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ANNUAL POLICY REPORT:  
MIGRATION AND ASYLUM IN LITHUANIA 2013

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VILNIUS, 2014



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## Summary

### **Priorities of the Government in the area of migration**

In 2013, the Prime Minister of the Republic of Lithuania formed a working group tasked with the preparation of the Lithuanian Migration Policy Guidelines. In January 2014, the Guidelines were approved. They set out the main directions of the development, the objectives and principles of migration policy and provide that the measures undertaken by the State will focus first and foremost on the elimination of the factors promoting emigration. In 2013, the procedure for issuing temporary residence permits was being further improved (the processing time for temporary residence permit applications was shortened from six months to four months, and the possibility of processing applications for twice the standard charge within two months under the urgency procedure was introduced), and conditions of accommodation of aliens at the Foreigners' Registration Centre were being improved.

### **Regular migration**

*Residents:* In 2013, the number of the Lithuanian population was decreasing due to emigration. Thus, at the beginning of 2014 the number of the population in Lithuania amounted to 2.94 million. Although compared with 2012 less residents emigrated in 2013 (39 000), more residents of the Republic of Lithuania returned (19 000), and more aliens arrived (3 000), but still 1.8 times more persons departed from Lithuania than arrived.

*Entry for the purpose of employment under a work permit:* Although the unemployment rate in 2013 remained high (10.9 per cent), the Lithuanian Labour Exchange issued 5 000 work permits to third-country nationals (8 per cent more than in 2012). The main problem is the mismatch between supply and demand in the labour market, i.e. the unemployed do not have the necessary qualifications to fill vacancies. The absolute majority of the work permits were issued in 2013 to long-haul truck drivers (76 per cent). Most third-country workers come from Ukraine (50 per cent) and Belarus (37 per cent).

*Entry for the purpose of highly qualified employment:* In 2013, Lithuania began issuing residence permits to highly qualified workers ('blue cards') and issued/replaced during the year on this ground 44 temporary residence permits. All aliens were employed in the services sector (IT professionals, teachers, medical personnel, engineers, sales managers, top executives).

*Entry for the purpose of engaging in lawful activities:* Over the past few years, the number of temporary residence permits issued on the ground of lawful activity has significantly increased. 4 200 permits were issued/replaced in 2013 (in 2011 – 2 800). It has been observed that aliens abuse this ground for entry: they acquire the enterprises registered in Lithuania, appoint themselves as heads of the enterprises and apply on that ground for a temporary residence permit. Their main aim is not to engage in lawful activities but having received a temporary residence permit to enter into the Schengen Area. In 2013, amendments to the Law were drafted aiming at tightening requirements for aliens seeking entry on this ground by introducing additional criteria for the amount of funds invested by an alien in business (LTL 50 000), number of job positions created (three job positions), requirement for adequate living space etc. It is expected that these amendments will help to prevent establishment of fictitious companies by aliens and to ensure that temporary residence permits are issued only to the persons engaged in real activities. The same draft amendments provide for facilitated conditions for the aliens who invest in business LTL 900 000 and create at least five job positions. It is proposed to issue and replace temporary residence permits every three years and to permit immediate entry for family members.

*Entry for the purpose of family reunification.* In 2013, 5 000 temporary residence permits were issued/replaced for the purpose of family reunification, with 60 per cent of such permits issued to the aliens who are spouses of residents of Lithuania. The amendments to the Law as drafted by the Ministry of the Interior propose to simplify family reunification procedures for investors who invest no less than 900.000 LTL into an enterprise and participate in it, teachers and intra-corporate transfers by allowing them to enter together with their families.

*Entry for the purpose of pursuing studies.* In 2013, approximately 1 500 temporary residence permits were issued/replaced on the ground of studies. The draft amendments to the Law as submitted to the Seimas propose to permit non-EU students to stay in Lithuania for a period of six months after graduation and allow them to take up employment at institutions of higher education and research during the period of studies or do a traineeship without having to obtain a work permit. In order to enhance the prevention of irregular migration, it is also proposed to stipulate administrative liability (fine) for educational establishments failing to give a notice to a migration service of a student who has terminated his studies.

*Integration:* In 2013, the issue of the body responsible for the integration of aliens was resolved. Policy-making in the area of the integration of aliens was tasked to the Ministry of Social Security and Labour and coordination of the implementation of the integration of aliens – to a Government commission.

*Citizenship and naturalisation:* In 2013, citizenship of the Republic of Lithuania was granted through naturalisation to 173 persons (mostly stateless persons and citizens of Russia, Belarus and Ukraine). 452 citizens of the Republic of Lithuania lost citizenship. On 9 May 2013, the Seimas of the Republic of Lithuania ratified the 1961 United Nations Convention on the Reduction of Statelessness and adopted amendments to the Law of the Republic of Lithuania on Citizenship stipulating more favourable naturalisation conditions for the stateless persons born in the territory of Lithuania.

*Visas:* In 2013, Lithuanian visa services issued over 465 000 Schengen visas, i.e. 53 000 more than in 2012. The majority of the Schengen visas were issued in Belarus (49 per cent) and Russia (36 per cent). In order to improve the access to consular services, the Ministry of Foreign Affairs signed in 2013 agreements with external service providers on the basis of which visa centres were opened in Russia and Ukraine. The increased number of visas promoted business and tourism development.

### **Irregular migration**

In 2013, compared with the previous year, irregular migration trends remained the same – aliens attempt to illegally cross the border (in groups or alone), to obtain a visa by fraud (by providing false information about the purpose of the travel, using fraudulently executed letters of invitation in support of visa applications) and to use forged documents. In 2013, less violations of the state border at the EU's external border of the Republic of Lithuania were recorded – 329 cases (in 2012 – 477 cases), and the number of cases of irregular migration of Georgian citizens decreased by 40 per cent. In 2013, 14 groups of irregular migrants smuggled were detained, and 12 pre-trial investigations of migrant smuggling were initiated.

### **Return**

In 2013, 1 533 return decisions granting a period for voluntary departure and 279 expulsion decisions, when an alien is subject to forced return, were taken. In 2013, the majority of aliens subject to expulsion from Lithuania were citizens of Georgia (173). In 2013, the International Organization for Migration Vilnius Office facilitated the return of 43 aliens to their country of origin and provided reintegration assistance in the country of origin to 8 aliens.

### **Asylum**

In 2013, Lithuania received 399 applications for asylum (lodged mainly by citizens of Georgia, Afghanistan, Vietnam and Russia), which is 40 per cent less than in 2012. There was a particularly significant decrease in the number of applications lodged by Georgian citizens. 35 per cent of all applications were satisfied, and residence permits were issued or replaced for 138 aliens (15 persons were granted refugee status and 123 persons – subsidiary protection). In October 2013, the Seimas passed the amendments to the Law which stipulate the cases when an asylum seeker may be detained. The amendments to the Law were adopted after it was established that some asylum seekers abused the asylum procedure, i.e. by taking advantage of the asylum seeker's status and the provision prohibiting detention of asylum seekers, they used to leave the Foreigners' Registration Centre with the procedure still pending and to depart to other Schengen countries. The mentioned amendments to the Law, which permit detention of the aliens who submit manifestly unfounded asylum applications, may have resulted in that, compared to data of 2012, the number of aliens leaving the Foreigners' Registration Centre without an authorisation decreased in 2013 from 680 to 486 persons.

### **Unaccompanied minors and other vulnerable persons**

In 2013, the Refugees Reception Centre provided accommodation to 9 unaccompanied minor aliens, 8 citizens of Vietnam and a citizen of India (the latter lodged an application for asylum). All minors who arrived in 2013 departed from the Refugees Reception Centre without an authorisation. In 2013, the Minister of Social Security and Labour formed an inter-institutional working group charged with the task of regulating the procedure for age determination, accommodation, taking other procedural actions and provision of services to unaccompanied minor aliens who are not asylum seekers.

### **Combating trafficking in human beings and exploitation of aliens**

In 2013, 47 pre-trial investigations of cases of trafficking in human beings were conducted (23 of them were initiated in 2013, including one investigation in connection with forced labour). 47 persons, including 3 minors, were recognised as victims of trafficking in human beings, charges were brought against 33 persons, and 11 persons were convicted of trafficking in human beings (some custodial sentences amount to 10-12 years). Data on third-country nationals being among the victims of trafficking in human beings are not available. During 2013, the State Labour Inspectorate identified 4 illegally employed aliens.

## Introduction

This report pursues the aim of providing an overview of major developments in Lithuanian migration and asylum policy in 2013. The report has been prepared in compliance with the general requirements specified by the European Migration Network (EMN) and reviews the areas in which certain developments emerged in 2013. The report examines the following areas of migration policy: regular and irregular migration, return of aliens, asylum, unaccompanied minors, combating trafficking in human beings.

The report discusses and analyses the legal acts of the Republic of Lithuania adopted in 2013, published drafts of the legal acts, the data and reports published by various institutions, agencies and organisations; use has also been made of other public sources of information. As regards statistical data, the report mostly relies on Migration Yearbooks published by the Migration Department on an annual basis<sup>1</sup> as well as statistical data from the Department of Statistics.

The report does not provide an overview of the institutions responsible for the shaping and implementation of migration policy, since no institutional developments emerged in 2013. Information on the country's political system, the authorities shaping and implementing national migration and asylum policy can be found in the EMN National Contact Point study "Organisation of Asylum and Migration Policy in Lithuania"<sup>2</sup> as updated in 2012, and a brief overview – in Lithuania's migration and asylum policy report for 2012.<sup>3</sup>

The terms and concepts are used as defined in legal acts of the Republic of Lithuania and correspond to the definitions of the terms and concepts as presented in the glossary of the European Migration Network.

## 2. Overview of developments in migration and asylum policy

### *Priorities of activities of the Government of the Republic of Lithuania for 2013*

The Government of the Republic of Lithuania, with a view to systematically implementing the provisions of the Programme of the Government<sup>4</sup> in the area of migration policy, that is, addressing the issue of emigration of the Lithuanian population and ensuring the return of expatriate workforce, ensuring a greater efficiency in migration management, preventing and controlling irregular migration, and developing a Common European Asylum System, identified in 2013 the following priority measures<sup>5</sup> (see Table 1):

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<sup>1</sup> <http://www.migracija.lt/index.php?1357390560>

<sup>2</sup> <http://emn.lt/category/tyrimai/apzvalgos/>

<sup>3</sup> Ibid.

<sup>4</sup> The Programme of the Sixteenth Government for 2012-2016 was approved by Seimas of the Republic of Lithuania Resolution No XII-51 of 13 December 2012.

<sup>5</sup> Government of the Republic of Lithuania Resolution No 79 of 22 January 2014

*Table 1. Priority measures of the Government of the Republic of Lithuania in the area of migration in 2013*

<b>Priority measure</b>	<b>Actions taken in 2013</b>
Development of the Lithuanian Migration Policy Guidelines	On 18 March 2013, the head of the Government of the Republic of Lithuania formed a working group and charged it with drafting migration policy guidelines. The developed guidelines were approved by the Government of the Republic of Lithuania. <sup>6</sup> The Migration Policy Guidelines stipulate that the measures undertaken by the State will be primarily directed to the elimination of the factors promoting emigration, with a particular focus on reduction of youth unemployment, attraction and utilisation of the social, scientific, cultural and economic potential of emigrants, promotion of attraction of investments to Lithuania, attraction of additional workforce to meet the demand of the Lithuanian labour market, ensuring of a controlled immigration from third countries, strengthening of the system of irregular migration prevention and aliens' control management, elimination of possibilities of abuse of the procedures as established by legal acts, and provision of conditions for the integration of aliens. The criteria on the basis of which the monitoring and assessment of migration processes will be carried out were identified. The coordination of the monitoring of migration processes was tasked to the Ministry of Interior, which is to annually provide conclusions and proposals to the Government. Migration policy became coordinated at government level, however the implementation of the Lithuanian Migration Policy Guidelines will depend on the commitments assumed by relevant state institutions and agencies regarding the implementation of specific objectives in line with the migration policies as established by the Guidelines.
Improvement of conditions of accommodation and reception of detained third-country nationals and asylum seekers at the Foreigners' Registration Centre	The aim is to ensure that the conditions of accommodation and reception of detained third-country nationals and asylum seekers be in compliance with statutory requirements. In 2013, building renovation works at the Foreigners' Registration Centre were continued. In 2014, works worth approximately LTL 900 000 are planned to be carried out.
Integration of aliens	The Government of the Republic of Lithuania resolved the issue of assignment of functions of policy-making in the area of integration of aliens to a specific body. Coordination of the policy of integration of aliens was tasked to the Ministry of Social Security and Labour, and the implementation of this policy – to a commission under the Government of the Republic of Lithuania. It was established that the commission would be comprised of ministers or vice-ministers of social security and labour, the interior, health, education and science, culture and finance and a representative of the Association of Local Authorities in Lithuania. The commission may include representatives of state and municipal institutions and agencies, associations and, if necessary, other persons.

