

**European Migration Network
National Contact Point for the Republic of Lithuania**

**ANNUAL POLICY REPORT:
MIGRATION AND ASYLUM IN
LITHUANIA 2012**

VILNIUS, 2013

CONTENTS

Summary.....	3
1. Introduction	5
2. Overview of developments in migration and asylum policy.....	7
2.1 Political developments.....	7
2.2 Major legal developments in migration and asylum	8
3. Regular migration and mobility.....	12
3.1. Economic migration	14
3.2. Family reunification	17
3.3 Students and researchers.....	19
3.4 Integration.....	21
3.5. Citizenship and naturalisation	22
3.6 Management of migration and mobility	24
4. Irregular migration and return	27
4.1. Irregular migration.....	27
4.2. Return	30
5. Asylum	34
6. Unaccompanied minors and other vulnerable persons	37
7. Combating trafficking in human beings	38
8. Implementation of European Union legal acts	40
References	41

Summary

Emigration and return migration

The number of emigrants was decreasing. In 2012, 41 100 residents emigrated from Lithuania. Compared to 2011, the number of emigrants has declined by 24 per cent (in 2011, departure was declared by 53 900 residents). Citizens of the Republic of Lithuania accounted for 94 per cent of all emigrants. The main destination countries for emigrants remained the same as in previous year, namely, the United Kingdom, Ireland, and Norway. It is also the countries that the majority of citizens returned from. The number of returning citizens of the Republic of Lithuania was increasing (in 2012, 17 300 citizens returned to Lithuania, while in 2011 – 14 000 citizens).

Immigration

In 2012, 19 800 immigrants arrived to Lithuania, which is by 21 per cent more than in 2011, when 15 700 immigrants entered to the country. Aliens account for approximately 13 per cent of the immigrants, the majority of them being citizens of the Russian Federation, Ukraine, Republic of Belarus, Poland and Latvia.

At the beginning of 2013, 33 253 aliens resided in Lithuania (approximately 1.1 per cent of the entire population of the country), and more than a half of all the aliens (18 900) – were in possession of a permanent residence permit in Lithuania.

In 2012, approximately 4 500 aliens were issued first temporary residence permits in Lithuania, which is approximately 20 per cent more than in 2011. The majority of aliens entered for the purpose of employment (approximately 50 per cent) and the grounds of family unification (36 per cent). Compared to 2011, in 2012 the Lithuanian Labour Exchange issued a third more work permits to aliens (in 2012, the Lithuanian Labour Exchange issued 4 627 work permits, in 2011 – 3 327 work permits).

Citizenship

In 2013, the Seimas ratified the 1961 United Nations Convention on the Reduction of Statelessness, concurrently passing amendments to the Law of the Republic of Lithuania on Citizenship establishing more favourable naturalisation conditions in respect of stateless persons born in the territory of Lithuania.

In 2012, the number of persons granted citizenship of the Republic of Lithuania by naturalisation decreased almost by half compared with 2011, but was similar to the number of such persons as recorded in 2010. In 2012, citizenship of the Republic of Lithuania was granted by naturalisation to 183 persons, in 2011 – to 311 persons, in 2010 – to 162 persons. The majority of them were stateless persons, also citizens of Russia, Ukraine or Belarus.

Legal status of aliens

On 30 June 2012, the Seimas of the Republic of Lithuania passed amendments to the Law on the Legal Status of Aliens¹ transposing and implementing provisions of legal acts of the

¹ Law Amending Articles 1, 2, 6, 9, 10, 11, 12¹, 17, 19, 21, 22, 24, 26, 33, 37, 38, 40, 43, 49¹, 50, 53, 54, 55, 57, 58, 89, 97, 98, 99, 100, 101, 102, 104, 106, 113, 128, 131, 133, 139, 140¹, and 141¹ of and the Annex to the Law of the Republic of Lithuania on the Legal Status of Aliens, Supplementing the Law with Articles 44¹, 49³, 98¹, 99¹, 103¹, 105,

European Union on migration. Moreover, proposals (some of them have already been registered with the Seimas) for amending the Law have been submitted with a view to tightening the control of irregular migration, establishing more favourable conditions of entry for aliens for the purposes of research and higher education studies, and appropriately transposing provisions of EU law.

Irregular migration

More violations of the state border at the border with Belarus have been registered, whereas the number of such violations at the border with Russia has decreased.

For the majority of irregular migrants Lithuania is a transit country in an attempt to reach the countries of Western Europe and Scandinavia. The migrants attempt to illegally cross the state border (in groups or alone), to obtain a visa by fraud (by providing false data about the purpose of the travel), to use forged documents.

The number of unfounded asylum applications lodged by aliens when detained has increased. Asylum seekers are accommodated at the Foreigners Registration Centre without restricting their freedom of movement. Taking advantage of this possibility, they depart from the Centre and make unauthorised attempts to reach other EU Member States.

Aliens are looking for ways of obtaining temporary residence permits, often declaring entry for the purpose of undertaking business activities, but instead fictitiously establishing or purchasing companies in Lithuania with no intention to develop a business, just seeking to take advantage of the specified ground for obtaining of a temporary residence permit, and thus gaining the right to move within the Schengen area.

Asylum

The number of asylum seekers is growing. The majority of applications (approximately 57 per cent of all first applications) have been lodged by citizens of Georgia.

Lithuania joined the project of relocation of asylum seekers from the Republic of Malta (EUREMA II). 4 asylum seekers (citizens of Eritrea) were relocated from the Republic of Malta to Lithuania and were granted refugee status in the Republic of Lithuania.

