

European Migration Network

National Contact Point for the Republic of Lithuania

**ANNUAL POLICY REPORT:
MIGRATION AND ASYLUM IN
LITHUANIA 2010**

VILNIUS, 2011

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Summary

The Report on Migration and Asylum 2010 drawn up by the European Migration Network (EMN) National Contact Point (NCP) for the Republic of Lithuania provides an overview of major events and developments, presents the most topical issues and legal solutions with regards to shaping and implementing the country's migration policy.

Emigration. In 2010, the largest declared volume of emigration since the re-establishment of independence was recorded. Departure was declared by 83 500 Lithuanian residents (3.8 times more than in 2009). Such an increase was determined mostly by economic factors (unemployment) and by the obligation to pay compulsory health insurance imposed on permanent residents of the country, which encouraged also the residents who had departed earlier to declare their departure. The majority of emigrants indicated that they departed to the United Kingdom (50 per cent) and Ireland (16 per cent). The number of emigrants to Norway considerably increased (in 2009 – 800, in 2010 – 4 900).

Immigration. In 2010, 5 200 aliens entered Lithuania (1.3 times less than in 2009). Just as in the previous years, citizens of the Republic of Lithuania accounted for the majority of entries (approximately 80 per cent). The number of third-country workers arriving to Lithuania decreased – the number of work permits issued in 2010 was 1.2 times smaller than in 2009. Most work permits were issued to drivers of international freight vehicles (63 per cent), ship hulls assemblers (5 per cent), welders (5 per cent) and kitchen chefs (3 per cent). The Shortage Occupations List was reduced to 6 occupations.

Bilateral co-operation. On 20 October 2010, an agreement on local border traffic was signed with Belarus; its ratification would facilitate movement of border residents across the border. On 1 October 2010, the Agreement between the Government of the Republic of Lithuania and the Government of Canada Concerning Youth Exchanges entered into force. The agreement facilitates the conditions of entry and stay for citizens of both countries willing to study, work, perform traineeship or become familiarised with the culture.

Illegal immigration. An analysis of the situation in the area of illegal immigration shows that Lithuania is often chosen as a transit country to enter the Schengen Area. With a view to consolidating the powers of the State Border Guard Service in combating illegal immigration, a draft Law Amending the Law on the State Border Guard Service was submitted to the Seimas of the Republic of Lithuania. In 2010, 1 297 illegal immigrants were detained (in 2009 – 1 214), 443 were provided with accommodation at the Foreigners' Registration Centre (2009 m. – 320), 137 were removed from the country (in 2009 – 144).

Asylum. The year 2010 witnessed an increase in the number of asylum seekers (in 2010, 373 applications were received, in 2009 – 211 applications). The number of applications submitted by Georgian nationals increased particularly quickly. In 2010, they filed 249 applications (67 per cent of all applications). International protection was granted to 110 persons (1 person was granted the status of a refugee, 109 persons were granted subsidiary protection). 180 applications were rejected.

Integration. In 2010, a discussion on appointment of an institution co-ordinating the implementation of integration of aliens was initiated at the level of the Government. It was decided that integration of aliens would be co-ordinated by an interdepartmental commission formed by the Government, whereas integration would be implemented, within the relevant sphere of competence, by state institutions and agencies in co-operation with municipalities and non-governmental organisations.

Citizenship. A new Law of the Republic of Lithuania on Citizenship was passed on 2 December 2010. In 2010, the citizenship of the Republic of Lithuania was granted to 160 third-country nationals.

Institutional developments. With a view to improving the management and administration of migration processes, in 2010 the decisions concerning reallocation of functions of the Ministry of the Interior and the agencies subordinate to the ministry and implementing migration policy were considered and their implementation was commenced.

Legislation. A Law Amending the Law on the Legal Status of Aliens having the purpose of transposition into national law and implementation of provisions of legal acts of the European Union was drafted. The draft law also provides for shortening of the time limit for consideration of applications for the issuance of residence permits, expanding the opportunities for aliens to arrive for studies, tightening the control of aliens, ensuring the right of aliens to remain in Lithuania after they appeal against decisions of state institutions regarding the status of the alien and when they co-operate with pre-trial investigation institutions or courts in proceedings of abuse of aliens. In order to more efficiently combat undeclared work, the Law on Prohibition of Undeclared Work was drafted, and in order to strengthen the control of illegal immigration – a draft law proposing to introduce administrative liability in respect of the persons who fraudulently verify letters of invitation for aliens to enter Lithuania, or aid an alien in obtaining a visa or residence permit by any other unlawful means.

Detailed information is provided in the report and its annex (the report presents statistical data for the year 2010).

The opinion presented in the report is not the official position of the state and state institutions.

1. Introduction: Goal and methodology

This report pursues the aim of providing an overview of the situation and major changes in Lithuania in 2010 in the field of migration policy and migration processes, singling out the main events which took place in the year under analysis or are to take place in this area.

The report has been prepared by combining qualitative and quantitative methods of collection and analysis of data. The report discusses and analyses the laws and other legal acts of the Republic of Lithuania, the officially published draft laws and other legal acts, the data published by various institutions and agencies, the information provided by non-governmental organisations and bodies, use has also been made of other public sources of information.

2. General structure of political and legal systems

2.1 Political system and institutional context

In implementing the powers granted by the Constitution and laws of the Republic of Lithuania, the Seimas of the Republic of Lithuania, the President of the Republic and the Government are the supreme state government institutions shaping state migration and asylum policy.

By its resolution of 24 March 2010,¹ the Government of the Republic of Lithuania established for ministers specific spheres of regulation for which they would be responsible. In 2010, the regulations governing the activity of ministries² were amended. The spheres assigned to the ministries did not undergo major changes, except for assignment, since 1 July 2010, of the area of management of human resources as a part of national economic policy to the Ministry of Economy (this field was formerly assigned to the sphere of competence of the Ministry of Social Security and Labour).

The main institutions functioning in the field of migration and the functions assigned to them in connection with migration are as follows:

Ministry of the Interior³ is the main institution in charge of shaping of state policy in the field of migration (with the exception of economic migration) and organisation, co-ordination and control of its implementation. This ministry also performs the functions of the responsible

¹ Official Gazette, No 38-1784, 2010;

² Taking into consideration the provisions of the Concept for the Improvement of the System of Institutions of the Executive as approved by the Government of the Republic of Lithuania and listing the principles of improvement of the system of the executive branch of government of the country (e.g., separation of policy formation and its implementation, transparency, reduction of administrative burden, etc.), the concepts defining the system of the executive branch of government, etc., Official Gazette, No 138-6075, 2009; No 118-6023, 2010;

³ Regulations of the Ministry of the Interior approved by Government of the Republic of Lithuania Resolution No 291 of 14 March 2001 (version of Resolution No 1465 of 13 October 2010);

institution in implementing the Schengen instrument and the Special Kaliningrad Transit Programme; performs the functions of the responsible institution in implementing multi-annual and annual programmes of the External Borders Fund 2007-2013 and the European Return Fund 2008-2013 under the General Programme “Solidarity and Management of Migration Flows”; supervises the implementation of state policy in the field of visas; supervises the implementation of state policy in the field of issuance of personal documents.

Migration Department⁴ is an agency under the Ministry of the Interior which, within the sphere of its competence, ensures the execution of visa, immigration, asylum, Lithuanian citizenship procedures, issuance of personal documents and the documents confirming citizenship (as of 2 May 2011, the functions relating to the issuance of personal documents and the documents confirming citizenship will be transferred to the Police Department under the Ministry of the Interior), issuance of travel documents, residence permits in the Republic of Lithuania and other documents to aliens and implementation of the principle of free movement of persons.

State Border Guard Service⁵ is an agency under the Ministry of the Interior which implements state policy of border protection, exercises control of border crossing, participates in implementing state control of migration. The **Foreigners’ Registration Centre**⁶ is subordinate to the State Border Guard Service and is intended to provide accommodation to the detained aliens who are unlawfully staying in or have unlawfully entered Lithuania, also to asylum seekers during the examination of their applications for asylum.

Police Department⁷ is an agency under the Ministry of the Interior which organises and controls the activity of the police system with a view to ensuring personal and public security and public order. It organises and implements the management of territorial police agencies (migration services are incorporated in the structure of these agencies); the police is assigned the control of lawful stay and residence of aliens in the Republic of Lithuania. **Migration services**⁸ perform the implementation functions assigned to them in the field of migration (in the field of citizenship of the Republic of Lithuania, issue personal documents and the documents confirming citizenship – identity cards and passports, residence permits to third-country nationals and family members of citizens of the European Union, certificates to citizens of the European Union, travel documents to aliens; verify letters of invitation for aliens to temporarily enter the Republic of Lithuania; some services are authorised to issue visas and extend their validity; receive applications of aliens for granting of asylum in the Republic of Lithuania, conduct initial interviews of asylum seekers; exercise control of the stay and residence of aliens in the Republic of Lithuania; implement illegal immigration prevention measures, etc.).

⁴ Regulations of the Migration Department under the Ministry of the Interior approved by Minister of the Interior Order No 388 of 6 October 2000 (version of Order No 1V-79 of 31 January 2011);

⁵ Regulations of the State Border Guard Service under the Ministry of the Interior approved by Government of the Republic of Lithuania Resolution No 194 of 22 February 2001 (version of Resolution No 278 of 20 March 2008);

⁶ Regulations of the Foreigners’ Registration Centre of the State Border Guard Service under the Ministry of the Interior approved by Commander of the State Border Guard Service Order No 4-1220 of 29 December 2007;

⁷ Regulations of the Police Department under the Ministry of the Interior approved by Government of the Republic of Lithuania Resolution No 98 of 29 January 2001 (version of Resolution No 1231 of 30 September 2009);

⁸ Standard Regulations of Migration Divisions, Subdivisions, Groups and Passport Offices of the Public Police at Territorial Police Agencies approved by Commissioner General of Lithuanian Police Order No 5-V-403 of 18 June 2007;

Ministry of Foreign Affairs⁹ participates in shaping and implementation of the visa policy of the Republic of Lithuania, issues diplomatic passports, visas, concludes treaties, also organises the performance of consular functions at the diplomatic missions and consular posts of the Republic of Lithuania which issue visas, passports to citizens and perform other consular functions.