<sup>6</sup> Government of the Republic of Lithuania Resolution No 79 of 22 January 2014

<p>Simplification of procedures for lodging applications for work and residence permits</p>	<p>The Seimas of the Republic of Lithuania passed on 10 October 2013 the amendments<sup>7</sup> to the Law on the Legal Status of Aliens reducing time limits for examining aliens' applications for the issuance of residence permits in the Republic of Lithuania (from 6 months to 4 months) and laying down more favourable residence permit issuance conditions for the aliens who are of Lithuanian descent. In addition, the Resolution of the Government of the Republic of Lithuania of 11 December 2013 stipulates the possibility, at an alien's request, of examining an application for the issuance or replacement of a residence permit and issuing a residence permit under the urgency procedure<sup>8</sup> (within a time limit two times shorter than provided for by the Law).</p> <p>The Ministry of the Interior prepared a draft law<sup>9</sup> transposing Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (the 'Single Permit' Directive). Currently, an alien who intends to work in Lithuania may apply for a temporary residence permit only if he has been issued a work permit. The draft proposes to establish a single procedure, that is, lodging of an application for the issuance of the temporary residence permit would be accompanied by an assessment of the alien's conformity to the needs of the Lithuanian labour market and conditions for the issuance of the temporary residence permit. Moreover, it is proposed to stipulate that the application for the issuance of a temporary residence permit to such an alien may be lodged not only by the alien himself, but also the employer undertaking to employ the alien.</p>
<p>Determination of standards for the qualification of persons as beneficiaries of international protection</p>	<p>The Ministry of the Interior prepared a draft law<sup>10</sup> transposing the provisions of Directive 2011/95/EU of the European Parliament and of the Council on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted Europos.</p>

### 3. Regular migration and mobility

#### *Migration trends in Lithuania*

*Number of the population.* The number of the Lithuanian population decreased during 2013 mainly due to the emigration of Lithuanian residents, which shows no sign of slackening. At the

<sup>7</sup> On 10 October 2013, Law No XII-548 Amending Articles 26, 33, 40, 41, 53, 104, 109, 113, and 125 of the Law of the Republic of Lithuania on the Legal Status of Aliens was adopted.

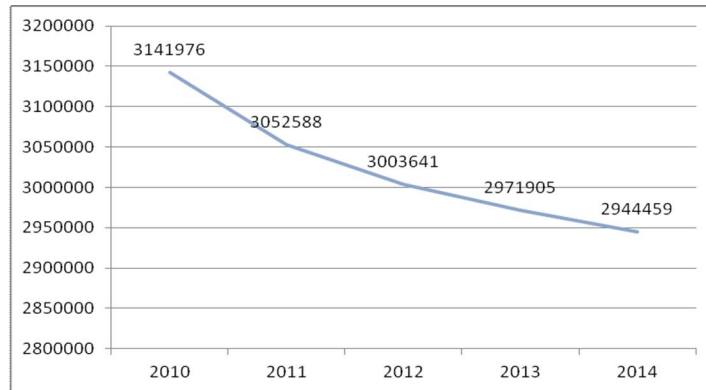
<sup>8</sup> Government of the Republic of Lithuania Resolution No 1212 of 11 December 2013

<sup>9</sup> Draft Law No XIIP-1804ES Amending Law No IX-2206 on the Legal Status of Aliens, submitted to the Seimas on 7 May 2014.

<sup>10</sup> Ibid.

beginning of 2014, the number of the Lithuanian population amounted to 2 944 459 inhabitants, i.e. 35 000 less inhabitants than at the beginning of 2013 (see Chart 1).

Chart 1. Number of the population at the beginning of the year during 2010-2014

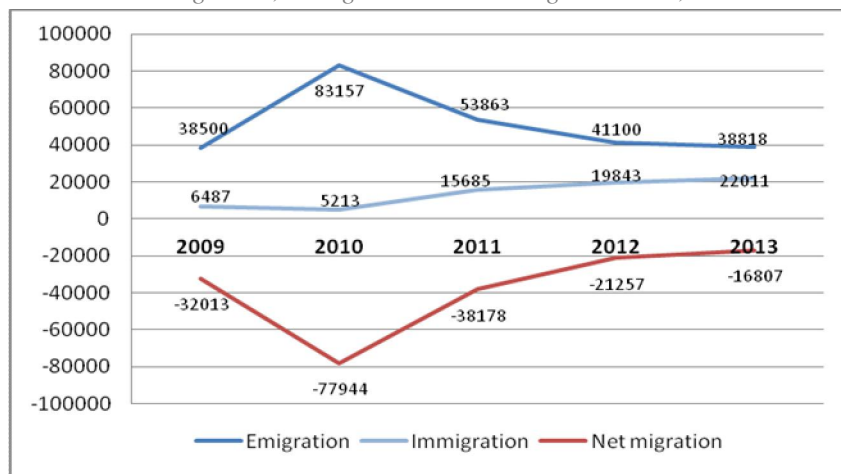


Source: Department of Statistics

The number of aliens increased slightly – by 2 000 persons. At the beginning of 2014, 35 000 aliens resided in Lithuania, which makes up 1.2 per cent of the total population. 90 per cent aliens residing in Lithuania are third-country nationals (mainly citizens of Russia, Belarus, and Ukraine). As little as 0.1 per cent of the population (3 892 persons) has no citizenship.

*Emigration.* In 2013, over 39 000 Lithuanian residents left Lithuania, which is approximately 2 000 less than in 2012, and approximately 22 000 persons immigrated, which is 2 000 more than in 2012 (see Chart 2). Although the emigration rate is slightly declining, the number of outgoing population was 1.8 times larger than that of incoming population. The departure of mostly young and working-age individuals remains the biggest problem. This leads of a decrease in the number of the potential working population of the country.

Chart 2. Emigration, immigration and net migration rate, 2009-2013

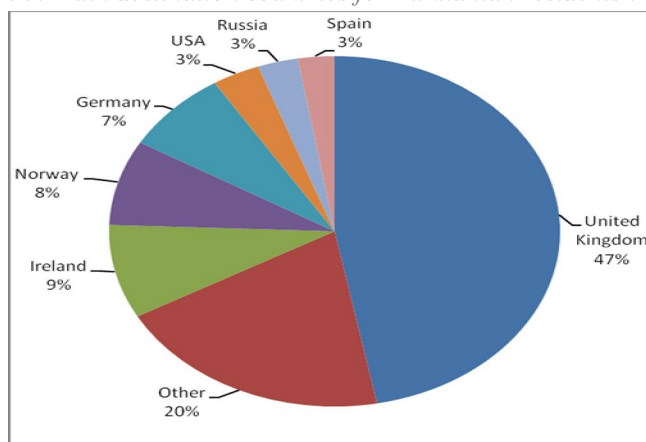


Source: Department of Statistics

*Destination countries.* Just as in the past years, the majority of residents declared their departure to the European Union Member States (76 per cent). The main countries are the United Kingdom, Ireland and Norway (see Chart 3).



Chart 3. Main destination countries for Lithuanian residents in 2013

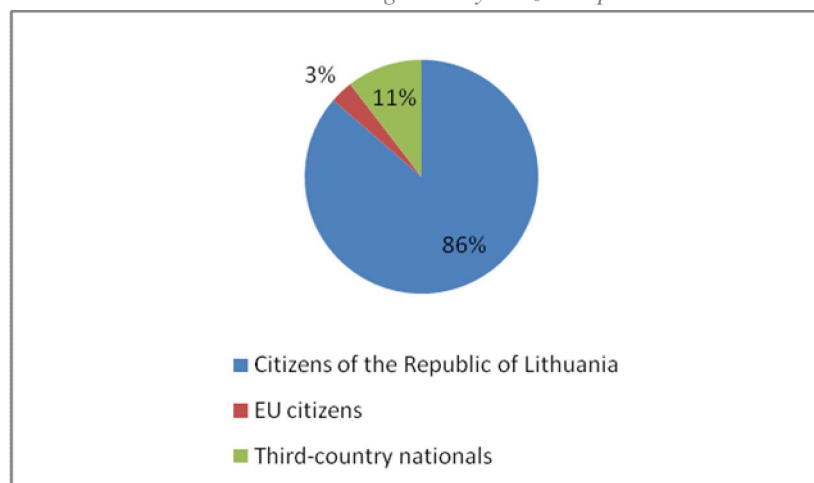


Source: Department of Statistics

The main destinations for emigrants remained the same as in 2012, though in 2013, compared with 2012, the number of residents departing to the European Union countries and to Norway decreased (in proportion to the total number of emigrants), while the number of persons departing to Russia, Belarus and Ukraine increased by approximately 19 per cent compared to 2012 (departure to these countries was declared in 2013 by 3 119 persons, in 2012 – by 2 549 persons).

*Immigration.* In 2013, 22 000 persons immigrated to Lithuania, i.e. 2 000 persons more than in 2012. Aliens accounted only for a small part of the immigrants, with 700 being citizens of other EU Member States and the rest (2 300 persons) being third-country nationals (see Chart 4).

Chart 4. Immigrants by citizenship



Source: Department of Statistics

The majority of aliens who immigrated to Lithuania in 2013 were citizens of Russia (776), Belarus (486), Ukraine (413), Latvia (126), and Poland (80). The number of citizens of Asian countries among immigrants to Lithuania has increased: 394 citizens of Asian countries entered Lithuania in 2013 (in 2012 – 192). Meanwhile, the number of immigrants from African countries has decreased: there were 47 such persons in 2013 (in 2012 – 68).

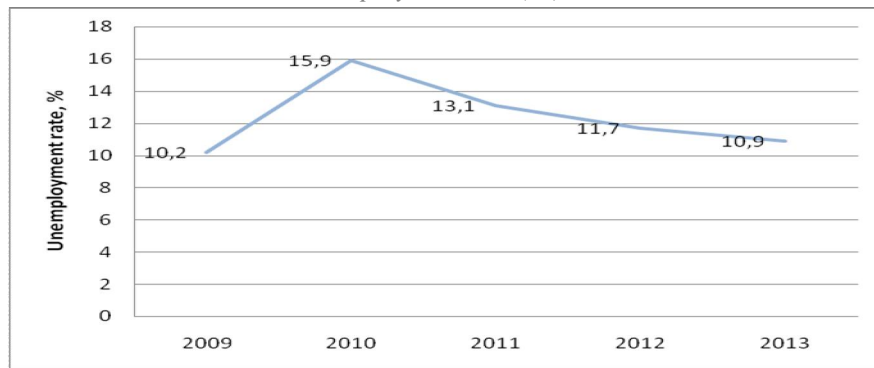
*Return migration.* Just as in 2012, the vast majority of incomers were Lithuanian returnees. In 2013, 19 000 Lithuanians returned to Lithuania, which accounted for 86 per cent of all immigrants.

To summarise the data, it may be stated that in 2013, in comparison with 2012, emigration flows decreased (2 000 less residents departed), the number of Lithuanian returnees (1 500 more persons returned) and incoming aliens (500 more persons arrived) slightly increased. In 2013, net migration was negative (-17 000), but at a lower level than in 2012 (-21 000). Nevertheless, the rates of emigration decrease and return migration growth remain too low to be referred to as showing a clear trend.

### 3.1. Economic migration

*Unemployment rate.* In 2013, compared with the previous year, the annual average registered unemployment rate in the country continued to moderately decrease.<sup>11</sup> The annual average unemployment rate of the working-age population was 10.9 per cent, or 0.8 per cent lower than the annual average registered unemployment rate in 2012 (11.7 per cent). Such a trend should be linked with the overall improvement of the economic situation in the country (see Chart 5).

Chart 5. Unemployment rate (%), 2009-2013

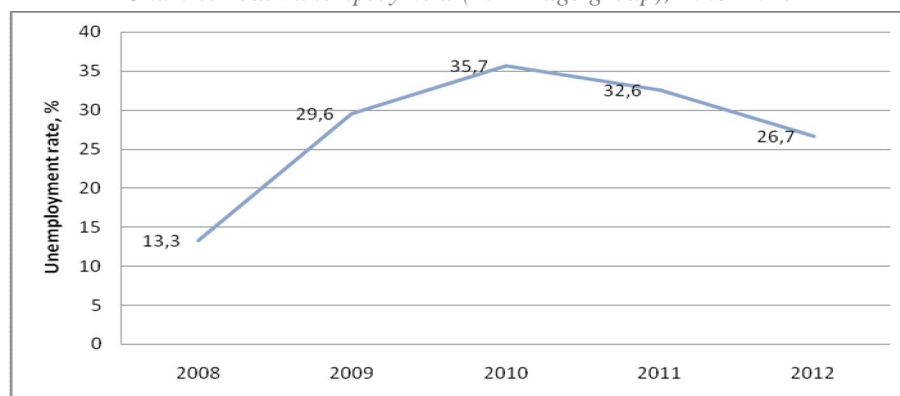


Source: Lithuanian Department of Statistics

In 2013, the youth unemployment rate continued to decrease. In 2013, every fourth young person aged 15-24 and capable of work was unemployed (in 2012, every third young person was unemployed). Youth unemployment is seen as one of the main causes of emigration, thus reducing the unemployment rate in this age group is a matter of importance in reducing emigration levels.