105¹, 105², 105³, 105⁴, and 106¹ and Repealing Articles 12², 13, 14, 15, 16, 18, 20, and 145 (Official Gazette, No 85-4450, 2012)

1. Introduction

This report pursues the aim of providing an overview of major developments in Lithuanian migration and asylum policy in 2012.

The report has been prepared in compliance with the general requirements specified by the European Migration Network and applicable to the drawing up of this report. Particular attention has been paid to the areas in which certain developments have emerged. The report covers the year 2012, however, where appropriate, the previous situation is described or references to the initiatives undertaken are provided.

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

As regards statistical data, the report mostly relies on migration yearbooks published by the Migration Department on an annual basis. The terms and concepts are used as defined and stipulated in legal acts of the Republic of Lithuania.

Migration and asylum policy structure²

Competent authorities

In 2012, no major institutional developments took place.

The main institution charged with formation of national policy in the area of public security, including migration (excluding economic migration), and organisation, coordination and control of its implementation is the *Ministry of the Interior*.

The principal institutions implementing migration and asylum policy are subordinate to the Ministry of the Interior. The *Migration Department* is an institution which, within its remit, ensures implementation of procedures related to visas, immigrations, asylum, citizenship of the Republic of Lithuania, issuance of residence permits in the Republic of Lithuania and other documents to aliens and implementation of the principle of free movement of persons. The *State Border Guard Service* implements state border guard policy, exercises control of border crossing, and participates in implementing control of migration at the national level. As an institution subordinate to the State Border Guard Service, the *Foreigners' Registration Centre* is responsible for detention of aliens unlawfully staying in Lithuania or unlawfully entering the country, also for accommodation of asylum seekers during the examination of their applications for asylum. The *Police Department* organises and controls the activities of the police system; territorial police bodies, with migration services being a part of their structure, are subordinate to the Police Department. *Migration services* perform the implementation functions assigned to them in the area of citizenship of the Republic of Lithuania; issue documents to citizens of Lithuania and to aliens; verify letters of invitation for aliens to arrive for temporary stay to the Republic of Lithuania. Some services are authorised to

² Detailed information about the country's political system, the institutions responsible for national migration and asylum policy and implementing it, key policy documents and legal acts are available in the latest study "Organisation of asylum and migration policy in Lithuania" prepared in 2012 by the European Migration Network National Contact Point for the Republic of Lithuania.

issue visas and to extend their period of validity; exercise the control of stay and residence of aliens in Lithuania; implement irregular migration prevention measures.

The *Ministry of Social Security and Labour* is in charge of the area of labour immigration; the *Lithuanian Labour Exchange* is subordinate to it and issues work permits to aliens and adopts decisions on conformity of jobs requiring high professional qualifications of aliens to needs of the labour market. The Ministry has within its area of management the *Refugees Reception Centre*, which provides with accommodation the aliens who have been granted asylum in the Republic of Lithuania and unaccompanied minor aliens and implements social integration of the aliens who have been granted asylum.

The *Ministry of Foreign Affairs* is in charge of visa policy.

In the area of migration and asylum, *an active role is played by related international and non-governmental organisations* – the International Organization for Migration Vilnius Office, the representative of the United Nations High Commissioner for Refugees, the International Committee of the Red Cross, other non-governmental organisations.

Main legal acts

Two principal legal acts should be referred to: the *Law of the Republic of Lithuania on the Legal Status of Aliens*,³ which regulates the procedure for entry and departure, stay and residence of aliens, granting of asylum, integration, appeal against decisions on the legal status of aliens and other issues concerning the legal status of aliens in the Republic of Lithuania; the *Law of the Republic of Lithuania on Citizenship*,⁴ which stipulates the principles of citizenship of the Republic of Lithuania, the grounds, conditions and procedure for the acquisition and loss of citizenship of the Republic of Lithuania and other relationships of citizenship of the Republic of Lithuania.

These laws are sufficiently detailed hence decisions on legal regulation are mainly taken at the legislative level – by the Seimas of the Republic of Lithuania, whereas the legal acts implementing provisions of laws – at the level of the Government of the Republic of Lithuania and relevant ministries.

In 2012, amendments were adopted to the Law on the Legal Status of Aliens, with a view to transposing and implementing provisions of legal acts of the European Union.⁵ Moreover, proposals for amendment of the Law of the Republic of Lithuania on the Legal Status of Aliens were submitted. More information is provided in subsequent sections.

No amendments were adopted in 2012 to the Law of the Republic of Lithuania on Citizenship. However, amendments to the Law of the Republic of Lithuania on Citizenship⁶ have been drafted seeking accession to the United Nations Convention on the Reduction of Statelessness.

³ Law passed by the Seimas of the Republic of Lithuania on 29 April 2004 (Official Gazette, No 73-2539, 2004), with subsequent amendments.

⁴ Law of the Republic of Lithuania on Citizenship, passed on 2 December 2010 (Official Gazette, No 144-7361, 2010), entered into force on 1 April 2011.

⁵ Law Amending Articles 1, 2, 6, 9, 10, 11, 12¹, 17, 19, 21, 22, 24, 26, 33, 37, 38, 40, 43, 49¹, 50, 53, 54, 55, 57, 58, 89, 97, 98, 99, 100, 101, 102, 104, 106, 113, 128, 131, 133, 139, 140¹, and 141¹ of and the Annex to the Law of the Republic of Lithuania on the Legal Status of Aliens, Supplementing the Law with Articles 44¹, 49³, 98¹, 99¹, 103¹, 105, 105¹, 105², 105³, 105⁴, and 106¹ and Repealing Articles 12², 13, 14, 15, 16, 18, 20, and 145 (Official Gazette, No 85-4450, 2012)

⁶ Adopted by the Seimas on 9 May 2013, together with the law ratifying the Convention.