Ministry of Social Security and Labour¹⁰ shapes state labour and social security policy, organises, co-ordinates and controls its implementation. This ministry is charged with analysing the situation with regards to employment relationships in Lithuania, performing functions in the field of social integration policy, including co-ordination of implementation of the assistance measures intended for victims of trafficking in human beings, also co-ordination of the process of integration of the aliens who have been granted asylum in the Republic of Lithuania. The ministry has established the **Refugee Reception Centre**,¹¹ whose purpose is to provide accommodation to the aliens who have been granted asylum in the Republic of Lithuania and unaccompanied minor aliens and to implement social integration of the aliens who have been granted asylum. This ministry also performs the functions of the institution in charge of implementation and auditing of the European Refugee Fund programme and the European Fund for the Integration of Third-Country Nationals programme.

Labour Exchange of Lithuania¹² is an institution at the Ministry of Social Security and Labour which conducts monitoring of the country's labour market, ensures, within the sphere of its competence, the social security of migrant workers and application of the legal acts of the European Union relating to labour migration and social security; issue work permits to aliens in Lithuania having regard to the needs of the internal labour market.

State Labour Inspectorate¹³ is an institution at the Ministry of Social Security and Labour which exercises control of undeclared work phenomena and co-ordinates the activities of the institutions exercising control of undeclared work.

Ministry of Economy¹⁴ formulates state economic policy, which as of 1 July 2010 will also cover the area of human resources, organises, co-ordinates and controls its implementation. This ministry organises predicative research on demand for human resources in the labour market, generalises results of the analysis of supply of and demand for specialists in the labour market, is in charge of development and management of profession classification, shapes state policy in the field of recognition of regulated professional qualifications, co-ordinates the activities of the institutions responsible for recognition in the Republic of Lithuania of professional qualifications acquired abroad; compiles and manages the list of regulated professions.

⁹ Regulations of the Ministry of Foreign Affairs approved by Government of the Republic of Lithuania Resolution No 1155 of 25 September 1998;

¹⁰ Regulations of the Ministry of Social Security and Labour approved by Government of the Republic of Lithuania Resolution No 892 of 17 July 1998 (version of Order No 1463 of 13 October 2010);

¹¹ Regulations of the Refugee Reception Centre approved by Minister of Social Security and Labour Order No A1-234 of 18 August 2005 (version of Order No A1-444 of 27 September 2010);

¹² Regulations of the Labour Exchange of Lithuania under the Ministry of Social Security and Labour approved by Minister of Social Security and Labour Order No A1-306 of 13 November 2006 (version of Order No A1-207 of 26 May 2010);

¹³ Regulations of the State Labour Inspectorate under the Ministry of Social Security and Labour approved by Minister of Social Security and Labour Order No A1-316 of 12 May 2009 (version of Order No A1-595 of 10 December 2010);

¹⁴ Regulations of the Ministry of Economy approved by Government of the Republic of Lithuania Resolution No 921 of 23 July 1998 (version of Resolution No 1478 of 13 October 2010);

2.2 Legal system

The main legal act is the Constitution of the republic of Lithuania¹⁵. The Constitution of the Republic of Lithuania contains provisions on citizenship of the Republic of Lithuania (e.g., the provision restricting the right of a citizen to simultaneously hold the citizenship of another state), equality of all persons before the law, the right to freely choose the place of residence, the provisions prohibiting discrimination on grounds of sex, race, nationality, language, origin, social status, religion, convictions or beliefs, etc.

The main laws of the Republic of Lithuania in the field of migration are the following:

Law of the Republic of Lithuania on Citizenship, which establishes the grounds, conditions and procedure for the acquisition and loss of citizenship of the Republic of Lithuania, as well as regulates other relationships of citizenship of the Republic of Lithuania.

On 2 December 2010, the Seimas of the Republic of Lithuania passed a new Law of the Republic of Lithuania on Citizenship¹⁶, which will enter into force on 1 April 2011 (this Law will be considered in detail in Section 4.4).

Law on the Legal Status of Aliens¹⁷ lays down the procedure for entry and departure, stay and residence of aliens in the Republic of Lithuania, granting of asylum, integration, appealing against decisions on the legal status of aliens and regulates other issues of the legal status of aliens in the Republic of Lithuania. The Law on the Legal Status of Aliens passed on 29 April 2004 with later amendments is currently in force. In 2010, no amendments were made to the provisions of this Law.

By its resolution of 25 August 2010, the Government of the Republic of Lithuania submitted to the Seimas of the Republic of Lithuania a draft Law Amending the Law on the Legal Status of Aliens¹⁸, which had been drafted by an interdepartmental working group formed by Prime Minister of the Republic of Lithuania Ordinance No 134 of 10 April 2009. The main goal is transposition or implementation provisions of legal acts of the European Union. The Legal Department of the Seimas of the Republic of Lithuania submitted its remarks and in 2010 the Seimas did not consider the draft Law on the Legal Status of Aliens. The Government of the Republic of Lithuania is expected to submit to the Seimas of the Republic of Lithuania a modified and amended draft of the Law on the Legal Status of Aliens (hereinafter in the text – the drafted Law on the Legal Status of Aliens) for consideration during the 2011 spring session of the Seimas of the Republic of Lithuania.

Law on the State Border and Protection Thereof¹⁹ establishes the legal regulations of the State border and the frontier of the Republic of Lithuania and regulates the activities of border crossing points and organisation of the guarding of the State border.

The law passed on 9 November 2010²⁰ amended the provisions of the Law on the State Border and Protection Thereof prohibiting persons from staying without personal documents in the territory in which the legal regulations of the frontier are in force and stipulated that such a

¹⁵ Official Gazette, No 33-1014, 1992;

¹⁶ Official Gazette, No 144-7361, 2010;

¹⁷ Official Gazette, No 73-2539, 2004;

¹⁸ Draft Law on the Legal Status of Aliens No XIP-2360 (new version), registered with the Seimas of the Republic of Lithuania on 01-09-2010, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_1?p_id=380152&p_query=&p_tr2=;

¹⁹ Official Gazette, No 42-1192, 2000;

²⁰ Official Gazette, No 137-7001, 2010;

prohibition does not apply in a territory at the internal border, except for the cases when the control of the internal border is temporarily reintroduced.

Under a resolution of 17 November 2010, the Government of the Republic of Lithuania submitted to the Seimas of the Republic of Lithuania a draft Law Amending the Law on the State Border and Protection Thereof²¹, which pursues the aim of more explicit regulation of the functions of the State Border Guard Service, enlarging the powers of this Service and the units subordinate to it in combating organised crime, smuggling and illegal immigration phenomena.

Consular Statute of the Republic of Lithuania²² lays down the powers and liability of consular officers, the basis for the activities of consular posts, the conditions and procedure for the provision of consular assistance and performance of other consular functions, as well as the principles of the provision of consular assistance to citizens of the European Union.

Passport Law of the Republic of Lithuania²³ and **Law of the Republic of Lithuania on the Identity Card**²⁴ regulate the conditions of and the procedure for issuing passports and identity cards to citizens. On 12 October 2010, the Seimas of the Republic of Lithuania adopted amendments to these laws²⁵ providing, as of 1 January 2011, citizens with the possibility of choosing the document – an identity card or a passport – which they would like to hold (a citizen may hold both of these documents). According to the legal regulation previously in force, it was obligatory for a citizen over the age of 16 years to hold an identity card, only the citizen holding the identity card was allowed to receive a passport.

With a view to encouraging citizens to choose identity cards enabling a person to identify himself online, also to sign electronic documents using an electronic signature and to use public services on the Internet (a certificate for identification online and a qualified certificate for electronic signature were introduced in identity cards), the Government of the Republic of Lithuania adopted on 15 December 2010 a resolution reducing the amount of the state fee for the issuance of the identity card and accordingly increasing the fee for the issuance of the passport. Notably, in 2010 the Ministry of the Interior joined a large-scale eID Interoperability Platform project (STORK), which is being carried out under the European Commission Competitiveness and Innovation Framework Programme. According to the drafted Law on the Legal Status of Aliens, it is planned to begin issuing respective documents containing the mentioned certificates also to aliens.

3. General political, legal and institutional developments

3.1 Political developments

In 2010, there were no elections to state government institutions (the Seimas of the Republic of Lithuania, the President of the Republic) or to municipal councils. The Government of the

²¹ Draft Law Amending the Law on the State Border and Protection Thereof No XIP-2701, registered with the Seimas of the Republic of Lithuania on 23-11-2010,
http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=386861&p_query=&p_tr2=;

²² Official Gazette, No 43-1047, 1995; No 68-2492, 2006;

²³ Official Gazette, No 99-3524, 2001;

²⁴ Official Gazette, No 97-3417, 2001;

²⁵ Official Gazette, No 125-6381, 2010; Official Gazette, No 125-6379, 2010;

Republic of Lithuania continued its work; the composition of the Government was approved on 22 July 2009²⁶ by the President of the Republic, who won the presidential elections held in Lithuania on 17 May 2009. Implementation of the Programme of the Government of the Republic of Lithuania for 2008-2012,²⁷ which also contains provisions on migration policy, was continued.