<sup>11</sup> Lithuanian Labour Exchange, [http://www.ldb.lt/Informacija/DarboRinka/Tendencijos\\_pdf/2013%20m.%20ap%C5%BEvalga.pdf](http://www.ldb.lt/Informacija/DarboRinka/Tendencijos_pdf/2013%20m.%20ap%C5%BEvalga.pdf)

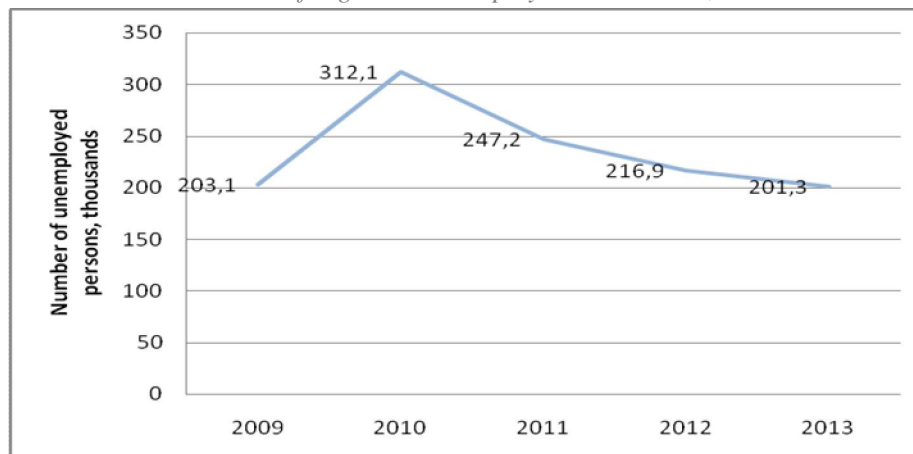
Chart 6. Youth unemployment (15-24 age group), 2009-2013



Source: Lithuanian Department of Statistics

At the end of 2013, registered unemployed residents accounted for over 203 000, i.e. almost 15 600, or 3 per cent less than in 2012 (see Chart 7). This is the lowest rate over the 5-year period. Data on the proportion of aliens in this figure are not available.

Chart 7. Number of registered unemployed in Lithuania, 2009-2013



Source: Lithuanian Department of Statistics

*Mismatch between labour supply and demand.* Labour demand was growing. Data of the Lithuanian Labour Exchange<sup>12</sup> show that in 2013, employers registered in the database of the Labour Exchange 242 000 vacancies (in 2012 – 200 000). Approximately 60 per cent of job offers was registered in the services sector (commerce and transport enterprises). The majority of the offers were intended for qualified workers.

The biggest problem is the mismatch between supply and demand in the labour market. The majority of the unemployed are the persons not capable of competing in the labour market, the long-term unemployed and young people lacking the necessary professional competence or occupational skills as required by employers. Employers are facing the shortage of qualified workers, and it becomes increasingly difficult for them to find appropriately qualified professionals. The shortage of qualified workers is even referred to by entrepreneurs as a factor impeding the

<sup>12</sup> [http://www.ldb.lt/Informacija/DarboRinka/Tendencijos\\_pdf/2013%20m.%20apzvalga.pdf](http://www.ldb.lt/Informacija/DarboRinka/Tendencijos_pdf/2013%20m.%20apzvalga.pdf)

growth of enterprises. Another problem is an imbalanced Lithuanian education system, which should focus on the training of professionals required by employers. It is generally agreed that immigration policy should focus on the attraction of qualified workers and researchers. However, employers believe that it is necessary to establish more flexible immigration procedures. In their opinion, this is the only way to address the acute problem of shortage of qualified workers, to attract the intellectual potential and to positively affect the competitiveness of the state. The Prime Minister of Lithuania has also spoken<sup>13</sup> in favour of Lithuania attracting qualified professionals from abroad, as workforce shortage may emerge in the course of implementation of large-scale projects.

### 3.1.2. Entry of aliens with a work permit

*Situation.* In 2013, the Lithuanian Labour Exchange<sup>14</sup> issued 5 036 work permits to aliens (8 per cent more than in 2012), including 3 487 permits for work under an employment contract and 159 permits – to posted aliens, and extended 1 390 work permits (see Chart 8). The increased issuance of work permits can be explained by the recovering economy and the growing number of vacancies, especially in the transport sector.

Chart 8. Number of work permits issued to aliens, 2006-2013



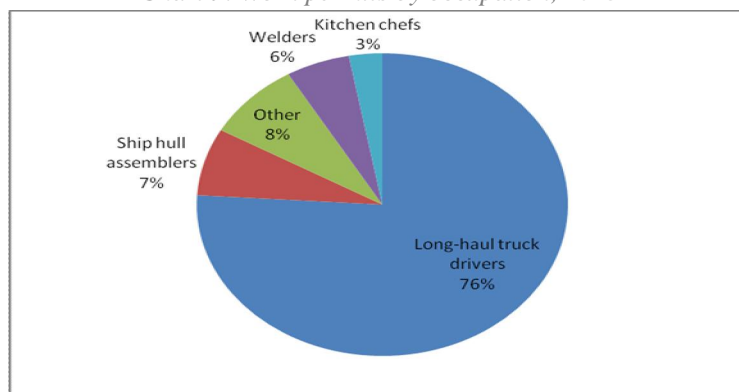
Source: Lithuanian Labour Exchange

The absolute majority of work permits were issued to aliens in occupations recognised as shortage occupations in Lithuania. The lists of shortage occupations are approved by the Ministry of Social Security and Labour. In 2013, such occupations were registered in the industry (welders and ship hull assemblers) and services (kitchen chefs and long-haul truck drivers) sectors. As shown in Chart 9, in 2013 the majority of work permits were issued to long-haul truck drivers – 76 per cent (3 827 work permits), 7 per cent – to ship hull assemblers (363 permits), 6 per cent – to welders (280 permits), and 3 per cent – to kitchen chefs (146 permits) (see Chart 9).

<sup>13</sup> <http://www.delfi.lt/verslas/verslas/a-butkevicius-jauciasi-kad-truksta-kvalifikuotu-darbuotoju.d?id=61396607>

<sup>14</sup> Data of the Lithuanian Labour Exchange report 2013 on the issuance of work permits to aliens in the Republic of Lithuania

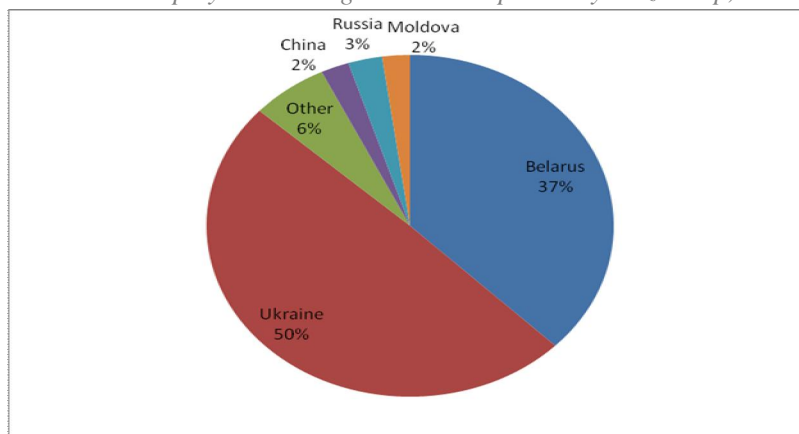
Chart 9. Work permits by occupation, 2013



Source: Lithuanian Labour Exchange

In 2013, the majority of work permits (2 487) were issued to citizens of Ukraine, which accounts for 50 per cent of all work permits. In 2012, citizens of Ukraine made up 41 per cent of all aliens who were issued work permits. Another large group consists of citizens of Belarus, who were issued 1 882 work permits, or 37 per cent of all work permits (see Chart 10).

Chart 10. Employees entering with a work permit by citizenship, 2013



Source: Lithuanian Labour Exchange

In 78 cases, employers' applications for the issuance of work permits to aliens were refused due to containing incomplete or erroneous data or on suspicion of forgery of documents (in 2013, 61 cases of documents attesting qualifications containing elements of forgery were recorded, and the Lithuanian Labour Exchange referred to competent authorities requesting an assessment of the authenticity of the documents).

*Legal developments.* In 2013, the procedure for issuing work permits was being improved with a view to ensuring a more effective search for employees in the national labour market. The Minister of Social Security and Labour approved by an order a new description of the conditions of and the procedure for issuing work permits to aliens,<sup>15</sup> which obliges the employer intending to recruit, within the next six months, more than five aliens with the same professional qualifications

<sup>15</sup> Minister of Social Security and Labour Order No A1-133 of 27 March 2013 on the Approval of the Description of the Conditions of and the Procedure for Issuing Work Permits to Aliens (Official Gazette, No 34-1675, 2013)

to submit information about projected employment needs to a local labour exchange at least three months in advance. In such a way, an attempt was made to improve the coordination of the employment or retraining of unemployed Lithuanian residents.

*Draft amendments to the Law.* The draft amendments to the Law on the Legal Status of Aliens as prepared in 2013<sup>16</sup> will transpose to national law Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State. Presently (until transposition of the provisions of the mentioned Directive), an alien who intends to work in Lithuania is issued a temporary residence permit if he holds a work permit in the Republic of Lithuania, unless he is exempt from such a requirement.<sup>17</sup> The alien must obtain such a document prior to entering the Republic of Lithuania and may lodge an application for the issuance of a temporary residence permit only when holding the work permit.

### 3.1.3. Entry for the purposes of highly qualified employment

*Situation.* On 1 January 2013, the Republic of Lithuania began issuing temporary residence permits ('blue cards') to aliens intending to take up highly qualified employment. The main requirements set forth for aliens wishing to enter on this ground are higher education or professional qualifications and a salary which may not be less than two amounts of average monthly gross earnings in the whole economy most recently published by the Lithuanian Department of Statistics (Q4 2013 – a monthly salary of not less than LTL 4 680). An application for the issuance of a temporary residence permit (blue card) must be examined within two months, and a temporary residence permit valid for one year must be issued.

In 2013, 45 temporary residence permits ('blue card') were issued or replaced to aliens entering for the purposes of highly qualified employment. The majority of the permits were issued to citizens of Belarus – 17 permits, or 38 per cent of all permits (see Table 2).

Table 2. Temporary residence permits issued to highly qualified workers, by citizenship, 2013

Citizenship	Number of decisions	Percentage
Belarus	17	38
USA	14	31
Ukraine	6	13
Russia	3	7
India	3	7
Other	2	4
Total	45	100

Source: Migration Department

<sup>16</sup> Draft Law No XIIP-1804ES was submitted to the Seimas of the Republic of Lithuania on 7 May 2014, and its consideration has not commenced yet.

<sup>17</sup> In the cases specified by the Law, for instance, when entering for the purposes of engaging in lawful activity, highly qualified employment, etc.

All aliens intended to be employed in the services sector (IT professionals, teachers, medical personnel, engineers, sales managers, top executives).

*Legal developments.* The amendments to the Law on the Legal Status of Aliens<sup>18</sup>, which set forth requirements for the aliens who intend to take up highly qualified employment<sup>19</sup>, came into force on 1 January 2013. On the same date, the procedure for adopting decisions on the conformity of jobs requiring high professional qualifications of aliens to needs of the Lithuanian labour market<sup>20</sup> entered into force. According to the procedure, the employer is required to register a vacancy 21 calendar days in advance, and the Lithuanian Labour Exchange is to adopt, within 7 calendar days, a decision on the conformity of the alien's qualifications to Lithuania's labour market needs.

On 27 June 2013, the Seimas passed the amendments to the Law on the Legal Status of Aliens related to the conditions of granting of the status of a long-term resident to an alien who has been issued a temporary residence permit for the purposes of highly qualified employment (blue card). The amendments stipulate that if the alien proves that he was absent for employment purposes, engaging in other lawful activity or pursuit of studies in the country of origin, the period of his absence from the territory of the Republic of Lithuania will not interrupt the period of residence where it is shorter than 12 consecutive months and does not exceed in total 18 months within the five-year period.

*Draft amendments to the Law.* The draft amendments to the Law on the Legal Status of Aliens submitted on 11 December 2013 by the Government of the Republic of Lithuania to the Seimas propose, inter alia, the simplification of entry and residence of highly qualified aliens in the Republic of Lithuania by stipulating an exemption according to which a highly qualified worker to whom the employer undertakes to pay a higher salary (a monthly salary not less than three amounts of average monthly gross earnings) would not be subject to an assessment of conformity of an alien's job to the needs of the Lithuanian labour market. In such cases, it is proposed to examine an application for the issuance of a temporary residence permit (blue card) within a shorter time period (up to one month) and to issue a temporary residence permit valid for up to three years. These regulatory developments have been proposed in view of the fact that in practice, there are cases when the employer undertakes to pay a substantially higher salary than is currently required. It shows that there are employers who cannot find in the country certain highly qualified professionals meeting their needs. The assessment of the conformity of their job to the needs of the labour market becomes a mere formality and only prolongs such aliens' entry procedure. However, business representatives are of the opinion that the amount of a salary which the employer would undertake to pay to a highly qualified worker should be reduced to 1.5 amounts of average monthly gross earnings (making up LTL 3 457), and conformity of an alien's job to the needs of the Lithuanian labour market should not be assessed at all. Policy-making authorities in the area of the labour market do not support this proposal. The Lithuanian Labour Exchange is also subject to the

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<sup>18</sup> On 30 June 2012, the Seimas passed Law No XI-2189 Amending Articles 1, 2, 6, 9, 10, 11, 12(1), 17, 19, 21, 22, 24, 26, 33, 35, 37, 38, 40, 43, 49(1), 50, 51, 53, 54, 55, 57, 58, 89, 97, 98, 99, 100, 101, 101(1), 102, 104, 106, 113, 128, 131, 133, 139, 140(1), and 141(1) and the Annex of the Law of the Republic of Lithuania on the Legal Status of Aliens, Supplementing the Law with Articles 44(1), 49(3), 98(1), 99(1), 103(1), 105, 105(1), 105(2), 105(3), 105(4), and 106(1) and Repealing Articles 12(2), 13, 14, 15, 16, 18, 20, and 145.