2. Overview of developments in migration and asylum policy

2.1 Political developments

New Government and the Programme of the Government

In 2012, Lithuania held parliamentary elections to the Seimas of the Republic of Lithuania, which resulted in the formation of a new Government of the Republic of Lithuania. As regards migration policy, the Programme of the Government⁷ focuses on migration management, external border control policy (prevention and control of irregular migration and combating trafficking in human beings), development of the Common European Asylum System, addressing the problem of emigration of the Lithuanian population and return of emigrant workers. The comparison of the provisions of the Programme of the newly formed Government of the Republic of Lithuania and those of the former one⁸ in the area of migration reveals no essential changes. Lithuania's Progress Strategy "Lithuania 2030" as approved by the Resolution of the Seimas of the Republic of Lithuania of 15 May 2012⁹ considers the problem of emigration of Lithuania's population to be one of the most relevant issues requiring major initiatives.

In 2012, the implementation of the Inter-institutional Action Plan for the Implementation of the Programme for Creation of "Global Lithuania" (Involvement of Lithuanian Emigrants into the Life of the State) for 2011-2019, as approved by the Government of the Republic of Lithuania in 2011, commenced.¹⁰ It is estimated that approximately 1.3 million persons of Lithuanian descent, including 400 000 citizens of the Republic of Lithuania, live abroad. Effort is made to involve such persons in the process of creation of a welfare state, strengthen their ties with Lithuania and encourage them to return to their homeland. The plan is coordinated by the Ministry of Foreign Affairs. Measures have been taken to support Lithuanian communities and organisations abroad, strengthen relations with the professionals whose achievements have been acknowledged in their professional area and who are able to contribute to the creation of Lithuania's welfare by specific projects; funds have also been allocated to implementation of projects, cooperation initiatives of Lithuania and Lithuanians living abroad, also to encouraging the Lithuanians living abroad to study in Lithuania.

On 18 March 2013, the Prime Minister formed a working group and assigned to it the task of drafting migration policy guidelines and their submission to the Government of the Republic of Lithuania. The working group consists of representatives of a number of related institutions, persons representing business interests, researchers and representatives of international organisations (IOM). Setting forth guidelines for migration policy is one of the Priority Measures of Implementation of the Programme of the Government of the Republic of Lithuania for 2012-2016, as approved by the Resolution of the Government of the Republic of Lithuania of 13 March 2013.¹¹ Other priorities set for the migration policy include improvement of accommodation and reception conditions of detained third-country nationals and asylum applicants at the Foreigners' Registration

⁷ Programme of the Sixteenth Government for 2012-2016, approved by Resolution No XII-51 of the Seimas of the Republic of Lithuania of 13 December 2012 (Official Gazette, No 149-7630, 2012)

⁸ Programme of the Fifteenth Government for 2008-2012, approved by the Resolution of the Seimas of the Republic of Lithuania of 8 December 2008 (Official Gazette, No 146-5870, 2008)

⁹ Official Gazette, No 61-3050, 2012

¹⁰ Official Gazette, No 42-1969, 2011; Plan Implementation Report 2012; <http://www.urm.lt/index.php?2695978607>.

¹¹ Official Gazette, No 29-1406, 2013

Centre, accelerating the procedure for lodging applications for the issuance of work permits and residence permits in the Republic of Lithuania to third-country nationals and defining common standards for the qualifications of persons as beneficiaries of international protection.¹²

2.2 Major legal developments in migration and asylum

Amendments to the Law on the Legal Status of Aliens

On 30 June 2012, the Seimas of the Republic of Lithuania adopted amendments to the Law on the Legal Status of Aliens¹³ transposing and implementing the provisions of EU legal acts in the area of migration:¹⁴

- ✓ transposing 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 (Blue Card Directive);
- ✓ transposing certain 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 illegally staying third-country nationals (Sanctions Against Employers Directive);
- ✓ revising and supplementing the provisions of the Law related to the transposition of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States (EU Citizens Directive);
- ✓ revising and supplementing the provisions of the Law related to the transposition of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (Long-term Residents Directive);
- ✓ harmonising the provisions of the Law with regulations governing the issuance of Schengen visas, validity of national visas and capturing of biometric data – the Law excludes provisions concerning the issuance of Schengen visas,¹⁵ sets forth the requirement to record biometric data in travel documents issued to aliens (alien's passport, travel document of a stateless person, travel document of a refugee)¹⁶ and establishes that biometric data are to be recorded in aliens' residence permits.¹⁷

¹² By transposing the provisions of *One-Stop Shop* and *Qualification* Directives adopted in 2011.

¹³ Law Amending Articles 1, 2, 6, 9, 10, 11, 12¹, 17, 19, 21, 22, 24, 26, 33, 37, 38, 40, 43, 49¹, 50, 53, 54, 55, 57, 58, 89, 97, 98, 99, 100, 101, 102, 104, 106, 113, 128, 131, 133, 139, 140¹ and 141¹ of and the Annex to the Law of the Republic of Lithuania on the Legal Status of Aliens, Supplementing the Law with Articles 44¹, 49³, 98¹, 99¹, 103¹, 105, 105¹, 105², 105³, 105⁴ and 106¹ and Repealing Articles 12², 13, 14, 15, 16, 18, 20 and 145 (Official Gazette, No 85-4450, 2012)

¹⁴ EU law infringement procedures have been opened in relation to the failure to transpose the provisions of Directives 2009/50/EU and 2009/52/EU and incorrect transposition of certain provisions of Directive 2004/38/EC.

