficking in human beings, as well as to the minor in accompaniment thereof.

## **Section 8.**

The victim of trafficking in human beings, as well as the minor in accompaniment thereof, have the right to receive the services intended in Section 7 of this Law if the Office,

on the basis of the request of the performer of procedures, has issued the temporary residence permit to the victim of trafficking in human beings.

### **Section 9.**

The performer of procedures may request that the Office annuls the temporary residence permit that has been issued to the victim of trafficking in human beings at least in one of the following cases:

1) it has been ascertained that the victim of trafficking in human beings actively, voluntarily and on his or her own initiative maintains contact with persons, who are suspected, accused or in relation to whom a judgement of conviction or a punishment prescription of the prosecutor regarding a criminal offence that is related to trafficking in human beings has come into force;

2) it has been ascertained that the victim of trafficking in human beings has intentionally provided false information in the criminal proceedings; or

3) the performer of procedures has taken the decision regarding termination of criminal proceedings.

### **Section 10.**

The residence of the victim of trafficking in human beings, as well as the minor in accompaniment thereof, shall be determined in accordance with the Immigration Law from the moment when a temporary residence permit has been issued.

### **Informative Reference to European Union Directive**

The Law contains legal norms arising from Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who co-operate with the competent authorities.

This Law has been adopted by the *Saeima* on 25 January 2007.

President      V. Vīķe-Freiberga

Riga, 8 February 2007