<sup>19</sup> Higher professional qualifications are defined as they are defined by Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.

<sup>20</sup> Minister of Social Security and Labour No A1-587 of 28 December 2012

requirement to assess whether the alien's job conforms to the needs of the Lithuanian labour market.

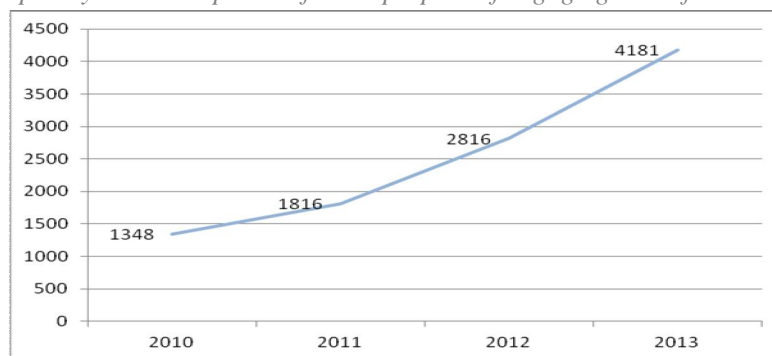
Other draft amendments to the Law on the Legal Status of Aliens prepared by the Ministry of the Interior<sup>21</sup> propose to stipulate that an application for the issuance of a temporary residence permit (blue card) to an alien may be lodged also by the employer undertaking to provide the alien with employment. Currently, this can only be done by the alien himself.

#### 3.1.4. Entry of aliens for the purpose of engaging in lawful activity

*Situation.* The Law on the Legal Status of Aliens provides for the possibility of issuing a temporary residence permit to the aliens wishing to engage in lawful activities in Lithuania. Such aliens are not required to obtain a work permit.<sup>22</sup> A temporary residence permit may be issued to an alien if (1) he is the owner of an enterprise whose authorised capital is not less than LTL 50 000 and which is registered in Lithuania or the co-owner of an enterprise which is registered in Lithuania and in which the nominal value of his proportion of the authorised capital held in the enterprise comprises not less than LTL 50 000 and his stay is necessary for the carrying out of the activities; (2) he is the owner and head of an enterprise, agency or organisation registered in Lithuania and the principal goal is to work at the enterprise, agency or organisation; (3) he intends to engage in lawful activities in Lithuania for which no work permit is required.

In 2013, the number of temporary residence permits issued on these grounds significantly increased. During the year, 4 181 temporary residence permits were issued, i.e. 1 365 permits, or 48 per cent more than in 2012 and twice as many as in 2011 (see Chart 11).

Chart 11. Temporary residence permits for the purpose of engaging in lawful activity, 2010-2013



Source: Migration Yearbook

The majority of temporary residence permits for the purpose of engaging in lawful activities were issued to citizens of Russia (approximately 40 per cent), Belarus (over 18 per cent) and Ukraine (11 per cent). Temporary residence permits issued to citizens of Iran and Pakistan account for approximately 5 per cent.

<sup>21</sup> Draft Law No XIIP-1804ES, submitted to the Seimas on 7 May 2014. This Draft transposes the provisions of Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.

<sup>22</sup> These categories of aliens are listed in Minister of Social Security and Labour Order No A1-587 of 28 December 2012. Athletes, performers, teachers, aliens visiting at the invitation of religious communities, etc. are released from the obligation to obtain a work permit.



*Abuse.* Unfortunately, it turns out in practice that aliens often declare their intention to engage in lawful activities in Lithuania (do business) only to obtain a temporary residence permit in the Republic of Lithuania rather than to conduct real activities. Such aliens usually acquire the enterprises registered in Lithuania, appoint themselves heads of the enterprises and apply on this ground for the issuance of a temporary residence permit in order to take advantage of a legitimately obtained temporary residence permit as a means of gaining entry to the Schengen Area, rather than to carry out lawful activities. In 2013, 24 temporary residence permits were withdrawn upon establishing that enterprises did not carry out declared activities (in 2012, 3 temporary residence permits were withdrawn on this ground). Under the provisions of the law currently in force, a temporary residence permit issued to an alien who intended to carry out lawful activities in Lithuania must be withdrawn if it is established that the enterprise, agency or organisation whose owner or co-owner the alien is does not perform the declared activities and/or the alien's stay in the Republic of Lithuania is not necessary for the pursuit of the aims of the enterprise, agency or organisation and carrying out of the activities. However, the practical implementation of this provision is complicated, because it is not clear as to what criteria should be a basis for claiming that the declared activities are not conducted and the alien's stay is not necessary for the pursuit of the aims of the enterprise and carrying out of the activities. For this reason, the case law is unfavourable in respect of decisions by authorities on the withdrawal of the residence permits of the aliens not conducting declared activities.

On 13 February 2013, the Committee on National Security and Defence of the Seimas of the Republic of Lithuania organised a meeting to discuss the issue of enhancing control of irregular migration. The participants of the meeting stated that the current regulation of the issuance of temporary residence permits is inappropriate, and the requirements for the issuance of a residence permit on this ground are clearly too low and create a context for abuse, as temporary residence permits are issued to the aliens who indicate evidently fictitious aims of residence in Lithuania. The Committee on National Security and Defence of the Seimas of the Republic of Lithuania<sup>23</sup> and the head of the Government of the Republic of Lithuania<sup>24</sup> instructed to prepare and submit to the Government of the Republic of Lithuania draft legal acts with a view to stipulating the regulation of the concept of fictitious enterprises and criteria for identifying fictitious activities and supplementing grounds for the refusal to issue or replace a residence permit.

*Proposed amendments to the Law.* The Ministry of the Interior has drafted amendments to the Law on the Legal Status of Aliens, which on 11 December 2013 were submitted to the Seimas for consideration. The draft amendments, *inter alia*, propose to set higher requirements for the aliens wishing to obtain a temporary residence permit on the grounds of lawful activities and provide other more effective irregular migration control measures. The draft proposes, in particular:

- 1) to stipulate the requirement for an alien to pursue lawful activities in the Republic of Lithuania for at least six months prior to applying for the issuance of a temporary residence permit;
- 2) to stipulate the requirement that residence in Lithuania is to be granted only to the aliens who are actively involved in the activities of an enterprise and whose stay is necessary to

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<sup>23</sup> Meeting Minutes No 104-P-7 of the Committee on National Security and Defence of the Seimas of the Republic of Lithuania of 13 February 2013.

<sup>24</sup> Instruction of the Prime Minister, executed by Resolution No 63-888 of 5 March 2013

- achieve the enterprise's aims or to manage its activities (i.e. an alien must also be the head of the enterprise, a member of a collegial management or supervisory body, have the right to enter into transactions on behalf of the enterprise or be a shareholder of a public limited liability company or a private limited liability company and the par value of shares of the company held by him by the right of ownership be not less than 1/3 of the company's authorised capital);
- 3) to stipulate the requirement that the enterprise managed by the alien must set up at least three full-time job positions for Lithuanian residents;
  - 4) to stipulate the requirement that the value of the equity capital/own assets of the enterprise managed by the alien may not be less than LTL 100 000, of which LTL 50 000 must be the assets invested by the alien;
  - 5) to stipulate the concept of a living accommodation fit for residence, to be applicable to an alien wishing to obtain a temporary residence permit with a view to preventing abuse, when dozens of aliens declare their place of residence in a single accommodation regardless of its area and usually do not actually live in it;
  - 6) to supplement the grounds for refusal of issuance or replacement of a residence permit and withdrawal of the residence permit and to refuse the issuance of the residence permit where the requirements for a living accommodation are not fulfilled, also where there is a strong ground for believing that an alien poses a risk of irregular migration, establishes a fictitious enterprise or no longer fulfils the requirements set forth for the issuance of a temporary residence permit;
  - 7) to stipulate the concept of a fictitious enterprise and to establish a legal ground for determining whether an enterprise is fictitious and accordingly deciding on the issuance or withdrawal of a temporary residence permit;
  - 8) to issue, on the ground of lawful activities, a temporary residence permit valid for a year and to replace it with a permit valid for two years.

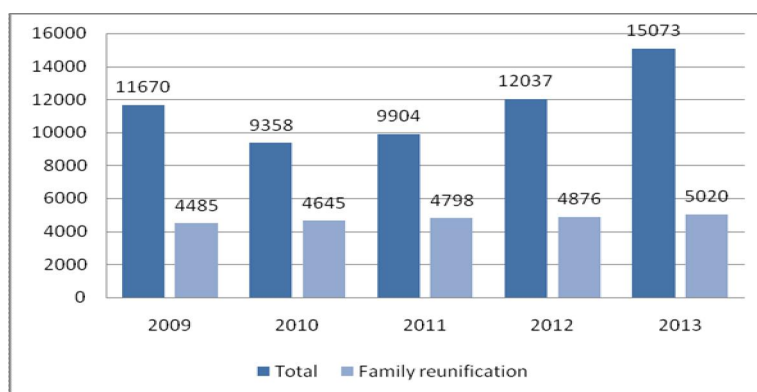
The Committee on National Security and Defence of the Seimas of the Republic of Lithuania has also expressed its support for a greater differentiation of conditions of the issuance of temporary residence permits to specific categories of aliens, as the application of the same procedures to all aliens, regardless of the amount of the funds to be invested in Lithuania, has a negative impact on economic development and weakens the intentions of large scale foreign businessmen to invest in Lithuania. This position is also supported by entrepreneurs, who note not only the need to prevent abuse of the system, but also to facilitate and accelerate procedures for issuing residence permits to aliens who come to engage in real activities in Lithuania or to take up highly qualified employment. In light of such a situation, the Ministry of the Interior proposes, under the draft Law Amending the Law on the Legal Status of Aliens submitted to the Seimas for consideration on 11 December 2013, to facilitate entry conditions for those aliens who have invested at least LTL 900 000 into an enterprise, participate in it and have created at least five full-time jobs in their enterprise, provided that these aliens meet other requirements set forth for lawful activities (see above). It is proposed to issue and replace temporary residence permits to such aliens for a three-year period and to examine the applications for the issuance of a temporary residence permit lodged by family members of the aliens within a shorter period of time (two months).

These proposals aim at reducing abuse and risk of irregular migration, especially when foreigners wish to enter on the ground of lawful activities and providing for more favourable conditions of entry for specific categories of aliens.

### 3.2. Family reunification

*Situation.* Approximately 4 500-5 000 temporary residence permits are issued annually for family reunification, which accounts for one-third of all residence permits. In 2013, 5 020 temporary residence permits were issued or replaced to aliens on the ground of family reunification (see Chart 12). 60 per cent of the temporary residence permits were issued or replaced to the aliens who are spouses of a citizen or resident of the Republic of Lithuania.

Chart 12. Temporary residence permits in Lithuania for the purposes of family reunification, 2009-2013



Source: Migration Yearbook

*Legal developments.* In 2013, relevant provisions on family reunification were adopted.

The amendments to the Law on the Legal Status of Aliens adopted on 27 June 2013<sup>25</sup> revise in the text of the Law<sup>26</sup> the definition of “another person who, under European Union legal acts, exercises the right of free movement”. The amendments stipulate that such persons include the persons who are maintained by citizens of the European Union Member States, are dependent on them or maintain with them a durable relationship (when proven by documents); under the EU law they must be provided with facilitated conditions of entry and residence with the other person in a Member State. The definition has been revised to the extent that it is established that a person must be maintained by or dependent on a citizen of a European Union Member State in the *European Union Member State* of departure. The provision regarding the country of departure has been waived.

The mentioned amendments also stipulate uniform conditions of the issuance a temporary residence card in the European Union to family members of citizens of the European Union

<sup>25</sup> Law No XII-436 Amending Articles 2, 53, and 101 and the Annex of the Law of the Republic of Lithuania on the Legal Status of Aliens was adopted on 27 June 2013.

<sup>26</sup> Having regard to the interpretation given by the Judgment of the Court of Justice of the European Union of 5 September 2012 in Case C-83/11 (*Secretary of State for the Home Department v Muhammad Sazzadur Rahman and Others*) regarding the provisions of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States.

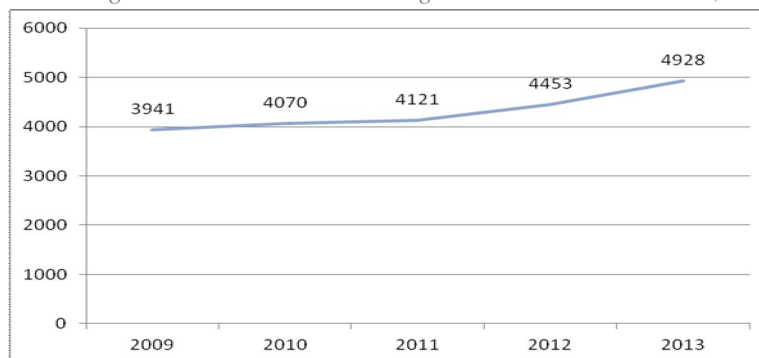
Member States and of the Republic of Lithuania who have exercised their right of free movement. The family members of the citizens of the Republic of Lithuania who had exercised their right of free movement were previously subject to the condition of entry from *another European Union Member State* when wishing to obtain a residence card of a family member of the Union citizen. This provision has been waived.