¹⁵ The issue of Schengen visas shall be subject to procedures and conditions laid down by 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).

¹⁶ It implements the provisions of 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 (OJ 2009 L 142, p. 1).

¹⁷ It implements the provisions of 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 (OJ 2009 L 115, p. 1). First biometric residence permits containing the facial image and fingerprint images were issued to aliens on 9 January 2012 and 20 May 2012 respectively.

This draft Law has been prepared by a working group formed by a decision of the Board of the Seimas of the Republic of Lithuania of 26 October 2011 after the Seimas determined that the draft Law Amending the Law on the Legal Status of Aliens, as submitted by the Government of the Republic of Lithuania on 20 June 2011,¹⁸ needs to be improved. Although the main purpose of the draft Law submitted by the Government of the Republic of Lithuania was to implement the provisions of EU legislation, it was proposed that a number of the provisions of the Law not related to EU law should be amended and a new version of the Law should be adopted.

The working group formed by the Board of the Seimas also prepared and, on 15 June 2012, registered a separate draft Law Amending the Law on the Legal Status of Aliens¹⁹ the provisions of which are not directly related to EU law, but are relevant in terms of their consistency with the applicable Law of the Republic of Lithuanian on Citizenship and are related to other topical issues concerning the legal status of aliens (reducing the periods of processing applications for residence permits in the Republic of Lithuania, revocation of residence permits (in the case of fictitious activities of an alien), integration of aliens (designation of an institution responsible for coordination of the implementation of integration), detention of aliens who have unlawfully entered or are unlawfully staying in the Republic of Lithuania and the possibility of choosing voluntary return to a foreign state). On 21 March 2013, the Seimas commenced the consideration of this draft Law.

On 11 April 2012, Members of the Seimas registered the draft Law Amending the Law on the Legal Status of Aliens²⁰ which proposes establishing more favourable conditions of entry for aliens (teachers, researchers and students) for the purposes of education and studies. The Seimas has not commenced the consideration of this draft Law yet.

In 2012, a draft Law Amending the Law on the Legal Status of Aliens was prepared²¹ to transpose the provisions of Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection²² and to revise certain provisions of the applicable Law on the Legal Status of Aliens, in particular, having regard to the ruling of the Court of Justice of the European Union of 5 September 2012 in Case C-83/11 (*Secretary of State for the Home Department v. M. S. Rahman et al.*).²³ The draft Law was registered with the Seimas on 10 May 2013.

¹⁸ Draft Law No XIP-2360(2) Amending the Law of the Republic of Lithuania on the Legal Status of Aliens.

¹⁹ Draft Law No XIP-4566 Amending Articles 26, 33, 40, 41, 51, 53, 104, 109, 113 and 125 of the Law of the Republic of Lithuania on the Legal Status of Aliens.

²⁰ Draft Law No XIP-4304 Amending Articles 32, 33, 36, 40, 46, 49² and 58 of the Law of the Republic of Lithuania on the Legal Status of Aliens.

²¹ Draft Law No XIIP-253(2) Amending Articles 2, 53 and 101 of and the Annex to the Law of the Republic of Lithuania on the Legal Status of Aliens.

²² This Directive must be transposed by 20 May 2013; it is proposed that the Law should include a provision regulating a more favourable method of calculation of the period of residence for an alien who has been granted subsidiary protection and who seeks to obtain a permanent residence permit (five years' period of residence should take into account a half of the period between the date of the lodging of the application for asylum and the date of the grant of the residence permit or the whole of that period if it exceeds 18 months).

²³ According to the *EU Citizens Directive*, dependent persons or dependants of or persons who are in a documented long-term relationship with EU member state citizens must be provided with more favourable conditions facilitating their entry and settlement in a country. According to the definition provided in the Law the right of easier movement of such a person relates to his citizenship (not applicable to EU citizens) and the country from which he arrives (another EU country).

Asylum

In order to contribute to implementation of the principle of solidarity and fair responsibility sharing among the EU Member States and taking into consideration the proposal of the European Commission and the Republic of Malta to join a project concerning the relocation of aliens from third countries in need of international protection from Malta to other EU Member States, as prepared by Malta and co-financed by the European Refugee Fund, the Government of the Republic of Lithuania approved, by its Resolution of 14 September 2011, the participation of the Republic of Lithuania in the project of relocation of asylum applicants from the Republic of Malta. On 7 October 2011, Lithuania officially joined the EUREMA II project. On 24 October 2012, Minister for Home Affairs of Malta and the Minister of the Interior of Lithuania endorsed the agreement on implementation of EUREMA II. On 12 December 2012, 4 asylum applicants (citizens of Eritrea) were relocated from Malta to Lithuania and granted refugee status in the Republic of Lithuania.

Citizenship of the Republic of Lithuania

The draft Law of the Republic of Lithuania Amending the Law on Citizenship has been prepared and submitted to the Seimas along with the draft Law on Ratification of the 1961 United Nations Convention on the Reduction of Statelessness.²⁴ The draft Law of the Republic of Lithuania on Citizenship proposes establishing more favourable naturalisation conditions for stateless persons who were born on the territory of Lithuania. On 9 May 2013, the Seimas ratified the said Convention and adopted the proposed amendments to the Law of the Republic of Lithuania on Citizenship.