3.2 Main policy and legislative debates

Emigration. The emigration of Lithuanian residents, mainly influenced by economic conditions, was further growing. In 2010, 83 500 Lithuanian inhabitants declared their departure from Lithuania, which is 3.8 times more than in 2009, when departure from Lithuania was declared by 22 000 Lithuanian residents. The growth of the number of emigrants was influenced also by the statutory duty for all permanent residents of the country to pay compulsory health insurance, hence also the residents who earlier failed to declare their departure from Lithuania abroad hurried to declare their departure. In 2010, a debate was held on the possible increase of emigration flows after the opening of Germany's and Austria's labour markets. Although the issue of search for the ways of halting emigration has always been the subject of debate, state institutions do not present any straightforward solutions to this problem drawing consolation from the first signs of the country's economic revival.

Citizenship. One of the most topical issues, which was the subject of a heated debate among politicians and various communities, was regulation of legal relationships of citizenship of the Republic of Lithuania. On 2 December 2010, the Seimas of the Republic of Lithuania passed a new Law of the Republic of Lithuania on Citizenship, whose provisions have been the subject of debate at different levels since 2006, when the Constitutional Court of the Republic of Lithuania interpreted²⁸ that in compliance with the Constitution, the cases of dual citizenship must be a rare exception and ruled that the provisions of the law providing for dual citizenship were contrary to the main law of the country. After long debates, the Seimas of the Republic of Lithuania passed on 2 December 2010 a new Law of the Republic of Lithuania on Citizenship. However, the representatives of the Lithuanian World Community are not satisfied with the new law, because some citizens who left Lithuania during the period of the occupation, also the citizens who have left the country only recently are not able to preserve the citizenship of the Republic of Lithuania upon acquiring the citizenship of another state. Therefore, discussions on the issues of the citizenship of the Republic of Lithuania are likely to continue.

Co-operation. An agreement on local border traffic was signed with Belarus. The issue of a visa policy being unfavourable with regard to citizens of Belarus and their opportunities of entering Lithuania has so far been highly topical. The current situation is particularly unfavourable for Lithuanian businessmen and enterprises providing tourism and other services. The unfavourable situation arose also due to the fact that Belarus citizens are forced to wait for visas too long as a result of insufficient capacities of Lithuania's consular posts. Regardless of the fact that visas for

²⁶ Official Gazette, No 88-3744, 2009;

²⁷ Government Programme was approved by a resolution of the Seimas of the Republic of Lithuania of 9 December 2008, Official Gazette, No 146-5870, 2008;

²⁸ Ruling of the Constitutional Court of 13 November 2006 Ruling on the Compliance of the Provisions of Legal Acts Regulating the Citizenship Relations with the Constitution of the Republic of Lithuania, Official Gazette, No 123-4650, 2006;

Belarus residents are expensive, the number of those willing to receive them has increased (comparing the number of visa issued in 2010 against the data of 2009 – approximately 16 per cent). The decisions allowing to facilitate the movement of border residents across the border were topical and much waited for (the agreement was planned to be signed on 16 September 2009, during the visit of Alexander Lukashenko to Lithuania). The Agreement between the Government of the Republic of Belarus and the Government of the Republic of Lithuania on the Procedure for the Mutual Travels of Border Area Residents between the Republic of Lithuania and the Republic of Belarus was signed on 20 October 2010. It is expected that national procedures concerning the entry into force of this agreement will be completed and it will enter into force in summer 2011. Upon implementation of provisions of the agreement, the persons residing at the border of the Republic of Lithuania and the Republic of Belarus could enter and stay (for a period of up to 90 days per half a year) in the border territory of the other state by holding special local border traffic permits. The permits are planned to be issued for the period of five years. The planned issuance fee – EUR 20. It is believed that in Belarus, approximately 600 000 residents could avail of the facilitated procedure, in Lithuania – approximately 800 000 people.

3.3 Broader developments in migration and asylum

Legislation. In 2010, the main developments **in the field of regulation of the legal status of aliens** were at the stage of drafting a new version of the law. One of the most important tasks raised, namely, adoption of amendments to the Law on the Legal Status of Aliens implementing and transposing the provisions of legal acts of the European Union, including 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, was not achieved. In 2010, the Seimas of the Republic of Lithuania did not consider the draft Law on the Legal Status of Aliens submitted by a resolution of the Government of the Republic of Lithuania of 4 August 2010. Notably, the drafted Law on the Legal Status of Aliens also implements or transposes the provisions of other EU legal acts,²⁹ also modifies relevant provisions with a view to ensuring the proper transposition of provisions of some directives.³⁰ The project also proposes to resolve some other issues relating to the legal status of aliens (for instance, shortening of the time

²⁹ Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals; Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation); Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States; Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code); 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; Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

³⁰ 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 amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC; Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.

limit for examination of applications of aliens for the issuance of residence permits in the Republic of Lithuania; limiting the number of grounds for refusal to issue residence permits for the aliens who are of the Lithuanian descent or have the right to restoration of the citizenship of the Republic of Lithuania under the Law of the Republic of Lithuania on Citizenship), as well as modify and supplement the provisions of the law with a view to ensuring a more explicit and detailed legal regulation of the legal status of aliens in the Republic of Lithuania. The Seimas of the Republic of Lithuania is expected to consider the drafted Law on the Legal Status of Aliens during the 2011 spring session.

Integration. Much attention was given in 2010 to the **issues of integration of aliens**. Although the provisions placing the Government under the obligation to appoint an institution responsible for co-ordination of the issues of integration of aliens have been in force in the Law on the Legal Status of Aliens since 2004, such an institution has not been appointed yet. This issue was discussed at the level of the Government of the Republic of Lithuania. Participants of a consultation meeting of ministers organised by the Office of the Prime Minister resolved that implementation of integration of aliens in specific fields should be the responsibility of the appropriate state institutions and agencies within the sphere of their competence, and the issues of integration of aliens should be co-ordinated by an interdepartmental commission formed by the Government. The relevant provisions were incorporated in the drafted Law on the Legal Status of Aliens.

Border protection. Considerable attention was devoted to the issues of **protection of the state border** having regard, first and foremost, to conclusions of the national audit of activities of the State Border Guard Service, which was carried out in 2009. Preparation of the Programme for Development of the State Border Guard in 2011-2018 as approved by a resolution of the Seimas of the Republic of Lithuania, which is intended to identify the main areas and means of improvement of the control of the external border of the European Union and protection of internal borders, was initiated. The Programme will be implemented as one of the long-term state programmes consolidating national security, permitting to ensure the control of the external border of the European Union, combat the spreading of crime across national borders and inside the country, enhance public security.

Citizenship. On 2 December 2010, the Seimas of the Republic of Lithuania passed a new Law of the Republic of Lithuania on Citizenship, which will enter into force on 1 April 2011.

Co-operation. An agreement between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on local border traffic was signed on 20 October 2010, based on Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention.

3.4 Institutional developments

In 2010, decisions on reallocation of the functions of the Ministry of the Interior and the institutions subordinate to it and implementing migration policy were considered and their implementation was commenced seeking to improve the management and administration of migration processes and consolidate formation of migration policy. Proposals of the Ministry of the Interior on these matters were considered by the Commission for Improvement of State

Governance³¹ formed by the Government of the Republic of Lithuania, which approved of review of the functions performed in the field of migration and decentralisation of some functions (transfer of the functions for performance by territorial migration divisions). It was pointed out that the role of the Ministry of the Interior in shaping migration policy should be strengthened³² by granting more powers to the Ministry.

By a resolution of 12 January 2011³³ the Government of the Republic of Lithuania amended the regulations of the Police Department, according to which this institution will be assigned, as of 2 May 2011, the task of organisation of the issuance of personal documents and the documents confirming citizenship (on 1 March 2011, the Migration Division was set up at the Police Department). As of the mentioned date, the Vilnius City Migration Service is authorised to perform the functions pertaining to issuance of passports to the citizens of the Republic of Lithuania who submitted documents for the issuance or replacement of a passport to diplomatic missions and consular posts of the Republic of Lithuania abroad, and these institutions are not able to issue or replace the passports themselves. Until 2 May 2011, the mentioned functions will be performed by the Migration Department. Accordingly, the Minister of the Interior approved on 23 December 2010 a new structure of the administration of the Migration Department (as of 2 May 2011), and amended the regulations of the Migration Department by an order of 31 January 2011.³⁴

It is proposed to transfer to migration services (at county level) also the functions currently performed by the Migration Department and relating to the issuance of residence permits and other documents to aliens, and the functions relating to removal of aliens – to the State Border Guard Service. It is also proposed that the functions relating to implementation of state policy in the areas of asylum, visas and procedures of citizenship of the Republic of Lithuania should be preserved by the Migration Department.

4. Legal immigration and integration

4.1 Economic migration

In 2010, **the country's unemployment rates** continued to rise. The annual average unemployment rate in the country amounted to 14.5 per cent (in 2009 – 9.4 per cent). As on 1 January 2011, there were 311 300 unemployed persons in the country, which accounts for 14.4 per cent of all inhabitants of the country of working age. In the second half of the year, positive labour

³¹ Minutes No 63-17 of the Commission for Improvement of State Governance of 14-07-2010 (Item 1 of the meeting agenda);

³² The functions of migration policy development at the Ministry of the Interior, co-ordination of its implementation at the agencies subordinate to the Ministry and control were assigned to the Migration Affairs Division of the Public Safety Policy Department of the Ministry established in 2009 and consisting only of 4 positions;

³³ Official Gazette, No 8-342, 2011;

³⁴ Official Gazette, No 16-749, 2011;

market tendencies became evident: in August, a decrease in registered unemployment was recorded for the first time after almost two years, which continued until December.³⁵

Emigration. The economic situation has determined a huge emigration of the Lithuanian population. According to the Department of Statistics,³⁶ the number of the Lithuanian population decreased in 2010 by 84 500 (2.5 per cent), and at the beginning of this year the number of inhabitants amounted to 3 245 000 people. The main reason for the decrease (92.7 per cent) was emigration. Over the past three years, the number of the Lithuanian population has decreased by 121 900 people (3.6 per cent). The actual situation is expected to become clear after generalising the results of the general census of the Lithuanian population and housing conducted since 1 March 2011.