*Draft amendments to the Law.* The draft amendments to the Law on the Legal Status of Aliens as submitted on 11 December 2013 by the Government of the Republic of Lithuania also propose to establish more favourable conditions of family reunification (when family members can come together) for the following categories of aliens: 1) aliens who invest more in Lithuania (LTL 900 000) and create at least five full-time job positions; 2) aliens who come to teach; 3) aliens who are temporarily (for up to three years) seconded by a foreign enterprise to the Republic of Lithuania for work at the enterprise’s representative office, branch or enterprise that belongs to the same group of enterprises in the capacity of executives or professionals and who, prior to the arrival in the Republic of Lithuania, have worked for at least one preceding year in that foreign enterprise, their subject knowledge or higher professional qualifications are necessary for the activities of the enterprise, representative office or branch established in the Republic of Lithuania, and during the period of employment in the Republic of Lithuania they will be paid not less than two amounts of average monthly gross earnings most recently published by the Lithuanian Department of Statistics. These aliens would not be subject to the general regulation under which only an alien who has a temporary residence permit and has resided in Lithuania for two years may apply for family reunification.

### 3.3. Students and researchers

*Situation.* The number of aliens studying in Lithuania (both EU citizens and third-country nationals) is steadily growing. During the 2012-2013 academic year, there were 4 928 foreigners<sup>27</sup> studying at Lithuanian higher education institutions (universities and colleges) for the entire duration or part of a study programme (see Chart 13). Foreign students accounted for 3.1 per cent of all students in Lithuania.

Chart 13. Foreign students at Lithuanian higher education institutions, 2009-2013

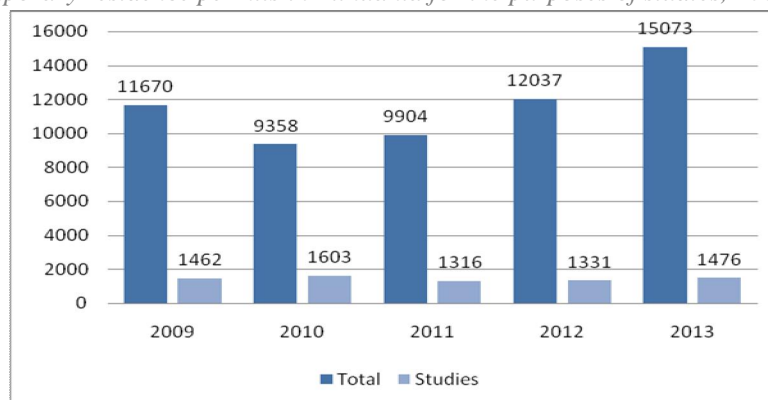


Source: Ministry of Education and Science

<sup>27</sup> Data of the Ministry of Education and Science, [http://www.smm.lt/uploads/lawacts/docs/609\\_5cb91a07078d12aa4ac21a9fa9acb526.pdf](http://www.smm.lt/uploads/lawacts/docs/609_5cb91a07078d12aa4ac21a9fa9acb526.pdf)

In 2013, 1 476 temporary residence permits were issued or replaced to third-country nationals entering for study purposes (including secondary education).

Chart 14. Temporary residence permits in Lithuania for the purposes of studies, 2009-2013



Sources: Migration Year

However, the number of third-country students is higher, as according to the procedure currently in force the aliens admitted to studies are first issued a national visa valid for a period of up to one year and apply for the residence permit after first year of studies.

*Researchers.* In 2013, 8 temporary residence permits were issued or replaced to researchers, in 2012 – 9 temporary residence permits. Since 2008, 35 temporary residence permits have been issued or replaced on this ground.

*Internationalisation of higher education.* In 2013, the activities related to promotion of internationalisation of higher education of Lithuania were further pursued. Government grants were allocated to aliens' partial Lithuanian (Baltic) studies, research internships, other studies and Lithuanian language and culture summer courses through competition. Moreover, a competition for government support to postgraduate studies of citizens of Azerbaijan, Armenia, Belarus, Georgia, Kazakhstan and Ukraine at Lithuanian higher education institutions and a competition for government support to foreign teachers coming to Lithuania to teach at higher education institutions were held. Support was allocated to postgraduate studies of 26 third-country nationals.

*Draft amendments to the Law.* A draft Law Amending the Law on the Legal Status of Aliens submitted to the Seimas for consideration by the Government of the Republic of Lithuania on 11 December 2013 proposes:

- to stipulate more favourable entry conditions for the aliens who come to study, to conduct research or experimental development work or to teach at Lithuanian higher education and research institutions. It is proposed to apply to incoming teachers the same conditions as to researchers; to provide for the possibility to issue to researchers and teachers a temporary residence permit valid for a longer period (up to two years) (a temporary residence permit issued currently is valid for one year); teachers would be permitted to come together with their families (researchers have already been given this possibility);
- to establish the possibility for an alien who has completed his education or studies to stay in Lithuania for another six months. Currently, a temporary residence permit issued to an alien for education or studies is valid only until the completion of

education or studies, hence having completed studies in Lithuania, the alien must leave, even if he intends to continue his studies in Lithuania or may take up employment in his occupation;

- to allow aliens to take up employment at Lithuanian higher education and research institutions in the area of research or experimental development during the period of their studies and school or university students to take up employment during their traineeship, while releasing them from the obligation to obtain a work permit. At present, the requirement to obtain a work permit applies to students in all cases, i.e. to those willing to work in the area of higher education and also when taking up employment during the period of practical training. Students in vocational training programmes are neither released from the requirement to hold a work permit during the period of practical training.

*Draft amendments.* On 11 December 2013, draft amendments to the Code of Administrative Offences of the Republic of Lithuania<sup>28</sup> were submitted to the Seimas. The draft amendments propose to impose administrative liability (fine) on educational institutions for a failure to communicate to a migration service data on an alien who terminates studies.

### **3.4. Integration**

Until 2014, there was no authority in Lithuania responsible for the issues of the integration of aliens. By the Resolution of 22 January 2014, the Government of the Republic of Lithuania has approved the Lithuanian Migration Policy Guidelines and resolved the issue of assignment of functions of policy-making in the area of the integration of aliens to a single institution. This area has been assigned to the Ministry of Social Security and Labour. Under draft amendments<sup>29</sup> to the regulations of the Ministry of Social Security and Labour, the Ministry has been assigned the performance of functions in the area of the integration of aliens: analysis of the processes of the integration of aliens, preparation and submission to the Government of the Republic of Lithuania of draft legislation and drafting of strategic planning documents on the integration of aliens.

The amendments to the Law on the Legal Status of Aliens adopted on 10 October 2013 stipulate that a Government commission is to be set up for coordination of the implementation of the integration of aliens. The commission will be comprised of ministers or vice-ministers of social security and labour, the interior, health, education and science, culture and finance, a representative of the Association of Local Authorities in Lithuania and, if necessary, other persons.

On 22 January 2014, the Government of the Republic of Lithuania specified the composition of the commission for coordination of the implementation of integration of aliens and formulated the following tasks: carry out the monitoring of the processes of the implementation of the integration of aliens and specific actions related to the integration of aliens and address the issues related to the implementation of the integration of aliens; submit recommendations to the

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<sup>28</sup> Draft Law No XIIP-1397 Amending Articles 206(5), 225, 233 and 259(1) of the Code of Administrative Offences of the Republic of Lithuania and Supplementing the Code with Article 206(6) was submitted to the Seimas on 11 December 2013.

<sup>29</sup> Draft Amendments No 14-937(3) to the Regulations of the Ministry of Social Security and Labour

Government of Lithuania, state and municipal institutions and agencies, international and non-governmental organisations concerning the improvement of the implementation of the integration of aliens. The commission may engage independent experts, representatives of state institutions, agencies and organisations.

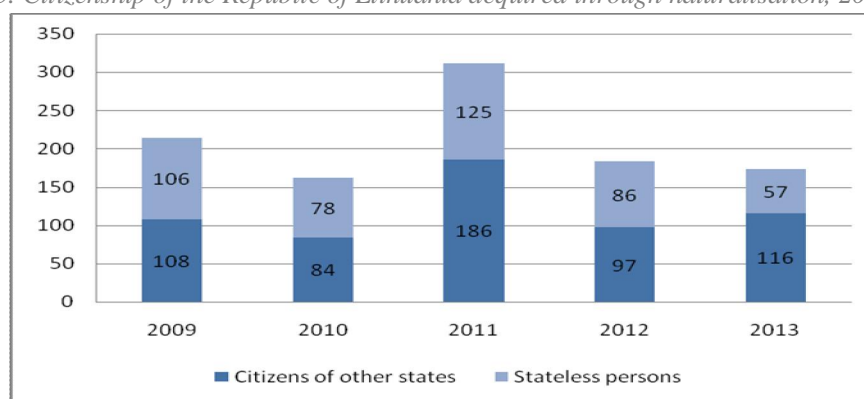
The measures (projects) intended for the integration of aliens were implemented in 2013 from funds of the European Fund for the Integration of Third-Country Nationals and the European Refugee Fund.

### 3.5. Citizenship and naturalisation

*Situation.* In 2013, 37 579 persons acquired citizenship of the Republic of Lithuania, mostly by birth (97 per cent). Citizenship of the Republic of Lithuania was reinstated to 870 persons (persons who held citizenship of the Republic of Lithuania before 15 June 1940 or their descendants, who were forcibly expelled from Lithuania or left the country for political or other reasons during the occupation), 36 persons acquired citizenship under the simplified procedure applicable to persons of Lithuanian descent, and restoration of citizenship was applied to 37 persons.

In 2013, citizenship of the Republic of Lithuania was granted through naturalisation to 173 persons, which is slightly less than in 2012, when citizenship was acquired by 183 persons (see Chart 15). In 2013, the majority of persons who acquired citizenship of the Republic of Lithuania (57 persons) were stateless persons, as well as persons previously holding citizenship of Russia, Belarus and Ukraine. Citizens of other states wishing to acquire citizenship through naturalisation must renounce citizenship previously held by them prior to taking an oath of allegiance to the Republic of Lithuania.

Chart 15. Citizenship of the Republic of Lithuania acquired through naturalisation, 2009-2013



Source: Migration Yearbook

In 2013, 452 citizens of Lithuania lost citizenship of the Republic of Lithuania (43 persons renounced citizenship, 409 persons lost citizenship on acquiring citizenship of another state), which is clearly linked with the emigration of citizens of Lithuania to other states. However, a comparison of data of 2013 with statistics of previous years on loss of citizenship of the Republic of Lithuania allows for the conclusion that the number of such cases is decreasing (for example, in 2009 878 persons lost citizenship of the Republic of Lithuania, in 2010 – 579, in 2012 – 445).

At the beginning of 2014, there were in Lithuania 3 892 stateless persons, of whom 3 800 had the status of a long-term resident. In comparison with the data of the beginning of 2013, the number of stateless persons residing in Lithuania has decreased by 6 per cent.<sup>30</sup>

*Granting of citizenship of the Republic of Lithuania by way of exception.* In 2013, after a long break since 2008, a person holding citizenship of another state was granted citizenship of the Republic of Lithuania by way of exception. In 2012, the President of the Republic refused to grant citizenship of the Republic of Lithuania to an athlete holding citizenship of the United States of America and referred to the Constitutional Court<sup>31</sup> for interpretation of the provisions of rulings of the Constitutional Court which stipulate that citizenship of the Republic of Lithuania may be granted to a citizen of a foreign state by way of exception where the person has outstanding merits to the State of Lithuania and has integrated into the Lithuanian society. According to the interpretation given by the Constitutional Court of the Republic of Lithuania on 13 March 2013,<sup>32</sup> the discretion of the President of the Republic to decide on the granting of citizenship by way of exception for merits to the State of Lithuania is bound by the imperative provisions of the Constitution stipulating that these must be outstanding and undeniable merits to the State of Lithuania itself and that the person must have continuing and genuine ties with the State of Lithuania and have integrated into the Lithuanian society. By the Decree of 2 December 2013<sup>33</sup>, the President of the Republic of Lithuania granted citizenship of the Republic of Lithuania by way of exception to the athlete holding citizenship of another country.

*Legal developments.* Based on the provisions of the new Law of the Republic of Lithuania on Citizenship<sup>34</sup> passed on 2 December 2010, which entered into force on 1 January 2013, two new documents began to be issued: 1) a certificate attesting to the right to reinstate citizenship of the Republic of Lithuania and 2) a certificate of Lithuanian descent. These documents may be issued to aliens residing in foreign countries or in Lithuania who, in accordance with the Law of the Republic of Lithuania on Citizenship, have an indefinite right to reinstate citizenship of the Republic of Lithuania (i.e. persons who held citizenship of the Republic of Lithuania before 15 June 1940 or their descendants) or are of Lithuanian descent. During the year, 122 such certificated were issued, mostly to citizens of the Republic of Belarus (92).