The debate focused on the regulation of dual citizenship continues both at the political level and in the public arena. Lithuanian citizens' possibilities of holding citizenship of another country are restricted by the Constitution of the Republic of Lithuania, which stipulates that, except for individual cases defined by laws, no person may be a citizen of the Republic of Lithuania and of another country at the same time. On 11 April 2013, Members of the Seimas registered a proposal²⁵ for announcing a referendum on the replacement of this provision with a more liberal one.

Irregular migration

The majority of irregular migrants see Lithuania as a transit country on their way to the countries of Western Europe or Scandinavia. In order to achieve their goal, aliens look for possibilities of obtaining visas or residence permits by providing false information about the purpose of their travel. Certain tendencies are observed as regards taking advantage of some provisions of the Law on the Legal Status of Aliens stipulating grounds for the issuance of temporary residence permits, e.g., by declaring starting a business as the purpose of entry with no intention to do so in practice and merely seeking to obtain a temporary residence permit. Proposals have been submitted to change the conditions of the issuance of a temporary residence permit on this ground.²⁶

There is a growing number of unfounded asylum applications lodged by aliens, mostly from Georgia, when they are detained upon their unlawful entry or during unlawful stay in the country only to take advantage of the opportunity to depart from the Foreigners' Registration Centre, where

²⁴ Draft Laws No XIIP-291(2) and No XIIP-292(2).

²⁵ Draft Seimas Resolution No XIIP-444 on Announcement of a Referendum on the Second Paragraph of Article 12 of the Constitution of the Republic of Lithuania.

²⁶ Amendments to the Law on the Legal Status of Aliens are being drafted.

they are accommodated without restricting their freedom of movement. It is proposed to introduce a stricter legal regulation, which might become a preventive measure against abuse.²⁷

In 2012, there was an inflow of irregular migrants from Vietnam (in 2011, no Vietnamese citizens were detained). These individuals detained without personal documents and claiming to be minors are accommodated as unaccompanied minors at the Refugee Reception Centre and soon depart from it. The number of violations related to irregular migration of citizens of Georgia and Vietnam has increased. The Minister of Social Security and Labour has formed an inter-institutional working group²⁸ for the drafting of the procedure for detention, age determination, interviewing, transportation and accommodation of unaccompanied minors.

²⁷ Draft Law of the Republic of Lithuania No XIP-4566 Amending and Supplementing Articles 26, 33, 40, 41, 51, 53, 104, 109, 113 and 125 of the Law on the Legal Status of Aliens.

²⁸ Minister of Social Security and Labour Order No A1-106 of 8 March 2013.

3. Regular migration and mobility

Lithuanian population

In 2012, the Lithuanian Department of Statistics published data of the population and housing census held in Lithuania in 2011,²⁹ which show that on 1 March 2011, the number of the population in Lithuania amounted to 3 043 000 inhabitants. Compared with the results of the population census held in 2001, the number of the country's population has decreased by 12.6 per cent (440 600), mostly due to migration (76.9 per cent) (over the decade, 402 900 residents have departed from the country, and 64 200 persons arrived to the country) and negative natural population growth, as a result of which the number of the population has decreased by 101 900 (23.1 per cent).

With these tendencies remaining unchanged, the number of the population continued to decrease also in 2012. According to data of the Lithuanian Department of Statistics, at the beginning of 2013 the number of the country's population amounted to 2 979 000 inhabitants, including 33 253 aliens³⁰ (comprising approximately 1.1 per cent of the country's total population), more than a half of all aliens (18 900 persons) being from third countries and holding permanent residence permits in Lithuania.

In 2012, permanent residence permits were issued to 652 aliens (mostly citizens of Russia (221), Belarus (129), Ukraine (66), stateless persons (90)). In 2011, 540 permanent residence permits were issued (similarly, mostly to citizens of the mentioned countries and stateless persons).

Emigration

The number of emigrants has decreased (compared with 2011, the number of emigrants has decreased 1.3 times (by 12 800)), while the number of returning citizens of the Republic of Lithuania has increased (increased by 3 300).

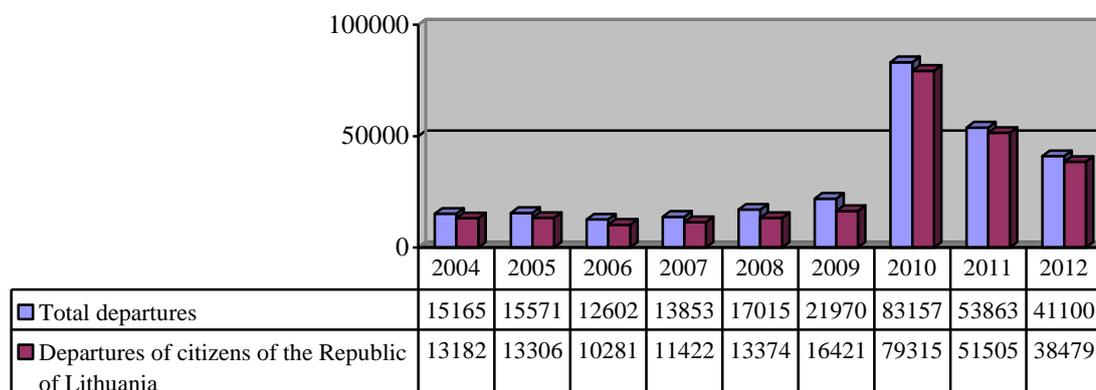
In 2012, 41 100 residents emigrated from Lithuania, and 19 800 persons immigrated to the country,³¹ i.e., the number of departures exceeded arrivals 2.1 times. Citizens of the Republic of Lithuania made up 94 per cent of all emigrants, aliens (mostly citizens of Belarus, Ukraine and the Russian Federation) – approximately 6 per cent (in 2011, respectively 96 per cent and 4 per cent).