In 2010, 83 500 Lithuanian residents declared their departure from Lithuania, which is 3.8 times more than in 2009, when departure from Lithuania was declared by 22 000 Lithuanian residents. Such an increase in emigration volume was influenced by the obligation as imposed by the Law of the Republic of Lithuania on Health Insurance on permanent residents of the country to pay compulsory health insurance contributions, hence the residents who had departed earlier also declared the change of their permanent place of residence from Lithuania to a foreign state.

The United Kingdom and Ireland are the states to which the majority of Lithuanian inhabitants emigrate. In 2009, over one third of emigrants departed to the United Kingdom, and in 2010 – every second Lithuanian emigrant. In 2009, 14 per cent of all emigrants departed to Ireland, and in 2010 – 16 per cent. The number of emigrants to Norway increased (from 800 in 2009 up to 4 900 in 2010). Over the past two years, every second emigrant has been a person of the age of 20-34 years.

In 2011, Germany and Austria will open their labour markets for Lithuanians. Upon withdrawal of restrictions by Germany, emigration flows from Lithuania to this country are expected to rise again, while Lithuania's employers fear departure of qualified workforce.

Immigration. According to data of the Department of Statistics, 5 200 persons immigrated to Lithuania in 2010 (1 300 less than in 2009). The majority of them – 4 200, or 79.7 per cent – were citizens of the Republic of Lithuania, most persons arrived to Lithuania from the United Kingdom (1 400), the Russian Federation (400), the USA, Belarus and Germany (300 persons from each respective country), Spain and Norway (200 persons from each respective country).

Despite a massive emigration of the Lithuanian population, the **number of third-country workers in Lithuania was decreasing**. In 2010, the Labour Exchange of Lithuania³⁷ issued 1 808 work permits to aliens, including 1 297 work permits to aliens for work under an employment contract, 136 work permits to the aliens posted for work. During this period, 375 work permits for aliens in Lithuania were extended. As compared with the year 2009, the number of issued work permits decreased by 1.2 times (in 2009, 2 239 work permits were issued), and compared with the year 2008 – more than fourfold (in 2008, 7 819 work permits were issued).

³⁵ Data of the Labour Exchange (overview of trends from the 1st until the 4th quarter 2010)
<http://www.ldb.lt/Informacija/DarboRinka/Puslapijai/Tendencija.aspx?AspXPage=g%5F7BA1CA54AA024430A86D581D71C8B9A9:%2540ID%3D21>

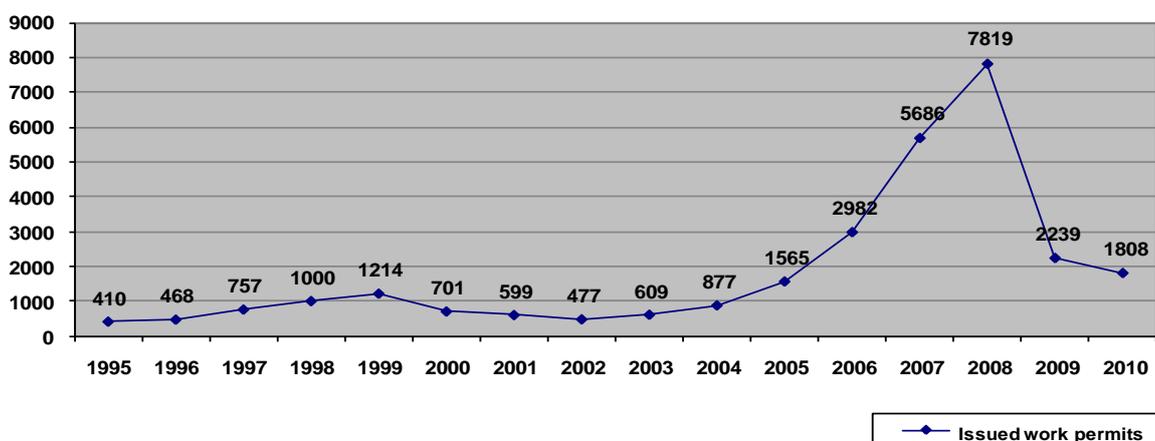
³⁶ <http://www.delfi.lt/news/daily/lithuania/lietuvoje-2010-m-gyventoju-sumazejo-845-tukst.d?id=42442235>;

³⁷ Data of the Labour Exchange (overview of trends from the 1st until the 4th quarter 2010)
<http://www.ldb.lt/Informacija/DarboRinka/Puslapijai/Tendencija.aspx?AspXPage=g%5F7BA1CA54AA024430A86D581D71C8B9A9:%2540ID%3D21>;

In 2010, the majority of permits to aliens were issued for work in the services (82 per cent) and industry sectors (15 per cent). Most work permits were issued/extended to drivers of international freight vehicles – 63 per cent of the permits, metal ship hulls assemblers – 8 per cent, welders – 5 per cent, restaurant chefs – 5 per cent, banking system consultants – 3 per cent.

The number of the aliens who had been issued first temporary residence permits on the grounds of other lawful activities with respect to which a work permit is not required³⁸ decreased too (in 2010, 373 temporary residence permits were issued, in 2009 – 429).

Number of work permits issued to aliens³⁹



In 2010, there were no major changes of legal regulation in the field of labour migration. Just as in the previous years, qualified aliens were recruited to fill vacancies only upon performance of an assessment of the situation in the labour market. The Minister of Social Security and Labour approved, for each half a year, a list of occupations in shortage in the Republic of Lithuania according to the type of economic activity – in the 1st and 2nd half of 2010, the shortage of workers remained in the shipbuilding and repair sector, in the transport sector and in the services sector (national cuisine chefs). For the 1st half of 2010, the Occupations Shortage List comprised 7 occupations, and for the 2nd half of 2010 – 6 occupations (respectively, in the 1st half of 2009, the list included 10 occupations, in the 2nd half of the year – 8 occupations (in comparison with 2007, the list was shortened from 60 occupations to 6 occupations in 2010).

Legislation. Provisions of 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 are planned to be transposed into national law by the drafted Law on the Legal Status of Aliens. In order to transpose the provisions of this directive, amendments to legal acts in relevant social security fields have also been drafted⁴⁰. A resolution of the Government of the Republic of

³⁸ According to data of the Migration Department;

³⁹ Prepared according to data of the Labour Exchange of Lithuania;

⁴⁰ Draft Law of the Republic of Lithuania Amending the Law on Support in the Event of Death, draft Law of the Republic of Lithuania Amending the Law on State Benefits to Families Raising Children, draft Law of the Republic of Lithuania Amending the Law on State Social Insurance Pensions.

Lithuania on recognition of regulated professional qualifications of third-country nationals is being drafted.

The mentioned draft law also proposes:

- to shorten time limits for examination of applications of aliens for the issuance of residence permits in the Republic of Lithuania (from 6 to 4 months);
- to provide for a possibility for the aliens who have appealed to court against decisions of state institutions refusing to replace a residence permit in the Republic of Lithuania or revoking it, or against decisions on removal of an alien from the Republic of Lithuania to be granted temporary residence permits valid during hearing of the appeal in court, and to be allowed to continue work or another lawful activity in the Republic of Lithuania, where until adoption of the decision appealed against the aliens were legally employed or pursued other lawful activities in the Republic of Lithuania;
- to provide a possibility for illegal recruitment victims to stay in the Republic of Lithuania as long as they co-operate with pre-trial investigation institutions or a court combating undeclared work;
- to tighten the control of aliens' businesses by introducing the requirement of practical activity contributing to the growth of Lithuania's economy. It should be noted that exist different views concerning the conditions of entry of the aliens willing to undertake business activities in Lithuania⁴¹ – some believe that the conditions for entrepreneurs to enter the country are excessively strict and hence impede investments in the country, whereas others claim that the conditions and control of such enterprises must be tightened even more, because the enterprises often do not pursue any practical activities, but are established to enable an alien to obtain a residence permit in Lithuania and be granted the right to enter other countries of the Schengen Area;
- to expand the possibilities for aliens to enter the country and obtain a temporary residence permit for studies. It is proposed to specify that a temporary residence permit in the Republic of Lithuania may be issued to an alien admitted as a student at a higher education establishment according to study programmes or admitted as a doctoral student (according to the rules currently in force, a temporary residence permit may be issued to an alien admitted as a full-time student to a higher education establishment), facilitate the conditions of family reunification with respect to the students who arrive to study under treaties of the Republic of Lithuania or under EU programmes for academic exchanges with third countries.

An interdepartmental **working group** formed by an order of the Minister of Education and Science of 25 November 2010 **has considered the possibilities of facilitating immigration procedures for the aliens arriving to study**, conduct research or lecture at Lithuanian higher education establishments. Taking into consideration the proposals of this working group, provisions

⁴¹ <http://verslozinios.lt/index.php?act=mprasa&sub=article&id=23519>;

of the rules regulating the procedure for issuing visas⁴² have been amended – foreign students could be issued multiple entry national visas valid for up to 12 months (currently it is issued for a period of up to 6 months from the submission of an application for the issuance of a temporary residence permit in the Republic of Lithuania); a temporary residence permit in the Republic of Lithuania may be issued after one year of studies, upon the expiry of the multiple entry national visa; a possibility is provided, in the case of a visa-free travel regime, for an alien who is a student, also for an alien coming to the Republic of Lithuania for pedagogical work, research and/or development at research and higher education institutions, as well as for the family members of this alien accompanying him to submit documents for the issuance of the multi entry national visa while lawfully staying in the territory of the Republic of Lithuania.