On 9 May 2013, the Seimas of the Republic of Lithuania ratified the 1961 United Nations Convention on the Reduction of Statelessness<sup>35</sup> and adopted amendments to the Law of the Republic of Lithuania on Citizenship<sup>36</sup> stipulating more favourable conditions of naturalisation to stateless persons. Thus, the stateless persons who were born in the territory of Lithuania and have not acquired citizenship of another state will be able to apply for the granting of citizenship (through naturalisation) provided that they have resided in Lithuania for the last five years (in other cases, the standard requirement of a ten-year period of residence applies). Such persons, just as other persons wishing to acquire citizenship through naturalisation, are subject to the requirements

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<sup>30</sup> Data of the Migration Yearbook

<sup>31</sup> Official Gazette, No 6-213, 2013

<sup>32</sup> Official Gazette, No 28-1333, 2013

<sup>33</sup> President of the Republic Decree No 1K-1662 of 2 December 2013

<sup>34</sup> Official Gazette, No 144-7361, 2010

<sup>35</sup> Law No XII-268 of the Republic of Lithuania on Ratification of the United Nations Convention on the Reduction of Statelessness

<sup>36</sup> Law No XII-269 Amending Articles 18 and 40 of the Law of the Republic of Lithuania on Citizenship



of integration (passing of examinations in the Lithuanian language and the fundamentals of the Constitution) and taking the oath of allegiance to the Republic of Lithuania.

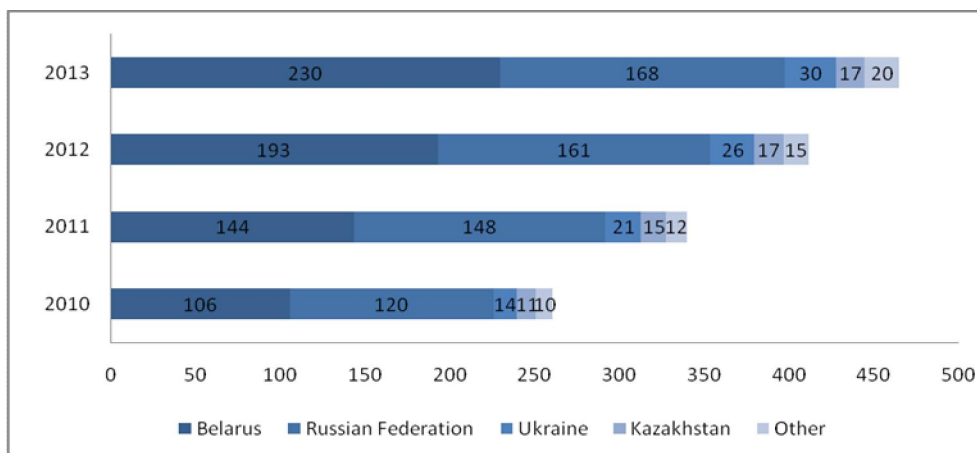
### 3.6. Management of migration and mobility

#### Visas

A large and continuously growing part of foreigners is made up by tourists and aliens gaining short-term entry under visas for other purposes. In 2013, Lithuanian visa services issued over 465 000 Schengen visas, i.e. 53 000 more than in 2012, which promoted business and tourism development. The revenue of inbound tourism grew in 2013 by 7.6 per cent.

The majority of Schengen visas were issued in Belarus (49 per cent) and Russia (36 per cent). Lithuanian visa services issued in 2013 twice as many visas in Belarus as in 2010 (see Chart 16).

Chart 16. Countries in which Lithuanian visa services issued the majority of visas, thousands of visas, 2010-2013



Source: European Commission

In 2013, Lithuanian visa services rejected 4 262 applications for the issuance of visas. The issuance of visas was mostly refused in Georgia (28 per cent), Armenia (17 per cent), Russia (14 per cent), Kazakhstan (8.8 per cent) and Belarus (8.5 per cent).

In order to improve the access to consular services, the Ministry of Foreign Affairs signed in 2013 agreements with external service providers (VFS Global). Under these agreements, visa centres were opened in Russia and Ukraine. The first centre was opened on 12 March 2013 in Moscow. In 2013, 17 visa centres gradually launched their activities in Russia. In Kiev, a visa centre was opened on 31 May 2013, and 13 more Lithuanian visa centres were opened in Ukraine on 3 June.<sup>37</sup> In light of the fact that the visa application centres have justified themselves, cooperation with the external service providers is planned to be expanded.<sup>38</sup>

<sup>37</sup> In Lvov, Odessa, Donetsk, Kharkiv, Ivano-Frankivsk, Ternopil, Rivne, Lutsk, Dnipropetrovsk, Zhytomyr, Vinnytsia, Khmelnytskyi, Simferopol

<sup>38</sup> Countries under consideration – Armenia, Azerbaijan, Republic of Belarus, Georgia, Kazakhstan, China, Turkey

In 2013, Lithuania continued the development<sup>39</sup> of the Visa Information System (VIS), which enables the collection of biometric data from visa applicants: on 15 May 2013, the VIS was launched at the embassy of the Republic of Lithuania to the United Kingdom, on 14 November 2013 – at the Embassy of the Republic of Lithuania in Kazakhstan and the Embassy of the Republic of Lithuania Office in Almaty. In 2013, the number of biometric visas issued by Lithuanian visa services amounted to 1 per cent of the total number of Schengen visas issued by Lithuania.

On 15 April 2013, an agreement between the Republic of Lithuania and the Republic of Latvia on representation of Lithuania by Latvia in Argentina and on representation of Latvia by Lithuania in Bulgaria and Armenia in issuing Schengen visas entered into force. On 10 November 2013, an agreement was concluded between the Government of the Republic of Lithuania and the Government of the Republic of India on abolition of visa regime for holders of diplomatic passports.<sup>40</sup>

## 4. Irregular migration

*Situation.* The total length of the state border of the Republic of Lithuania is 1 762 km. The external border of the European Union is 1 070 km long, which makes up 60 per cent of the total length of the Lithuanian state border. Protection of external borders is among the top priorities of Lithuania.

Irregular migration trends in 2013, compared with the previous years, remained the same: aliens attempt to illegally cross the state border (in groups or alone), to obtain a visa by fraud (by providing false data about the purpose of the travel, making use of fraudulently executed letters of invitation in support of visa applications), to use forged documents. False data about the purpose of the travel for the purpose of obtaining a visa were most often provided by citizens of Iraq, Georgia, Armenia, and Egypt. In order to reduce irregular migration, it is proposed to establish a stricter liability (increase fines) for the provision of false data for the purpose of verification of letters of invitation for aliens to enter the Republic of Lithuania or for aiding an alien in obtaining, by other unlawful means, a document confirming the right to stay or reside in the Republic of Lithuania.<sup>41</sup>

In 2013, less violations of the state border at the EU external border were recorded (compared with 2012, the number of violations of the state border at the border with the Republic of Belarus decreased by 16 per cent, at the border with the Russian Federation – by 37 per cent).

After three years of intensified irregular migration of citizens of Georgia, the number of cases of irregular migration among citizens of Georgia decreased in 2013 (compared with data from 2012, the number of Georgian citizens detained for violation of the state border declined by approximately 40 per cent). As a rule, citizens of Georgia attempt on their own to illegally cross the state border from the Belarusian side. Unorganised irregular migration is also observed among citizens of the neighbouring states, namely, Belarus and the Russian Federation. As regards citizenship of irregular migrants detained for illegal border crossing, citizens of Georgia, Vietnam

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<sup>39</sup> The VIS also operates at the Embassy of the Republic of Lithuania to the Arab Republic of Egypt (since 11 October 2011) and the Embassy of the Republic of Lithuania to Israel (since 12 May 2012). The major wave of VIS expansion is expected to take place in 2014.

<sup>40</sup> Approved by Government of the Republic of Lithuania Resolution No 189 of 26 February 2014

<sup>41</sup> The respective Law Amending the Code of Administrative Offences of the Republic of Lithuania has been submitted to the Seimas for consideration by the Resolution of the Government of the Republic of Lithuania of 11 December 2013.

and Afghanistan made up the largest share (see Table 3). The majority of irregular migrants, over 83 per cent, were detained at the border with Belarus.

*Table 3: Third-country nationals detained for illegal border crossing, 2012-2013*

2012		2013	
Citizenship	Number	Citizenship	Number
Georgia	258	Georgia	151
Vietnam	85	Vietnam	66
Afghanistan	54	Afghanistan	42
Russia	31	Belarus	25
Belarus	19	Russia	20
Other	30	Other	25
TOTAL	477	TOTAL	329

Source: State Border Guard Service

The majority of the aliens detained on grounds of illegal stay on the territory of the country are the persons who fail to depart after the expiry of the term of validity of their visas (in 2013, just as in 2012, these aliens made up approximately 85 per cent of aliens detained for illegal stay in the territory of the country).

In 2013, 14 groups of irregular migrants being smuggled were detained, and 12 pre-trial investigations of migrant smuggling were initiated. Citizens of Vietnam and Afghanistan account for the majority of persons smuggled in groups. An international network of smuggling of irregular migrants from these countries as organised by Russian citizens (one of them being an asylum seeker previously accommodated at the Foreigners' Registration Centre) was identified. Citizens of Vietnam and Afghanistan indicated Italy, France and Germany as destination countries.

Just as each year, an analysis of the situation at the state border was carried out in 2013 by the Information Analysis Division of the State Border Guard Service. The analysis of the data takes into account the information received from other national and European institutions or organisations, including the network of immigration liaison officers, and the information received from third countries in relation to irregular migration across the external border of the European Union as protected by Lithuania.

*Draft amendments.* The Seimas has also been submitted draft amendments to the Code of Administrative Offences<sup>42</sup>, which propose to tighten sanctions for the provision of false data in letters of invitation inviting aliens to come to the Republic of Lithuania or for aiding in obtaining, by other unlawful means, a document confirming the right to stay or reside in the Republic of Lithuania in order to better control and prevent irregular migration.

#### *Measures enhancing border control*

Lithuania continuously improves and strengthens the control of the EU's external borders. In 2013, a border surveillance system was introduced in the section of the state border guarded by the Vileikiai Border Police Station of the Pagėgiai Frontier District. This system helps to prevent crossing of the border at places other than established border crossing points, violations in border areas, irregular migration and smuggling across the 'green' border, to identify and detain the

<sup>42</sup> On 11 December 2013, Draft Law No XIIP-1397 Amending Articles 206(5), 225, 233 and 259(1) of the Code of Administrative Offences of the Republic of Lithuania and Supplementing the Code with Article 206(6) was submitted to the Seimas.

persons attempting to illegally enter the country. In 2013, measures for integration of (available) surveillance systems of the Baltic Sea area and the Curonian Lagoon were being implemented with a view to connecting sensor devices of different institutions into a single integrated maritime surveillance system (integration phase I of the plan was successfully completed). In this way, a more efficient use of available financial and human resources is ensured and the number of irregular migrants entering the EU is significantly reduced. In the future, there will be a possibility of integrating the border surveillance systems installed in the sections of the border into a common European external border surveillance system.<sup>43</sup>

Lithuania has introduced information systems intended for consolidation of cooperation and enhancing control of the EU's external borders. In 2013, an Eurosur node was deployed at the National Coordination Centre to enable the officers of the State Border Guard Service performing operational command functions exchange operational information on incidents at the external borders of the EU with other EU Member States and with Frontex. The National Coordination Centre<sup>44</sup> forwards to Frontex national strategic information and operational data and regularly updates them.

Particular attention is given to the protection of the Lithuanian-Belarusian border. In 2013, the project "Strengthening security and facilitating cross-border cohesion through improvement of entry/exit infrastructure at Lithuanian-Belarusian border crossing points" was being implemented. The aim of the project is to strengthen bilateral cooperation at border crossing points and to improve border security by improving the infrastructure controlling entry/exit at Lithuanian-Belarusian border crossing points. In 2013, wireless connection (Wi-Fi) networks were developed at Kena, Raigardas, Medininkai and Lavoriškės border checkpoints, which ensures a more reliable and faster data transfer rates and enables to shorten the inspection time. Moreover, a travel document verification device was purchased and the information system of the State Border Guard Service was being updated, which will permit automated calculation of the duration of stay of third-party individuals in the European Union and identification of violations of stay of the persons in the European Union.

From 2 May 2013 until 1 July 2013, an action plan of reinforced control of the state border with the Republic of Belarus was being implemented. During the period of implementation of the plan, an enhanced state border control regime was introduced in the frontier districts of the State Border Guard Service guarding the state border with the Republic of Belarus. In order to strengthen the control of cross-border movement and border surveillance, all frontier districts applied a preventive security measure plan in the relevant periods.