²⁹ http://web.stat.gov.lt/uploads/Lietuvos_gyventojai_2011.pdf?PHPSESSID=7ad2766316c7b07832260883103f2b03

³⁰ Data of the Migration Department (according to the documents confirming the legal status of aliens).

³¹ <http://osp.stat.gov.lt/pranesimai-spaudai?articleId=261874>

Chart 1: Number of emigrating Lithuanian citizens



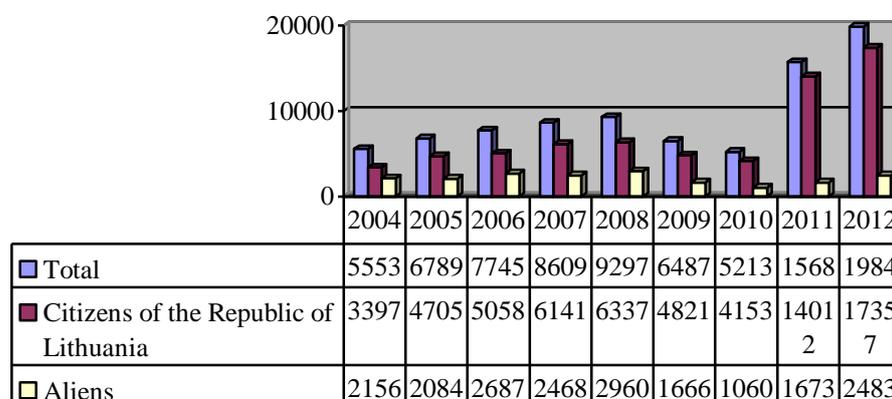
Source: data of the Lithuanian Department of Statistics³²

The majority (79 per cent) of emigrants declared their departure to the Member States of the European Union, mostly to the United Kingdom (48 per cent), Ireland (9 per cent), Germany, Norway (8 per cent each), Spain (3 per cent), Sweden, Denmark (2 per cent each), the United States of America (4 per cent) and Russia (2 per cent). The same destinations were observed also in 2011 (to the EU Member States – 82 per cent, including the United Kingdom – 49 per cent, to Ireland – 10 per cent, Norway, Germany – 7 per cent each).

Immigration

In 2012, 19 800 persons immigrated to Lithuania, which is by 4 100 or 1.3 times more than in 2011. 87 per cent of all immigrants were returning citizens of the Republic of Lithuania. In 2012, almost every second citizen of the Republic of Lithuania returned from the United Kingdom, every eighth – from Ireland, every twelfth – from Norway.

Chart 2: Number of returning Lithuanian citizens and immigrant aliens



Source: data of the Lithuanian Department of Statistics

³² Data on emigrants who have declared their departure have been used; the number of persons who actually departed during 2001-2009 is higher; data on the undeclared emigration flows recorded during 2001-2009 have been updated by the Lithuanian Department of Statistics based on the results of the population and housing census 2011 and data of statistical surveys conducted during 2006-2010 and are available at: <http://db1.stat.gov.lt/statbank/default.asp?w=1280>

In 2012, 2 500 aliens (13 per cent of all immigrants) immigrated to Lithuania (in 2011 – 1 700 aliens, or 11 per cent). Among aliens who immigrated to Lithuania in 2012, 1 731 persons are third-country nationals. The majority of aliens who immigrated to Lithuania in 2012 were citizens of the Russian Federation (526), Ukraine (377), the Republic of Belarus (363), the Republic of Poland (137) and the Republic of Latvia (113).

In 2012, the number of emigrants exceeded the number of immigrants by 21 300 persons (in 2011 – by 38 200).

3.1. Economic migration

Labour market tendencies

In 2012, the registered unemployment rate was decreasing. According to the Lithuanian Labour Exchange,³³ the annual average unemployment rate of the working-age population was 11.7 per cent, or 1.4 per cent lower than the annual average registered unemployment rate in 2011 (13.1 per cent). According to data as of 1 January 2013, 210 200 unemployed persons were registered in the country, that is, 11.4 per cent of the country's working-age population. Data on the share of citizens of foreign states are not available.

The demand for workforce was growing. In 2012, employers registered nearly 200 000 vacancies (of which 148 200 for employment of indefinite duration), i.e., 18.2 per cent more vacancies than in 2011 (169 100). However, despite the growing demand for workforce, reducing unemployment turned out to be a considerable challenge, because the majority of the unemployed are the persons unable to compete in the labour market, the long-term unemployed and young people not meeting employers' requirements for professional competence or occupational skills. Therefore, even with the high unemployment rate in the country, businesses experience the shortage of qualified professionals. Public debates were held on possible solutions of this shortage, the type of professionals required by the country and opportunities for training of the required professionals through reformation of the education system, development of employment programmes and combating of migration from villages to cities.

Entry of aliens for work purposes

According to the requirements of the Law on the Legal Status of Aliens, an alien who intends to work in Lithuania must obtain a work permit, with certain exceptions. A work permit may be issued to an alien if there is no professional in Lithuania meeting the qualification requirements set by the employer. Moreover, account is taken of the needs of the labour market. A common requirement has been established to obtain a work permit before entering the Republic of Lithuania. However, a work permit may be issued to an alien whilst staying in the Republic of Lithuania and working in an industry with shortages of personnel in certain occupations.