Upon termination of the period of implementation of the measures of the Programme on Internationalisation of Higher Education of Lithuania 2008-2010⁴³ approved by the Government of the Republic of Lithuania, a **new Programme on Internationalisation of Higher Education of Lithuania 2011-2012** has been developed. This programme and its implementation measures were approved by the Minister of Education and Science on 2 February 2011.⁴⁴ With respect to the guidelines of the programme, it may be claimed to focus on attraction of aliens to study in Lithuania (by further eliminating obstacles for foreign students and lecturers to obtain visas, residence permits, work permits in Lithuania, legalising education-related documents, creating an information system about Lithuania's higher education, etc.).

The Agreement between the Government of the Republic of Lithuania and the Government of Canada Concerning Youth Exchanges⁴⁵ entered into force on 1 October 2010 (signed on 19 November 2009 in Vilnius), under which the states simplified and facilitated administrative procedures applicable to young citizens of one of the two states who are willing to enter and stay in the territory of the other state in order to complement their university or non-university training, obtain employment or practical experience, improve their knowledge of the other country's language, society and culture. This Agreement provides for simplified conditions of issuance of work permits – young Canadian citizens (of the age of 18-35 years) may, subject to receipt of a multiple entry national visa, obtain a work permit under a pre-arranged contract of employment or arrive to undertake internship or to obtain practical workplace experience, or arrive with the intention to travel and work only on an occasional basis; under this Agreement, an assessment of the needs of the labour market prior to issuance of a work permit is not conducted; under the agreement between the states, the quota of young people eligible for participation in the youth exchange programme will be established on an annual basis. Having regard to provisions of this Agreement, relevant amendments were made to the rules regulating the conditions and the procedure of issuance of work permits to aliens.⁴⁶

⁴² New version of Description of the Procedure for Submitting Documents for the Issuance of Visas, Issuing and Revoking Visas, Consultation, Co-operating with External Service Providers, Accrediting Commercial Intermediaries and Approving Invitations approved by Minister of the Interior and Minister of Foreign Affairs Order No 1V-233/V-66 of 24 March 2011, Official Gazette, No 38-1832, 2011;

⁴³ Official Gazette, No 85-3384, 2008;

⁴⁴ Official Gazette, No 16-785, 2011;

⁴⁵ Official Gazette, No 92-4864, 2010;

⁴⁶ On 5 October 2010, the Description of the Conditions and the Procedure of Issuance of Work Permits to Aliens was supplemented by an order of the Minister of Social Security and Labour, and on 7 October 2010, by an order of the

4.2 Family reunification

The drafted Law on the Legal Status of Aliens proposes to **facilitate family reunification conditions** for owners, co-owners or heads of at least medium-size enterprises, also for the students coming to the Republic of Lithuania under treaties of the Republic of Lithuania or under EU academic exchange programmes with third countries. It proposes to enable family members of these aliens, where the aliens hold temporary residence permits in the Republic of Lithuania, to accompany the aliens without applying the general requirement for an alien to have resided in Lithuania for the last two years, to hold a temporary residence permit in the Republic of Lithuania valid for at least one year and to have reasonable prospects of obtaining the right to permanently reside in the Republic of Lithuania.

In 2010, the first 639 temporary residence permits were issued on the grounds of family reunification (in 2009, 774 permits were issued).

4.3 Integration

Provisions of the Law of the Republic of Lithuania on the Legal Status of Aliens concerning integration of aliens in the Republic of Lithuania have been in force since 30 April 2004. It stipulates that the aliens holding residence permits in Lithuania must be provided conditions for political, social, economic and cultural integration in accordance with the procedure laid down by laws, also that implementation of integration of aliens is co-ordinated by an institution authorised by the Government of the Republic of Lithuania in accordance with the procedure laid down by the Government of the Republic of Lithuania.

However, the aliens who have been granted asylum in Lithuania remain the target group of integration policy. The law lists the specific areas of state support for integration of the aliens who have been granted asylum in the Republic of Lithuania and specifies an institution co-ordinating them, namely, the Ministry of Social Security and Labour. Meanwhile, the issues of integration of other aliens residing in Lithuania are addressed by institutions separately, within the sphere of competence assigned to each of them. Lithuania does not have a general programme intended for integration of aliens, an institution co-ordinating implementation of integration of aliens does not exist.

Therefore, it is a matter of importance that in 2010, **a discussion on appointment of an institution co-ordinating implementation of integration of aliens in the Republic of Lithuania** was initiated at the level of the Government of the Republic of Lithuania. On 7 September 2010, two alternative draft resolutions of the Government of the Republic of Lithuania were submitted to the Government of the Republic of Lithuania; it was proposed to authorise the Ministry of the Interior or the Ministry of Social Security and Labour to co-ordinate implementation of integration of aliens. However, a decision was taken that an interdepartmental commission should be formed by the Government of the Republic of Lithuania to co-ordinate integration. These **provisions were incorporated in the drafted Law on the Legal Status of Aliens**, which the Seimas of the Republic of Lithuania plans to consider during the 2011 spring session.

Moreover, the drafted Law on the Legal Status of Aliens proposes to expand the group of aliens subject to integration provisions by including citizens of the EU Member States and their family members holding a document confirming the right to reside in Lithuania. According to provisions of the law currently in force, the Republic of Lithuania provides conditions for integration of the aliens holding residence permits (i.e., solely third-country nationals) in the country's political, social, economic and cultural life.

Legal procedures are being carried out to ensure the entry into force of the Convention of the Council of Europe on the Participation of Foreigners in Public Life at Local Level adopted on 5 February 1992 in Strasbourg.⁴⁷ For the Convention to enter into force, it must be ratified.

The Ministry of Social Security and Labour of the Republic of Lithuania has drafted the Law of the Republic of Lithuania Amending the Law on Cash Social Assistance for Low-income Families and Single Residents,⁴⁸ which **proposes to expand the scope of the law on cash social assistance** stipulating that the law applies to the aliens who have been granted subsidiary protection or temporary protection in the Republic of Lithuania upon termination of their integration period.

In implementing the programmes of the European Fund for the Integration of Third-country Nationals, 5 civil society projects and 9 projects designed to promote development of intercultural dialogue were being carried out during 2010.

The European Migration Network National Contact Point for Lithuania presented to the public a **survey of the attitude of the population to immigrants**,⁴⁹ which it conducted in 2010. The results of this study were not unexpected – the attitude of the absolute majority of the respondents (58 per cent) to immigrants was unfavourable. Although in Lithuania aliens account for as little as 1 per cent of the population, as much as one third of the respondents believe that the number of aliens in Lithuania is very large. Interestingly enough, the groups of the population which have not come into actual contact with immigrants fear them the most. In such a situation, particular attention should be devoted to integration of migrants.

4.4 Citizenship and naturalisation

On 2 December 2010, the **Seimas of the Republic of Lithuania passed a new Law of the Republic of Lithuania on Citizenship**,⁵⁰ which will enter into force on 1 April 2011. This law is new in terms of its form and content, it stipulates the main principles of citizenship of the Republic of Lithuania, defines legal concepts, provides a clearer definition of the grounds, conditions and procedure of acquisition and loss of citizenship of the Republic of Lithuania, indicates specific cases when a citizen of the Republic of Lithuania may simultaneously be a citizen of another state, defines the status of such citizens. A mention should be made of a new provision – the group of citizens who may simultaneously be citizens of another state has been supplemented with the persons who, by contracting a marriage with a citizen of another state, *ipso facto* acquire the citizenship of that state. It has been stipulated that a person who, when born, acquires the citizenship of the Republic of Lithuania and the citizenship of another state may hold both

⁴⁷ The Convention was signed by the Republic of Lithuania on 12 February 2008.

⁴⁸ Draft Law No 11-326-01,

http://www.lrs.lt/pls/proj/dokpaieska.showdoc_l?p_id=72827&p_query=&p_tr2=&p_org=&p_fix=n&p_gov=n

⁴⁹ <http://www.iom.lt/documents/Lietuvos%20gyventoju%20poziuris.pdf>;

⁵⁰ Official Gazette, No 144-7361, 2010;

citizenships only until he reaches 21 years of age (the previously law did not contain any such restriction). A separate regulation is applied with regards to the issues of acquisition of citizenship of the Republic of Lithuania of adopted children, also the issues of its preservation (when a citizen is adopted by aliens). Notably, the conditions of acquisition of citizenship through naturalisation have remained unchanged, though one provision concerning the grounds of refusal to grant citizenship has been eased – the new law stipulates that citizenship of the Republic of Lithuania will not be granted through naturalisation to the persons who, prior to coming to reside in the Republic of Lithuania, were sentenced to imprisonment in another state for a premeditated crime which *is a grave crime* under laws of the Republic of Lithuania, or were punished for a grave crime in the Republic of Lithuania, irrespective of whether or not the conviction for the crimes specified in this subparagraph has expired. According to the version of the Law of the Republic of Lithuania on Citizenship previously in force,⁵¹ citizenship of the Republic of Lithuania was not granted to the persons who, prior to coming to reside in the Republic of Lithuania, were sentenced to imprisonment in another state for a premeditated crime which is subject to criminal liability also under laws of the Republic of Lithuania, or in the Republic of Lithuania were *punished for a premeditated crime punishable by imprisonment*. The issues raised as to whether such a provision is a proportionate measure with regards to restriction of the right of a stateless person to citizenship⁵² have been resolved by the new Law of the Republic of Lithuania on Citizenship.

A mention should be made of the fact that the new Law of the Republic of Lithuania on Citizenship stipulates that a citizen's application for renunciation of citizenship of the Republic of Lithuania may not be considered if the person were left without citizenship. The law earlier in force did not contain such a restriction.