Other actions carried out in 2013 in the area of prevention of irregular migration:

- In February, three experts of the State Border Guard Service participated in the operation "FOCAL POINT" and organised trainings for Greek border guard officers related to checking and identification of forged documents;
- A joint immigration liaison officer for Lithuanian, Estonian, Latvian and Finnish border guard authorities in charge of cooperation with Ukrainian and Moldovan

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<sup>43</sup> The measure plan integrating the (available) surveillance systems of the Baltic Sea area and the Curonian Lagoon as approved by Minister of National Defence, Minister of the Interior and Minister of Transport and Communications Order No V-1115/730-1V/3-599 of 3 October 2011 on the Approval of the Measure Plan for Integration of (Available) Surveillance Systems of the Baltic Sea area and the Curonian Lagoon

<sup>44</sup> Based on Regulation (EU) No 1052/2013 of the European Parliament and of the Council of 22 October 2013 establishing the European Border Surveillance System (Eurosur)

authorities commenced his service in Kyiv (Ukraine), and a joint immigration liaison officer for Lithuanian, Estonian and Latvian border guard authorities in charge of cooperation with Russian authorities commenced his service in Moscow (Russia).

*Cooperation with Frontex (operation “PERKŪNAS” (“THUNDER”)).* From 30 September 2013 until 13 October 2013, the State Border Guard Service organised, together with FRONTEX, a joint international operation “PERKŪNAS” (“THUNDER”), the main objective of which was to identify a connection between the illegal crossing of external borders of the European Union and secondary migration within the territories of the Schengen countries, also to collect information on irregular migration flows in order to detect an increase in irregular migration flows in various countries. Law enforcement authorities of 25 Member States, including border guards and the police, participated in the operation. During the operation, detention was applied to over 10 000 irregular migrants, who had entered the territory of the Member States in a variety of ways or were detained at the border when he attempting to cross it. The majority of the detainees were citizens of Syria (3 770), Eritrea (1 347) and Afghanistan (590). 577 irregular migrants of all detained aliens held various forged documents (passports, identity cards, temporary or permanent residence permits in a certain state, visas). The irregular migrants most often indicated Germany as their final destination, a number also wanted to gain entry to Sweden, Italy, Switzerland, Spain, and the United Kingdom. Operations similar to “THUNDER” were organised and coordinated in 2010, 2011 and 2012 by Belgium, Hungary, Poland, Denmark and Cyprus.

## 5. Return

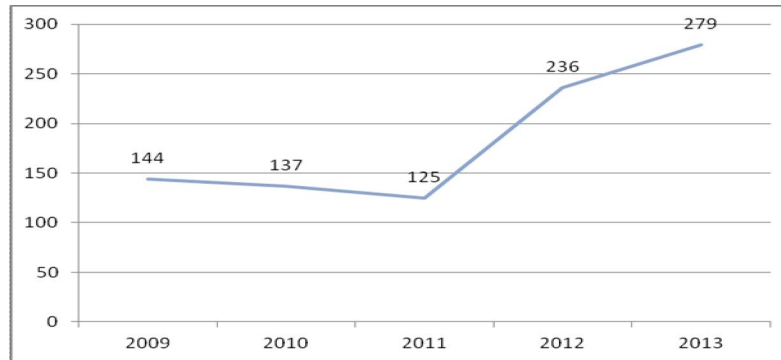
*Situation.* In Lithuania, on average 2 000-2 500 aliens per year violate procedures of entry, residence, transit and departure from the Republic of Lithuania.<sup>45</sup> A return decision grants a period of 7 to 30 days during which an alien must voluntarily depart from the Republic of Lithuania, while the expulsion decision is enforced by authorities (without granting a period for voluntary return). The aliens who are subject to a return decision and are granted a period for voluntary departure, also the vulnerable aliens who have illegally entered the country and are illegally present may make use of assisted voluntary return if they do not have funds for return or need assistance. Assisted voluntary return is provided by the International Organization for Migration (IOM) Vilnius Office and is financed with funds of the programmes of the European Return Fund.

In 2013, 1 533 return decisions and 279 expulsion decisions were issued. In 2013, the majority of aliens expelled from Lithuania were citizens of Georgia (173 citizens of Georgia). In addition, officers of the State Border Guard Service participated in four joint flights organised by the Polish Border Guard. During the joint flights, 20 citizens of Georgia were expelled. In 2013, the International Organization for Migration Vilnius Office facilitated the return of 43 aliens to their country of origin and provided reintegration assistance in the country of origin to 8 aliens.

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<sup>45</sup> Article 206 of the Code of Administrative Offences is violated.

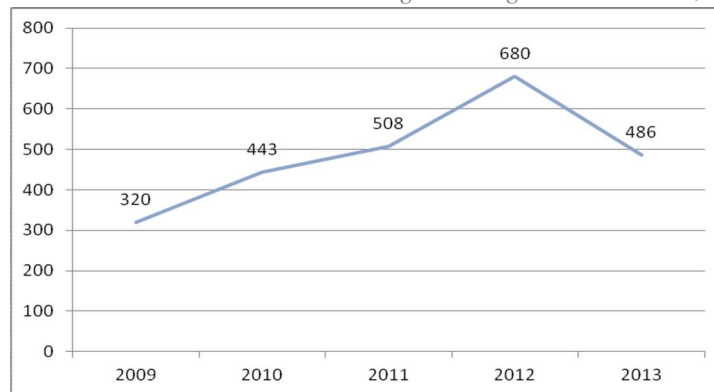
Chart 17. Expulsions, 2009-2013



Source: Migration Yearbook

The aliens who have illegally entered Lithuania or are illegally present in it are accommodated at the Foreigners' Registration Centre. In 2013, the number of aliens provided with accommodation at the Centre decreased in comparison in 2012.

Chart 18. Aliens accommodated at the Foreigners' Registration Centre, 2009-2013



Source: Migration Yearbook

*Legal developments.* The amendments to the Law on the Legal Status of Aliens adopted on 10 October 2013<sup>46</sup> provide for the possibility for the aliens who have illegally entered Lithuania or are illegally present in it, but are vulnerable persons or asylum seekers to choose voluntary return to a foreign country through the assistance of an international or non-governmental organisation. The third-country nationals who had illegally entered the country or who had been illegally present in it have not been given such a possibility since 1 February 2012, when the amendments to the Law<sup>47</sup> transposing the Return Directive<sup>48</sup> entered into force. This category of aliens has not been provided with a ground for an alien's voluntary return, which may be presumed to have reduced the number of aliens making use of assisted voluntary return and is likely to have contributed in part to the growth of the number of expulsions.

<sup>46</sup> Law No XII-548 Amending Articles 26, 33, 40, 41, 53, 104, 109, 113, and 125 of the Law of the Republic of Lithuania on the Legal Status of Aliens

<sup>47</sup> Law No XI-1786 Amending Articles 2, 19, 77, 113, 114, 125, 126, 127, 128, 129, 132, 133, and 139 of the Law of the Republic of Lithuania on the Legal Status of Aliens and the Annex of the Law

<sup>48</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals

In 2013, the provision of meals to the persons accommodated at the Foreigners' Registration Centre was regulated having regard to their religious beliefs. Thus, a new Description of the Conditions of and Procedure for Temporary Accommodation of Aliens at the Foreigners' Registration Centre was drafted.<sup>49</sup>

*Draft legislation.* The provisions of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals have been transposed to the Law on the Legal Status of Aliens by the amendments adopted on 8 December 2011. However, representatives of the European Commission are of the opinion that some provisions of this Directive have not been transposed to legal acts of the Republic of Lithuania or have been transposed inaccurately. The Ministry of the Interior has drafted amendments to the Law of the Republic of Lithuania on the Legal Status of Aliens proposing:

- to establish the criteria to be followed in determining that an alien may abscond in order to avoid return to a foreign country, expulsion from the Republic of Lithuania or transfer to another Member State responsible for examination of his asylum application;
- to provide for the possibility of establishing a shorter period for voluntary departure from the Republic of Lithuania or not granting this period if there is a reason to believe that an alien may abscond;
- to revise the application of entry bans prohibiting entry into the Republic of Lithuania;
- to indicate grounds for the extension of a period for voluntary departure from the Republic of Lithuania granted to an alien.

In compliance with the requirements of the Directive, the Member States also must have in place an effective forced return/expulsion monitoring system. It is proposed to establish that the expulsion of aliens from the Republic of Lithuania is monitored, in accordance with the procedure laid down by the Minister of the Interior and the Minister of Social Security and Labour, in cooperation international and non-governmental organisations.

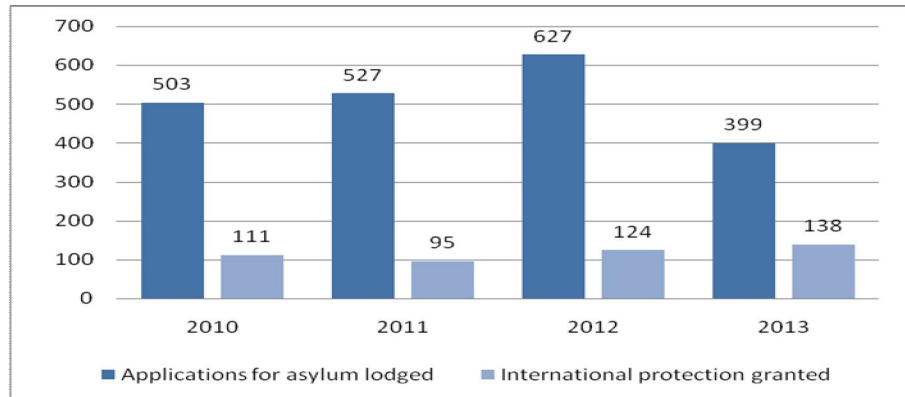
## 6. Asylum

*Situation.* In 2013, aliens lodged 399 applications for asylum in the Republic of Lithuania. Compared with 2012, the number of the applications for asylum decreased by almost 40 per cent (see Chart 19).

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<sup>49</sup> Approved by Minister of the Interior Order No 1V-42 of 31 January 2014

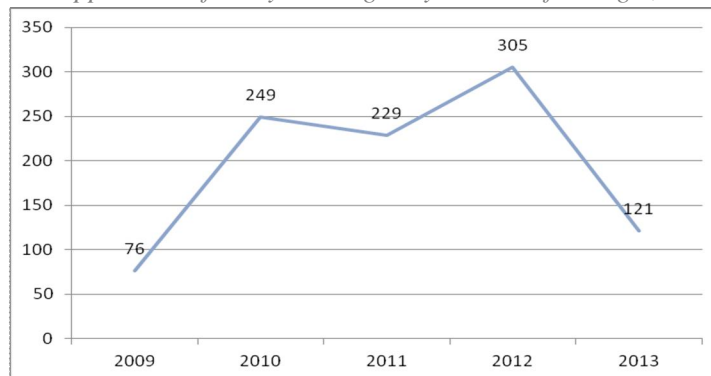
Chart 19. Applications for asylum and granting of asylum in Lithuania, 2009-2013



Source: Migration Yearbook

Such a decrease could in part be explained by a significant decline in irregular migration flows of citizens of Georgia. Compared with 2012, the number of applications for asylum lodged by citizens of Georgia decreased twofold (see Chart 20).

Chart 20. Applications for asylum lodged by citizens of Georgia, 2009-2013

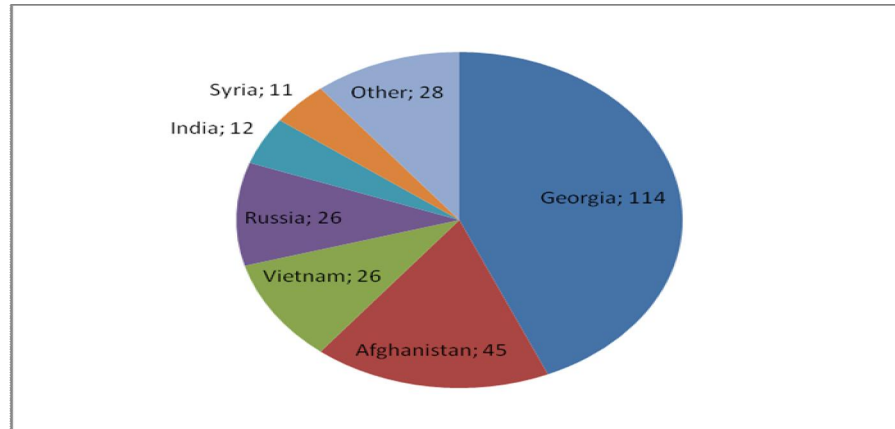


Source: Migration Yearbook

In 2013, applications lodged by citizens of Georgia made up 43 per cent of all first applications (114), i.e. less than in 2012, when applications by citizens of Georgia accounted for 57 per cent of all first applications (283). Just as in 2012, apart from citizens of Georgia, asylum seekers came mostly from Afghanistan, Vietnam and Russia, although there was observed a decrease in the number of asylum seekers from all of these countries (see Chart 21).



Chart 21: Asylum seekers by citizenship (first applications), 2013



Source: Migration Yearbook

Due to an overall decrease in the number of asylum applications in 2013, the share of unfounded asylum applications decreased too. Thus, in 2013 decisions refusing the granting of asylum or terminating the examination of an asylum application accounted for 65 per cent of all decisions, meanwhile in 2012 – as much as 80 per cent.

In 2013, the Republic of Lithuania granted asylum to 138 persons, which is slightly more than in the past years. 15 persons (mostly citizens of Afghanistan) were granted refugee status, and 123 persons (mostly citizens of Afghanistan and Russia) – subsidiary protection. In the past years, no citizens of Georgia were granted asylum, but in 2013 subsidiary protection was granted to 1 citizen of Georgia.