Just as each year, the Shortage Occupation Lists of the Republic of Lithuania by economic activity were approved for the 1st and 2nd half of 2012.³⁴ The occupations contained in the lists

³³ Overview of labour market tendencies in 2012;

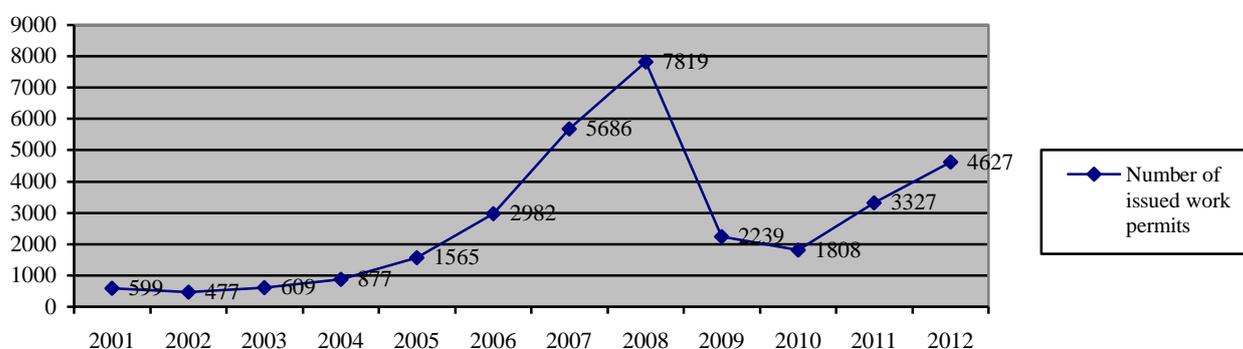
<http://www.ldb.lt/INFORMACIJA/DARBORINKA/Puslapiai/Tendencija.aspx?AspXPage=g%5FED2157383B4242A4A99B1CEC2424DE29:%2540ID%3D29>

³⁴ Official Gazette, No 164-7827, 2011; No 79-4126, 2012.

remained unchanged; just as in 2011, the lists contained four occupations in the industry (welders and ship hull assemblers) and services (kitchen chefs and long-haul truck drivers) sectors.

Compared with data of 2011, in 2012 the number of work permits issued to aliens increased by one-third.³⁵ In 2012, the Lithuanian Labour Exchange issued 4 627 work permits to aliens, including 3 079 permits for work under an employment contract, 224 permits – to posted aliens and extended 1 324 work permits in Lithuania. The majority of work permits were issued in the services (82 per cent) and industry (16 per cent) sectors. Work permits to long-haul truck drivers accounted for 70 per cent of all work permits (3 265 work permits). Most work permits were issued to citizens of Belarus (42 per cent), Ukraine (41 per cent), China (4 per cent), Russia and Moldova (3 per cent each).

Chart 3: Number of work permits issued to aliens



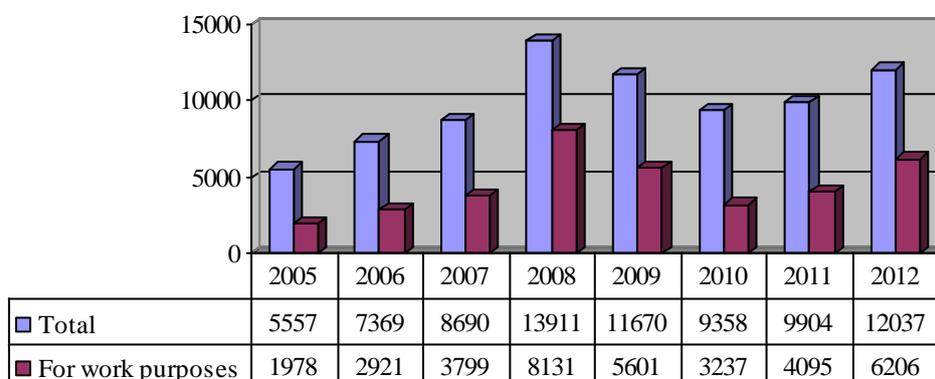
Source: data of the Lithuanian Labour Exchange

The number of temporary residence permits in Lithuania issued for the purposes of engaging in other lawful activity which does not require a work permit has increased. A temporary residence permit is issued to an alien on this ground if he is the owner and head of an enterprise, agency or organisation registered in Lithuania (and the principal goal is to work at the enterprise, agency or organisation) or the owner of an enterprise whose authorised capital is not less than LTL 50 000 and which is registered in Lithuania or the co-owner of an enterprise which is registered in Lithuania and in which the nominal value of his proportion of the authorised capital held in the enterprise comprises not less than LTL 50 000 (and his stay is necessary in carrying out the activities). An alien is released from the obligation to obtain a work permit in the cases specified by the Minister of Social Security and Labour³⁶ (athletes, teachers, aliens visiting for charitable purposes, etc.). In 2012, 3023 temporary residence permits were issued or replaced on these grounds (including 1446 first permits), i.e., one-third more than in 2011 (1 935 permits, including 904 first permits). It is observed that aliens often declare their intention to engage in lawful activities (do business) in Lithuania, but seek only to obtain a temporary residence permit in Lithuania rather than to conduct activities in practice.

³⁵ Data of the Lithuanian Labour Exchange.

³⁶ Minister of Social Security and Labour Order No A1-500 of 14 August 2009 on the Approval of the Description of the Conditions of and the Procedure for Issuing Work Permits to Aliens was in force until 2012 (Official Gazette, No 98-4134, 2009); a new order, namely, Order No A1-133 on the Approval of the Description of the Conditions of and the Procedure for Issuing Work Permits to Aliens, was adopted on 27 March 2013 (Official Gazette, No 34-1675, 2013).