It needs to be pointed out that the new Law of the Republic of Lithuania on Citizenship establishes a considerably higher level of decision-making on the issues of citizenship of the Republic of Lithuania – decisions on the citizenship of the Republic of Lithuania will be adopted by the President of the Republic or the Minister of the Interior. Under the law previously in force, the decisions which, under the new law, have been assigned to the Minister of the Interior and even a part of the decisions which the new law assigns to the President of the Republic fell within the sphere of competence of the Migration Department.

In 2010, citizenship of the Republic of Lithuania was granted to 162 aliens (including 78 stateless persons).

5. Illegal immigration and return

5.1 Illegal immigration

Legislation. With a view to effectively combating undeclared work and transposing into national law the provisions of Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of

⁵¹ Official Gazette, No 83-3293, 2008;

⁵² http://www.alfa.lt/straipsnis/10395335/?Lietuvos.pilietybe.zekams.nesisviecia=2010-07-29_17-17;

illegally staying third-country nationals, a **Law on Prohibition of Undeclared Work**⁵³ has been drafted. The law will define the characteristics of undeclared work, list the institutions responsible for control of undeclared work, provide for the duties of the employers recruiting third-country residents, specify sanctions and the procedure for imposing them against the employers permitting undeclared work. A part of provisions of Directive 2009/52/EC is transposed also by the drafted Law on the Legal Status of Aliens.

In implementing the provisions of the Programme of the Government of the Republic of Lithuania for 2008-2012⁵⁴ intended to consolidate prevention and control of illegal immigration, amendments to the Code of Administrative Offences of the Republic of Lithuania **have been drafted**⁵⁵. This draft proposes to stipulate administrative liability in respect of aliens for illegal staying in the Republic of Lithuania (without a visa or after the expiry of its validity, exceeding the duration of stay in the cases of visa-free travel regime, etc.), adjust provisions concerning liability of persons for offences relating to provision of conditions for pursuit of unlawful activity other than pursued under an employment contract, etc.

Moreover, this draft is related to implementation of provisions of Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence on imposition of relevant sanctions in national law. The **drafted Law Amending the Code of Administrative Offences of the Republic of Lithuania** proposes to stipulate administrative liability of persons for provision of false data for the purposes of verification of letters of invitation for aliens to enter the Republic of Lithuania or for aiding aliens to obtain, by other unlawful means, a document confirming the right to stay or to reside in the Republic of Lithuania. The Criminal Information Analysis Centre⁵⁶, which in 2010 prepared an analysis of the situation in the area of illegal immigration and illegal transport of human beings and threat assessment, points out in its report that Lithuania is often chosen as the purported country of destination in search for ways of entering the Schengen Area by such means of illegal entry as obtaining of visas by fraud, use of forged documents, etc. The aliens seeking to enter the Schengen Area often involve appropriate persons who fraudulently execute the letters of invitation to enter the Republic of Lithuania submitted for the issuance of visas (by fraudulently indicating the purpose of arrival of the alien, his relationship with the inviting person, etc.), establish fictitious enterprises, enter into marriages of convenience⁵⁷ (the alien seeking solely to obtain a residence permit, rather

⁵³ Draft Law No 10-3402-02,

http://www.lrs.lt/pls/proj/dokpaieska.showdoc_l?p_id=63706&p_query=&p_tr2=&p_org=&p_fix=n&p_gov=n

⁵⁴ By a resolution of 9 December 2008, the Seimas of the Republic of Lithuania approved the Programme of the Government of the Republic of Lithuania for 2008-2012 (Official Gazette, No 146-5870, 2008);

⁵⁵ Draft Law No 10-5143-02,

http://www.lrs.lt/pls/proj/dokpaieska.showdoc_l?p_id=73150&p_query=&p_tr2=&p_org=&p_fix=n&p_gov=n

⁵⁶ The Criminal Information Analysis Centre is a standing working group formed by four institutions (the Police Department and the Customs Department, the State Border Guard Service and the Financial Crime Investigation Service, which joined the activities of the centre in 2010), which is co-ordinated by the Lithuanian Criminal Police Bureau and has the purpose of comprehensive monitoring of changes in crime in Lithuania, provision of recommendations to the country's law enforcement institutions on the basis of data analysis concerning the priority areas of operational activities and pre-trial investigation activities;

⁵⁷ The number of cases of marriages of convenience entered into by citizens of the Republic of Lithuania with the aliens seeking to obtain a residence permit and acquire the possibility to exercise the right to freedom of movement is increasing. In 2010, under suspicion of marriages of convenience the officers of the migration service of the Vilnius territorial police authority also checked over 100 mixed families (the families of citizens of the Republic of Lithuania and of foreign states. Ten of them were recognised as marriages of convenience (in 2009, seven marriages of

than develop business activities or enter into marriage). Such aliens, upon receipt of a Schengen visa, often do not enter Lithuania, and a residence permit is needed only to enter other Schengen countries. Presently, no administrative liability is provided for in respect of the persons who provide false data to the institution verifying letters of invitation for aliens to enter the Republic of Lithuania or aid aliens, by other unlawful means, to obtain documents confirming the right to stay or reside in the Republic of Lithuania.

In order to ensure appropriate implementation of Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006, the **draft Law Amending the Code of Administrative Offences of the Republic of Lithuania** stipulates administrative liability of aliens for violation of the local border traffic regime.

Principal tendencies. There were no major changes in the field of illegal immigration in the past year. An increase in the number of cases of unlawful border crossing from the Kaliningrad Region of the Russian Federation was observed. An increase in the flow of Georgia's citizens should also be singled out. In 2010, 1297 illegal immigrants were detained (in comparison, in 2007 – 1311, in 2008 – 1234, in 2009 – 1214), of them 86.4 per cent – on the grounds of illegal stay in the territory of the Republic of Lithuania. The majority of them were citizens of Russia (498), Belarus (381), Ukraine (119) and Georgia (61). 981 aliens were placed under the obligation to leave Lithuania, and 821 of them complied with the obligation and left the country. In 2010, 137 aliens were expelled from Lithuania (in 2009 – 144).

In 2010, the Foreigners' Registration Centre of the State Border Guard Service provided accommodation to 443 aliens (in 2009 – to 320 aliens). The duration of stay of illegally staying aliens at the Foreigners' Registration Centre is increasing (in 2007, the average duration of their stay was 46 days, in 2010 – 60 days).

Miscellaneous. Final ruling was issued in a case heard by the Supreme Administrative Court of Lithuania⁵⁸, in which an enterprise which had legally brought 16 qualified construction workers from China rented them, under contracts with the employer, to other enterprises for performance of poultry processing works (the Chinese workers were living and working under humiliating conditions), and announced that it provided the services of rental of Chinese workers. The Supreme Administrative Court of Lithuania dismissed the appeal of the employer, which had recruited the aliens for the works other than those for which work permits had been issued and acknowledged that the Chinese citizens had not been recruited in compliance with the procedure for recruiting aliens laid down in regulatory enactments, because they carried out work other than the work for which work permits had been issued. The Supreme Administrative Court noted that having allowed to work for the enterprise, the employer had violated the procedure for recruiting aliens, hence the imposed punishment was lawful and justified.

convenience were identified by the Vilnius City Migration Service). After the Vilnius City Migration Service collected sufficient data confirming the fictitious character of marriage, a decision was adopted to revoke or not to issue residence permits in Lithuania for ten citizens of foreign states, five cases were transferred to the prosecutor's office, which referred to court for recognition of the marriages as marriages of convenience and invalid from the moment of their conclusion, two of them have already been recognised by the court as invalid.

<http://www.policija.lt/index.php?id=11893>;

⁵⁸<http://www.lvat.lt/naujienos/2010/vasaris/kinijos-pilie%C4%8Di%C5%B3-darbo-nuoma-pripa%C5%BEinta-nelegalia.aspx>;

5.2 Return

Legislation. The drafted Law on the Legal Status of Aliens transposes 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.

Institutional developments. By a resolution of 17 November 2010, the Government of the Republic of Lithuania submitted to the Seimas of the Republic of Lithuania a Draft Law Amending the Law on the State Border and Protection Thereof⁵⁹, which, inter alia, aims at enhancing the powers of the State Border Guard Service and the agencies subordinate to it in combating the processes of illegal immigration. It proposes to stipulate that this Service adopts decisions on issuance of an instruction to an alien to leave the Republic of Lithuania, on return of an alien to a foreign state, on the possibility of execution of a decision of another state subject to Directive 2001/40/EC, also on expulsion of aliens from the Republic of Lithuania and decisions on return of aliens under treaties. Presently, it is the Migration Department that is authorised to adopt decisions on expulsion or return of aliens, although investigation of an alien's expulsion or return is conducted and subsequently adopted decisions are executed by the police and officers of the State Border Guard Service, and the aliens illegally entering or illegally staying in Lithuania are placed at the Foreigners' Registration Centre of the State Border Guard Service.

Agreements on readmission. On 29 September 2010, the Protocol of the Government of the Republic of Lithuania and the Government of the Republic of Moldova on the Implementation of the Agreement between the European Community and the Republic of Moldova on the readmission of persons residing without authorisation was signed. The following agreements on readmission are being co-ordinated:

- Draft Protocol of the Government of the Republic of Lithuania and the Council of Ministers of Bosnia and Herzegovina Implementing the Agreement between the European Union and Bosnia and Herzegovina on the readmission of persons residing without authorisation;
- Draft Protocol of the Government of the Republic of Lithuania and the Government of the Republic of Macedonia on the Implementation of the Agreement between the European Community and the Former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation;
- Draft Protocol of the Government of the Republic of Lithuania and the Government of the Russian Federation on the Implementation of the Agreement between the European Community and the Russian Federation on readmission;
- Draft Agreement of the Government of the Republic of Lithuania and the Government of the Republic of Kosovo on the readmission of persons residing without authorisation and draft protocol implementing the agreement;
- Draft Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Kazakhstan on the readmission of persons.