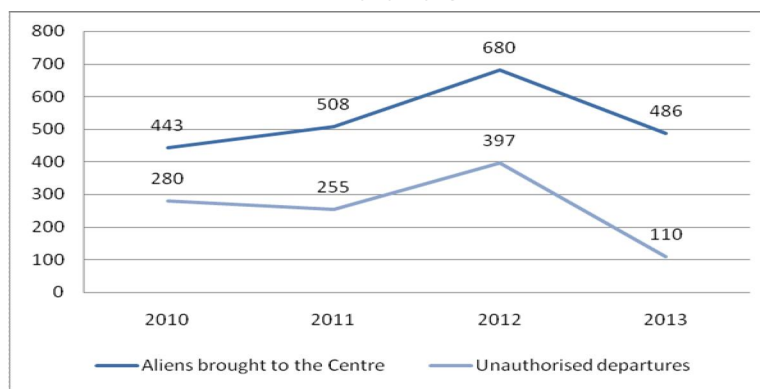
In 2013, fewer requests were received from other countries to take over the examination of an application for asylum under the Dublin Regulation (in 2013, a total of 453 applications were received, in 2012 – 562 applications), with the largest number of requests both in 2013 and 2012 having been made by Germany (in 2013 – 173, in 2012 – 126). Just as in the past years, the majority of requests were made also by France, Austria, Switzerland, Sweden, and Norway. Compared to 2012, the number of requests made by Denmark in 2013 increased twofold (16).

In 2013, integration of 4 asylum seekers from Eritrea relocated from Malta under the EUREMA II project was carried out. The Government of the Republic of Lithuania, by its Resolution of 14 September 2011, approved of the participation of the Republic of Lithuania in the project of relocation of asylum seekers from the Republic of Malta co-financed by the European Refugee Fund (EUREMA II). On 12 December 2012, 4 asylum seekers (citizens of Eritrea) were relocated from the Republic of Malta to Lithuania and were granted refugee status in the Republic of Lithuania.

*Abuse of the asylum system.* Until October 2013, the provisions of the Law did not allow to apply detention to the asylum seekers who had illegally entered the Republic of Lithuania or were illegally present in it. They were provided with accommodation at the Foreigners' Registration Centre without restricting their freedom of movement. The aliens who have illegally entered the country often abuse such regulation by lodging unfounded asylum applications in order to preserve the freedom of movement and depart from the Foreigners' Registration Centre. For several years, the number of aliens who depart from the Foreigners' Registration Centre without an authorisation

has steadily increased (see Chart 22). On 10 October 2013, the Seimas passed amendments to the Law on the Legal Status of Aliens stipulating conditions of detention of asylum seekers.

Chart 22. *Unauthorised departures of aliens accommodated at the Foreigners' Registration Centre, 2010-2013*



Source: Migration Yearbook

The mentioned amendments to the Law, according to which the aliens who lodge manifestly unfounded applications for asylum can be detained, may have contributed to a decrease in 2013, compared to 2012, in the number of unauthorised departures from the Foreigners' Registration Centre.

*Legal developments.* On 24 October 2013, the amendments to the Law<sup>50</sup> establishing grounds for detention of asylum seekers entered into force. The amendments stipulate that an asylum seeker who has illegally entered the Republic of Lithuania or is illegally present in it may be detained only for the purposes of establishing and/or verifying his identity/citizenship and/or identifying the reasons for lodging the application for asylum, also where his application for asylum is based on the grounds clearly unrelated to the threat of persecution in the country of origin or is based on fraud or where the asylum seeker has not been granted temporary territorial asylum and there are grounds to believe that he may abscond in order to avoid return to a foreign country or expulsion from the Republic of Lithuania.

On 27 June 2013, the Seimas of the Republic of Lithuania adopted amendments to the Law on the Legal Status of Aliens<sup>51</sup> transposing the provisions of Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection. The amendments specify a procedure for calculating the period of residence in the Republic of Lithuania for the aliens who seek to obtain a permanent residence permit and who have been granted subsidiary protection in the Republic of Lithuania in accordance with the procedure laid down by the Law. The Directive requires to take into account a half of the period between the date of the lodging of the application for asylum and the date of the grant of a temporary residence permit or the whole of that period if it exceeds 18 months. Until adoption of the amendments to the Law, an alien who has been granted subsidiary protection in the Republic of Lithuania had the right to obtain the status of a long-term resident in

<sup>50</sup> Law No XII-548 Amending Articles 26, 33, 40, 41, 53, 104, 109, 113, and 125 of the Law of the Republic of Lithuania on the Legal Status of Aliens, passed on 10 October 2013

<sup>51</sup> Law No XII-436 Amending Articles 2, 53, 101 and the Annex of the Law of the Republic of Lithuania on the Legal Status of Aliens

the same manner as other third-country nationals, provided that he has been residing in Lithuania uninterruptedly for the last five years holding a temporary residence permit. The aliens who have been granted refugee status in the Republic of Lithuania are immediately issued a permanent residence permit.

*Draft Law.* The Ministry of the Interior of the Republic of Lithuania has drafted amendments to the Law on the Legal Status of Aliens<sup>52</sup> with a view to implementing Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast). The Ministry proposes to revise the definition of asylum in the Republic of Lithuania as stipulated by the Law, as it may not include temporary protection, which is granted by the Government of the Republic of Lithuania where the Council of the European Union decides that there is an influx of third-country nationals in the European Union. It is proposed to revise the criteria of granting of subsidiary protection in the Republic of Lithuania and waive the current provisions of the Law which are more favourable than those laid down by the Directive; to equate refugee status and the rights of persons who have been granted subsidiary protection to the extent set out in the Directive and regulated by the Law (e.g., the right to family reunification, while making use of the possibility, as provided by the Directive, to establish certain cases when the aliens who have been granted asylum would not be able to exercise this right); to establish a more accurate regulation of the assessment of applications for asylum (e.g., to take into account the prompt provision of information in support of an application for asylum); to stipulate that a temporary residence permit is issued to an alien who has been granted subsidiary protection for a two-year period, as required by the Directive (currently, such a permit is issued for a period of one year); to revise grounds for refusing asylum in the Republic of Lithuania and grounds for withdrawal of the asylum granted; to provide a ground for withdrawal of a permanent residence permit issued to an alien who has been granted refugee status in the Republic of Lithuania if the status granted to him in accordance with the procedure laid down by the Law is withdrawn.

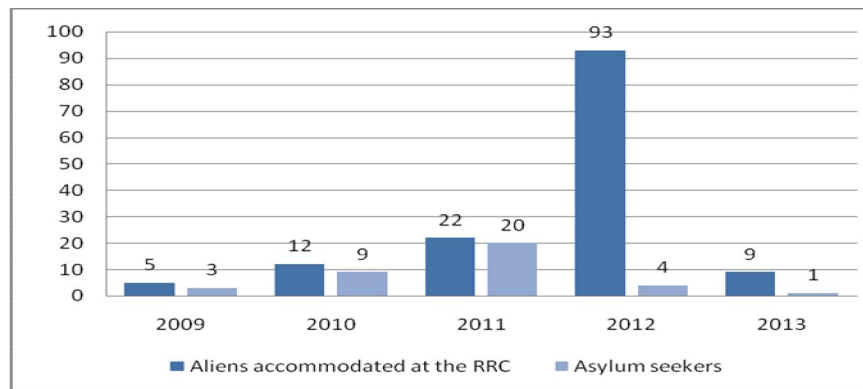
## **7. Unaccompanied minors and other vulnerable persons**

*Situation.* All unaccompanied minor aliens are accommodated at a social institution, namely, the Refugee Reception Centre. In 2013, the Refugee Reception Centre provided accommodation to 9 unaccompanied minor aliens (8 citizens of Vietnam and a minor from India). The citizen of India lodged an application for asylum. All minors brought to the Refugee Reception Centre in 2013 departed from the Centre without an authorisation. This is a significant decrease compared to 2012, when this Centre provided accommodation to as many as 93 persons as unaccompanied minors, with 83 of them being citizens of Vietnam, who introduced themselves as minors and later departed from the Centre.

*Chart 23. Unaccompanied minor aliens, 2009-2013*

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<sup>52</sup> Draft Law No XIIP-1804ES, submitted to the Seimas on 7 May 2014



Source: Refugee Reception Centre

*Legal developments.* On 8 March 2013, the Minister of Social Security and Labour formed an inter-institutional working group which was assigned the task of establishing, under a legal act, a procedure for determination of the age of unaccompanied minor aliens not seeking asylum, their provision with accommodation, taking of other procedural action and provision of services to them having regard to the increased number of unaccompanied minors who do not lodge asylum applications and to the fact that protection procedures in respect of such persons are not regulated in detail. A joint order of the Minister of Social Security and Labour, the Minister of the Interior and the Minister of Health was drafted and adopted.<sup>53</sup>

The amendments to the Law on the Legal Status of Aliens adopted on 10 October 2013 stipulate a specific provision according to which the aliens who have illegally entered the Republic of Lithuania and are attributable to vulnerable persons may voluntarily return to a foreign country assisted by an international or non-governmental organisation. According to the concept of a vulnerable person as stipulated by the Law, a minor, a disabled person, a person over 75 years of age, a pregnant woman, a single parent with minor children, or a person who has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence is considered as a vulnerable person. The Law proposes to treat as vulnerable persons the persons who are victims of trafficking in human beings or persons with mental disorders. Such a proposal is included in the Draft Law Amending the Law on the Legal Status of Aliens.<sup>54</sup>

## 8. Combating trafficking in human beings

*Situation.* There are no data available concerning pre-trial investigations and victims of trafficking in human beings among third-country nationals in Lithuania. Therefore, only general information is provided here.

In 2013, 47 pre-trial investigations of cases of trafficking in human beings were conducted (23 of them were initiated in 2013, including one investigation in connection with forced labour). 47 persons, including 3 minors, were recognised as victims of trafficking in human beings, charges

<sup>53</sup> The Description of the Procedure for Determination of the Age of Unaccompanied Minor Aliens Not Seeking Asylum and Identified in the Republic of Lithuania, Accommodation and Taking Other Procedural Action in Respect Thereof and Provision of Services Thereto has been approved by joint Minister of Social Security and Labour, Minister of the Interior and Minister of Health Order No A1-229/1V-289/V-491 of 23 April 2014.

<sup>54</sup> Draft Law No XIIP-1804ES Amending the Law on the Legal Status of Aliens, submitted to the Seimas on 7 May 2014

were brought against 33 persons, and 11 persons were convicted of trafficking in human beings (some custodial sentences amount to 10-12 years).<sup>55</sup>

In 2013, the divisions of the State Labour Inspectorate were engaged in scheduled activities in the area of prevention of illegal work, which pursued the aim of identifying illegally employed third-country nationals. Particular attention was paid to the employers who possibly recruit aliens for illegal work (in oriental massage and non-traditional medicine salons, spas and beauty centres, oriental cuisine restaurants, cafes and pubs, Chinese industrial goods stores, etc.). The campaign is engaged employees of migration services for joint inspections. In the course of the scheduled activities in the area of prevention of illegal work, 51 inspections were carried out (the majority of inspections (32) – in catering enterprises), and 50 enterprises and a natural person were checked. During the campaign, 2 illegally employed third-country nationals were identified – a citizen of the Republic of Belarus (in a road freight transport enterprise) and a citizen of China (in an enterprise of the catering sector). During 2013, 4 illegally employed aliens were identified, (in 2012, 13 illegally employed aliens were identified). The largest number of cases of illegal work of aliens, as many as 161, was identified in 2008.<sup>56</sup>

In 2013, the implementation of the Ministry of the Interior and the Nordic Council of Ministers Office in Lithuania project “Regional cooperation and building networks of law enforcement, judicial and social authorities of Nordic and Baltic countries and Russia in fight against human trafficking” was completed. An international seminar “Successful investigations of trafficking in human beings: Co-operation, organisation and co-ordination. Best practices of Nordic-Baltic countries and Russia” was held in Vilnius and was attended by representatives of 11 countries and international organisations. Cooperation with the Council of Baltic Sea States Task Force against Trafficking in Human Beings was continued, an analysis of the situation in the Baltic Sea Region was carried out (a separate publication was published), and the setting of a focus in the area of implementation of projects on anti-trafficking measures at municipal level was considered. In 2013, the Ministry of the Interior, in cooperation with Lithuanian Caritas, launched a two-year project “Lithuanian society against trafficking in human beings: System assistance model”.

*Legal developments.* In implementing Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011, the Minister of the Interior has appointed, by his Order of 6 September 2013, the persons responsible for the collection, analysis, and assessment of information regarding the situation in the area of trafficking in human beings and anti-trafficking measures being implemented in the Republic of Lithuania and instructed to provide summarised information to him on an annual basis. The Minister has also appointed a responsible person to participate in the activities of the informal EU Network of National Rapporteurs or Equivalent Mechanisms on Trafficking in Human Beings and to provide information to the EU Anti-Trafficking Coordinator.

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<sup>55</sup> For more information, see annual reports:

<http://www.vrm.lt/go.php/lit/Prekybos-zmonemis-prevencijos-ir-kontroles-programa/246>

<sup>56</sup> Information of the State Labour Inspectorate, <http://www.vdi.lt/index.php?7544530>