

Latvian Asylum System: overview and key challenges

Baiba Kiršteina

legal assistant at the Administrative District Court

Statistics in 2017

- 395 asylum seekers (data provided by OCMA)
- For OCMA: Syria, Vietnam, Russia, Eritrea, Kazakhstan
- For ADC: Russia, Tajikistan, Armenia, Azerbaijan, Ukraine, Georgia, Eritrea

Request →

decision made by OCMA →

appeal →

final decision made by ADC

Challenges

- New facts vs 3 month rule vs no possibility to appeal
- Asylum procedure is separated from the return procedure

ECHR K.I vs Russia (58182/14)

7.11.2017

41. Turning to the present case, the Court considers that, in the extradition, expulsion and refugee status proceedings, the domestic authorities did not carry out rigorous scrutiny of the applicant's claim that he faced a risk of ill-treatment in his home country. The Court reaches this conclusion having considered the cursory rejections by the migration authorities and the national courts of the applicant's claims as hypothetical and lacking specific indications as to the level of risk, rejections which lacked reference to evidentiary material.

42. The Court also notes that the Russian legal system – in theory, at least – offers several avenues whereby the applicant's removal to Tajikistan could be prevented, given the risk of ill-treatment he faces there. However, the facts of the present case demonstrate that the applicant's claims were not adequately considered in any relevant proceedings, despite being consistently raised.

Thank you!