⁵⁹ Draft Law Amending the Law on the State Border and Protection Thereof No XIP-2701, registered with the Seimas of the Republic of Lithuania on 23-11-2010, http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=386861&p_query=&p_tr2=;

Voluntary return. The International Organization for Migration (IOM) Vilnius Office (funded by the European Return Fund) offers assisted voluntary return to third-country nationals. In 2010, 55 persons availed of assisted voluntary return offered by IOM.

IOM Vilnius Office has provided reintegration assistance to third-country nationals voluntarily returning from Lithuania since December 2009. During the period of December 2009 – June 2010, IOM Vilnius Office, under the European Return Fund Programme 2008 prepared a best practice study of reintegration containing recommendations for Lithuania, established the need for reintegration assistance and possibilities of its provision in two selected countries of origin (in Georgia and Moldova), created a system of provision of reintegration assistance to the persons voluntarily returning to their country of origin from Lithuania. Two aliens (one citizen of Moldova and one citizen of Azerbaijan) were provided reintegration assistance. In 2010, reintegration assistance was provided under the European Return Fund Annual Programme 2009. Under this project, reintegration assistance was provided to four citizens of Georgia. In the future, it is planned to further develop the reintegration programme: to widen the scope of reintegration assistance (providing it to a larger number of returnees) and to improve the mechanism of its provision.

Miscellaneous. The Lithuanian Red Cross Society is implementing the project “Monitoring of return and expulsion of aliens”, whose goal is to monitor whether aliens are properly expelled or returned to their country of origin from Lithuania.

5.3 Actions against human trafficking

The **Programme for the Prevention and Control of Trafficking in Human Beings 2009-2012** is being implemented and is already the third programme approved by the Government of the Republic of Lithuania. This programme supports the projects of agencies and organisations selected by way of competition and intended to provide social assistance to victims of trafficking in human beings and involuntary prostitution and to ensure their return to society and the labour market (in 2010, funding was allocated to 6 projects).

Lithuania contributes to international and regional co-operation in combating trafficking in human beings, especially by participating in the activities of the Task Force against Trafficking in Human Beings of the Council of the Baltic Sea States.⁶⁰ During the Lithuanian presidency of the Council of the Baltic Sea States, in May 2010, Vilnius hosted an **international conference “Prevention and Control of Trafficking in Human Beings – Regional Aspects”**, intended to bring experts together and improve and consolidate international co-operation in the field of combating trafficking in human beings stressing the issues of labour and sexual exploitation. Conclusions were adopted as regards the actions which must be taken in this field. The conference was attended not only by experts from the countries of the Council of the Baltic Sea States, but also the representatives delegated by other states (United Kingdom, United States of America, Italy, Spain, France, Netherlands, Ukraine and Belarus).

The draft Law on the Legal Status of Aliens proposes to stipulate that a temporary residence permit may be issued also to a minor alien where he is or was a victim of trafficking in human beings and co-operates with a pre-trial investigation authority or court combating trafficking in

⁶⁰ This group consists of 11 states: Denmark, Estonia, Iceland, Latvia, Poland, Lithuania, Norway, Russia, Finland, Sweden, Germany, representatives of the European Commission;

human beings or crimes relating to trafficking in human beings (according to provisions of the law currently in force, such a ground for the issuance of a temporary residence permit in the Republic of Lithuania does not apply to minor aliens).

In 2010, the International Organization for Migration Vilnius Office was carrying out a **project of prevention of trafficking in human beings in the Kaliningrad Region of the Russian Federation** “Prevention and Improved Assistance to Victims of Trafficking in the Kaliningrad Oblast” and shared the good practice of the Republic of Lithuania with institutions of the Kaliningrad Region. The project aimed at involving the Kaliningrad Region in the co-operation of the Baltic States in the field of combating trafficking in human beings.

With a view to broadening the possibilities of combating international organised crime relating to trafficking in human beings, **the Lithuanian police implemented a project** “Development of the National Integrated Information System (NIIS) intended for the fight against international organised crime related to trafficking in human beings”, as co-ordinated by the Trafficking in Human Beings Unit of the 1st Crime Investigation Board of the Lithuanian Criminal Police Bureau, funded by the Norwegian Financial Mechanism and the budget of the Republic of Lithuania and creating conditions for connection with national units of Interpol and Europol and other EU Member States.

In 2010, 15 criminal acts relating to trafficking in human beings were recorded (in 2009 – 23). The decrease should be linked with breaking of major criminal groups operating in the field of trafficking in human beings and sentencing of their members to imprisonment. Criminal cases over 13 criminal acts were referred to court. In 2010, 34 pre-trial investigations were being conducted in Lithuania over the criminal acts relating to trafficking in human beings. In the mentioned cases, suspicions were raised not only against Lithuanian citizens or residents, but also against aliens. In 2010, courts heard 5 criminal cases with 16 persons charged with commission of criminal acts relating to trafficking in human beings. 11 persons (69 per cent) were sentenced⁶¹.

In 2010, the Vilnius Regional Court announced its judgement in a criminal proceedings over trafficking in human beings imposing the toughest ever sentences (the convicted persons sentenced to imprisonment for a period from 7 up to 11 years).⁶² This case had been investigated by the Lithuanian police in co-operation with Great Britain’s Serious Organised Crime Agency.

6. Border control

6.1. Control and surveillance at external borders

Legislation. In 2010, **the recommendations of the national audit of the activities of the State Border Guard Service carried out in 2009 were being implemented.**⁶³ According to the findings of the national audit, insufficient attention had been devoted to establishment of long-term

⁶¹ Data from the 2010 activity report of the Prosecutor General’s Office of the Republic of Lithuania, <http://www.prokuraturos.lt/Veikla/Ataskaitos/tabid/413/Default.aspx>;

⁶² <http://www.policija.lt/index.php?id=8548>;

⁶³ <http://www.civis.lt/valstybes-kontrole-%E2%80%9Evalstybes-sienos-apsaugos-sistema-nebuvo-tinkamai-pertvarkyta%E2%80%9C-11509.html>;

goals of planning the capacities of the state border guard system, efficient allocation of resources at the internal and external borders, identification of the external border control as the priority function of the State Border Guard Service of the Republic of Lithuania. The Programme for Development of the State Border Guard in 2011-2018 is being drafted to identify the ways and means of improving the main border control. By a resolution of 13 October 2010, the Government of the Republic of Lithuania approved reorganisation of the Šiauliai Unit of the State Border Guard Service located at the internal border by reallocating resources in a manner so as to strengthen the protection of the external border of the European Union.

With a view to ensuring the compliance of national legal regulation with provisions of Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the law passed on 9 November 2010⁶⁴ **amended provisions of the Law on the State Border and Protection Thereof** prohibiting persons from staying without personal documents in the territory in which the legal regulations of the frontier are in force and stipulated that such a prohibition does not apply in a territory at the internal border, except for the cases when the control of the internal border is temporarily reintroduced. By its resolution⁶⁵, the Government of the Republic of Lithuania accordingly modified the Border Legal Regime Rules – the requirement for persons to hold personal documents in the internal waters located at the internal borders of the European Union (in the rivers and lakes, etc. located within 5 km of the border area) does not apply, with the exception of the cases when control of the internal border is temporarily reintroduced.

In order to enhance the prevention and control of illegal immigration, the issues of distribution of powers and responsibilities among the institutions performing the functions of prevention and control of illegal immigration were further addressed. Under a resolution of 17 November 2010, the Government of the Republic of Lithuania submitted to the **Seimas of the Republic of Lithuania a draft Law of the Republic of Lithuania Amending the Law on the State Border and Protection Thereof**⁶⁶, which pursues the aim of more explicit regulation of the functions of the State Border Guard Service, enlarging the powers of this Service and the units subordinate to it in combating organised crime, smuggling and illegal immigration phenomena.

The drafted Law on the Legal Status of Aliens proposes to establish legal grounds for collection of biometrics from the persons submitting applications for the issuance of a national or Schengen visa.

Institutional co-operation. Aiming to ensure a more effective co-operation, the State Border Guard Service and the Police Department signed on 15 January 2010 **an agreement on the carrying out of activities in the field of control of aliens**, which defines the functions of these institutions and their territorial/structural divisions in the field of control of aliens and forms of their co-operation.

On 3 February 2011, the State Border Guard Service and the Ministry of Foreign Affairs **signed an agreement on co-operation** in the field of exchange of information on the aliens

⁶⁴ Official Gazette, No 137-7001, 2010;

⁶⁵ Official Gazette, No 28-1320, 2011;

⁶⁶ Draft Law Amending the Law on the State Border and Protection Thereof No XIP-2701, registered with the Seimas of the Republic of Lithuania on 23-11-2010, [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=386861&p_query=&p_tr2=;](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=386861&p_query=&p_tr2=)

detained in Lithuania, also on the aliens who apply to diplomatic missions and consular posts of the Republic of Lithuania abroad for visas, the information relating to risks of illegal immigration, and in other fields.

International co-operation. In 2010, Lithuania signed representation agreements on the issuance of visas with Latvia, Norway, Denmark, Greece, Germany, supplemented the agreement signed previously with Hungary. An agreement on representation in issuing visas to be signed with Slovakia is at the final stage of co-ordination.

Miscellaneous. Upon signing, on 20 October 2010, the agreement between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on local border traffic,⁶⁷ a draft order of the Minister of the Interior and the Minister of Foreign Affairs laying down a procedure for issuing local border traffic permits is being co-ordinated. Funded by the External Borders Fund, a project of development and introduction of a local border traffic module of the Aliens' Register, upgrading of the information system of the State Border Guard Service and introduction of the infrastructure is being implemented. The project is intended to create a module of local border traffic permits of the Aliens' Register which will accumulate information on the applications submitted for the issuance of local border traffic permits, the course of examination of these application, the decisions adopted and the local border traffic permits issued. This module will be used by consular posts of the Republic of Lithuania in the Russian Federation (in Kaliningrad and Sovetsk), also in the Republic of Belarus (in Minsk and Grodno), the State Border Guard Service and the Migration Department.

On 10 December 2010, implementation of a **National Visa Information System development project**, which aimed at joining the Central Visa Information System, was completed, tests were conducted to determine Lithuania's N.VIS compliance with the latest C.VIS ICD version. Updating of the second generation National Schengen Information System (N.SISII) and national systems and registers in compliance with the latest C.SISII requirements (ICD 2.5.3 version) was successfully completed. In implementing the security and control requirements set forth for the external border, in 2010 modern border surveillance systems were introduced, new equipment was acquired, the information system used at border crossing points was upgraded (for detailed information, see the annex).

In 2010, 277 311 were issued, including 2 520 national visas (in 2009, respectively 241 481 visas were issued, including 3327 national visas).

6.2 Co-operation with respect to border control

On 7 July 2010, the Treaty of the Republic of Lithuania and the Republic of Belarus on Legal Regime of the State Border entered into force (signed on 16 September 2009 in Vilnius). Under the mentioned agreement, chief border plenipotentiaries analyse the situation at the state border, co-ordinate the activities relating to border protection, organised crime, exchange relevant information, also information on tendencies of illegal immigration.

⁶⁷ The agreement will enter into force upon completion of national procedures; Draft Law No 11-281-01 on ratification of the mentioned agreement has been prepared;

An agreement between the Government of the Republic of Lithuania and the Government of the Russian Federation on the activities of state border plenipotentiaries has been drafted.

In enhancing co-operation between the border guard services of the neighbouring Schengen Area Member States and aiming at preventing illegal immigration across internal borders, draft agreements on joint patrolling with Latvia and Poland are being co-ordinated.

The State Border Guard Service participates in implementation of the projects co-ordinated by Latvia's State Border Guard over the activities of immigration liaison officers in Belarus, Georgia and Russia.

On 6-7 May 2010, Lithuania hosted a meeting of the ministers of the interior of three Baltic States (Estonia, Latvia and Lithuania), which had the purpose of discussing the issues relating to border control, interstate co-operation of institutions in response to emergencies and combating smuggling, checking of travel documents and other issues.

On 5 October 2010, the Police Department and the Commander-in-Chief of the Polish Police signed the Agreement on Implementation of Provisions of the Agreement of 14 March 2006 between the Government of the Republic of Lithuania and the Government of the Republic of Poland on Co-operation in Combating Organised Crime and Other Crimes and Co-operation in the Border Territories, which aims at developing co-operation through exchange of information and experience, carrying out of operational activities and implementation of preventive measures.

7. Asylum

In 2010, there were no changes to legal regulation in the field of granting of asylum.

In 2010, the number of asylum seekers in Lithuania increased,⁶⁸ 373 applications were received (in 2009, there were 211 applications, in 2008 – 210), including 249 applications submitted by Georgian citizens (in 2009, 76 applications of Georgian citizens for asylum were received, in 2008 – 7).

In 2010, as many as 280 asylum seekers, including 191 Georgia's citizens, who had been placed at the Foreigners' Registration Centre, by exercising the right to leave the centre round the clock, did not return to the centre.⁶⁹ Some of them were returned to Lithuania.

8. Unaccompanied minors

In Lithuania, the number of unaccompanied minors who are aliens is not large; in 2010, 9 cases of arrival of unaccompanied minors were recorded.

At the initiative of Caritas Lithuania, a discussion was held on 26 March 2010 on the topic of unaccompanied minors in the Schengen Area and trafficking in human beings, which was attended by experts of the Government of the Republic of Lithuania, the State Border Guard Service and other law enforcement institutions and non-governmental organisations. The experts agreed that

⁶⁸ Data of the Migration Department;

⁶⁹http://www.pasienis.lt/lit/Padaugejus_gruzinu_prieglobscio_Lietuvoj/3978;

it is necessary to enhance the co-operation and co-ordination of actions of the State Border Guard Service, the police, the Children's Rights Ombudsman Institution as well as non-governmental sector. At the meeting, a study of the European Migration Network concerning the situation with unaccompanied minors in Lithuania and other EU Member States was presented.

On 3 August 2010, the State Border Guard Service concluded a contract for provision of legal services, under which lawyers will provide counselling to detained unaccompanied alien children, also will provide State-guaranteed legal aid to aliens in court considering detention or imposition of a sanction equivalent to detention. The services provision contract is funded by the multi-annual programme under the European Return Fund.

9. Global approach to migration

During the visit of the President of Ukraine to Lithuania held on 13-14 October 2010, the presidents of the Republic of Lithuania and Ukraine signed the Guidelines for Strategic Partnership of Lithuania and Ukraine for 2011-2012. The guidelines also provide for development of co-operation on the issues of migration management, illegal immigration and asylum between the countries.

In November 2010, the Minister of the Interior paid a working visit to Georgia. At a meeting with the Minister of Internal Affairs of Georgia, the participants of the meeting discussed priorities of bilateral co-operation of the ministries of the interior of both countries, the issues of development of future co-operation, possibilities of provision of expert assistance to Georgian institutions seeking to contribute to implementation of the Eastern Partnership initiative and enhancement of dialogue between the European Union and Georgia. In implementing the Eastern Partnership programme, the delegations of the Minister of Internal Affairs of Georgia and the Minister of the Interior of Estonia visited Vilnius in December 2010. At the meeting, the issues of implementation of the Eastern Partnership initiative were considered, Georgian counterparts were familiarised with a special transit scheme for Kaliningrad, a mobile operational command centre intended for management of complicated situations relating to protection of external borders, other topical issues of co-operation of the countries within the framework of the Eastern Partnership were discussed.

The funds of the Latvia, Lithuania and Belarus Cross Border Co-operation Programme under the European Neighbourhood and Partnership Instrument and the Lithuania, Poland and the Russian Federation Cross Border Co-operation Programme under the European Neighbourhood and Partnership Instrument will be used to carry out the projects relating to arrangement, upgrading and development of the infrastructure of border crossing points, also the projects which are to be implemented in border territories with a view to accelerate the social and economic development of the border regions. Implementation of the projects will commence in 2011.

In 2010, while implementing development co-operation projects Lithuania provided assistance on a bilateral basis to the Republic of Belarus, Ukraine, the Republic of Moldova, Georgia, the Republic of Azerbaijan, the Islamic Republic of Afghanistan (Ghor Province) in the fields of consolidation of democracy, human rights, good governance and rule of law, economic

development, European integration processes, strengthening of administrative capacities, also having regard to other needs of the partner countries and its own possibilities.

10. Implementation of EU legislation

<i>Directive</i>	<i>Status</i>
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	Not transposed. To be transposed by the drafted Law on the Legal Status of Aliens.
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	Not transposed. To be transposed by the drafted Law on the Legal Status of Aliens.
Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals	Not transposed. To be transposed by the drafted Law on the Legal Status of Aliens and the drafted Law on Prohibition of Undeclared Work.
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 amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC	Transposed. The drafted Law on the Legal Status of Aliens will modify certain provisions.
Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents	Transposed. The drafted Law on the Legal Status of Aliens will modify certain provisions.
Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence	Transposed. However, it has been proposed to stipulate additional measures (a Law Amending the Code of Administrative Offences of the Republic of Lithuania has been drafted imposing administrative liability on persons for provision of false data for the purpose of verification of letters of invitation for aliens to enter the Republic of Lithuania or aiding an alien to obtain a document confirming the right to stay or reside in the Republic of Lithuania by other unlawful means).

<i>Regulation</i>	<i>Status</i>
Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals	Provisions will be implemented upon adoption of the drafted Law on the Legal Status of Aliens
Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation)	Provisions will be implemented upon adoption of the drafted Law on the Legal Status of Aliens
Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) ⁷⁰	Provisions will be implemented upon adoption of the drafted Law on the Legal Status of Aliens
Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 amending Council Regulation (EC) No 2252/2004 on standards for security features and biometrics in passports and travel documents issued by Member States	Provisions will be implemented upon adoption of the drafted Law on the Legal Status of Aliens
Regulation (EU) No 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards movement of persons with a long-stay visa	Provisions will be implemented upon adoption of the drafted Law on the Legal Status of Aliens
Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention	Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on local border traffic was signed on 20 October 2010 (not yet in force)
Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)	The law passed on 9 November 2010 ⁷¹ amends the provisions of the Law on the State Border and Protection Thereof prohibiting persons from staying without personal documents in the territory in which the legal regulations of the frontier are in force and stipulates that such a prohibition does not apply in a territory at the internal border, except for the cases when the control of the internal border is temporarily reintroduced.

⁷⁰ In implementing this regulation, a new version of the Procedure for Submitting Documents for the Issuance of Visas, Issuing and Revoking Visas, Consultation, Co-operating with External Service Providers, Accrediting Commercial Intermediaries and Approving Invitations was adopted, Official Gazette, No 38-1832, 2011.

□ Valstybės žinios, 2010, Nr. 137-7001;

Regulation (EU) No 439/2010 of the European Parliament and of the Council of 19 May 2010 establishing a European Asylum Support Office

Under a resolution of 20 October 2010⁷², the Government of the Republic of Lithuania granted powers to the Minister of the Interior as regards formation of the reserve list of national asylum experts, designation of the national contact point responsible for communication with the European Asylum Support Office on all matters pertaining to asylum support teams, a member of the Management Board of the European Asylum Support Office and the alternate member.

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⁷² Official Gazette, No 125-6432, 2010;

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