Chart 4: Temporary residence permits in Lithuania for work purposes



Source: data of the Migration Yearbooks

Developments in legal regulation

On 30 June 2012, the Law on the Legal Status of Aliens³⁷ was amended to transpose the 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. The amendments came into force on 1 January 2013.

Amendments to the Law establish more favourable conditions for the entry of highly qualified aliens and an accelerated procedure. High professional qualification is defined as qualification certified by a higher education diploma or proved by minimum five years' professional experience. The Law lays down the requirement for the pay amount; a monthly salary which is to be received by a highly qualified alien during the period of validity of a temporary residence permit must be not less than 2 amounts of average monthly gross earnings in the whole economy recently announced by the Lithuanian Department of Statistics. Highly qualified aliens need to receive the decision of the Lithuanian Labour Exchange on the conformity of employment of such an alien to the needs of the Lithuanian labour market. An application lodged by such aliens for the issuance of a residence permit must be processed within two months, i.e., much faster than in the case of other aliens, when the processing of applications usually takes up to six months.

The Minister of Social Security and Labour established the procedure for adopting a decision on the conforming of a job requiring high qualification of an alien to the needs of the labour market of the Republic of Lithuania.³⁸ The decision is made having assessed the presence of other candidates who are given the priority or job seekers qualifying for the job; period of job vacancy; active involvement of an employer in finding an employee and his declared employment needs).

The amendments to the Law on the Legal Status of Aliens passed on 30 June 2012³⁹ also transpose certain provisions of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents. The Law provides for a separate ground for the issuance of a temporary residence permit to an alien who has been granted the status of a long-term resident in another EU Member State. Until adoption of the amendments to the Law,

³⁷ Official Gazette, 2012, No 85-4450.

³⁸ Order No A1-587 of the Minister of Social Security and Labour of 28 December 2012 approving the procedure for taking a decision on the adequacy of a job requiring high qualification of an alien to the needs of the labour market of the Republic of Lithuania (Official Gazette, 2013, No 1-11).

³⁹ Official Gazette, 2012, No 85-4450.

an alien with the minimum one year's experience of employment in Lithuania was subject to general requirements which also apply to other third-country nationals.

With a view to implementing the provisions of the Law concerning the issue of residence permits to highly qualified aliens and aliens having the status of a long-term resident in another EU Member State, amendments were drafted to the order of the Minister of the Interior approving the procedures for the issuance of residence permits.⁴⁰

The Minister of Social Security and Labour issued an order tightening the conditions of and procedure for issuing work permit to aliens⁴¹ and determining additional conditions of releasing an alien who is the head of an enterprise established in Lithuania from the obligation to obtain a work permit. A work permit will not be required to be obtained by an alien who is the head of an enterprise registered in Lithuania with the authorised capital of not less than LTL 50 000 and at least three job positions taken by citizens of the Republic of Lithuania or aliens permanently resident in the Republic of Lithuania and whose main purpose of entry is employment with the enterprise. Previously, there were no requirements set forth in relation to jobs created and persons employed by an enterprise. It should be noted that the amendments to the Law on the Legal Status of Aliens passed on 30 June 2012⁴² stipulate an obligation for the Minister of Social Security and Labour to define the conditions of and procedure for issuing a work permit to aliens upon coordination of the conditions and the procedure with the Minister of the Interior.

In 2012, steps were taken to improve the procedure for the recognition of professional qualifications of third-country nationals. Based on the sample procedure for recognising regulated professional qualifications of third-country nationals⁴³ approved by the Government of the Republic of Lithuania in 2011, individual institutions⁴⁴ drew up relevant procedures in relation to professional qualifications which fall within their remit. The procedure applies to third-country nationals who have acquired a professional qualification in a third country and seek employment in the Republic of Lithuania in a regulated occupation. Changes were made to the procedure for the academic recognition of foreign qualifications,⁴⁵ which applies to alien seeking education or employment in Lithuania.

3.2. Family reunification

Developments in legal regulation

Amendments to the Law on the Legal Status of Aliens passed on 30 June 2012⁴⁶ define a separate ground for the issue of a temporary residence permit and, accordingly, the conditions that apply to aliens who intend to seek highly qualified employment. It is established that these aliens

⁴⁰ Approval pending, Draft Law No 13-936-01.

⁴¹ Minister of Social Security and Labour Order No A1-133 of 27 March 2013 on the Approval of the Description of the Conditions of and the Procedure for Issuing Work Permits to Aliens (Official Gazette, No 34-1675, 2013).

⁴² Official Gazette, No 85-4450, 2012.

⁴³ Official Gazette, No 115-5403, 2011.

⁴⁴ The Ministry of Environment, the Ministry of Culture, the Ministry of Education and Science, the Ministry of Social Security and Labour, the Ministry of Health and the State Food and Veterinary Service.

⁴⁵ Government of the Republic of Lithuania Resolution No 212 of 29 February 2012 on the Approval of the Description of the Procedure for Recognising Education and Qualifications Concerning Higher Education and Acquired According to the Educational Programmes of Foreign States and International Organisations (Official Gazette, No 29-1290, 2012).

⁴⁶ Official Gazette, No 85-4450, 2012.

willing to invite their family members to come will not be subject to the requirement of the recent two years' residence in the Republic of Lithuania, availability of a permit for temporary residence in the Republic of Lithuania valid for minimum one year and presence of reasonable prospects of obtaining the right to permanent residence in the Republic of Lithuania. Although more favourable conditions for the entry of family members of highly qualified aliens were already established by the amendments to the Law of 22 July 2009,⁴⁷ the requirement for an alien's pay amount remained more stringent (a monthly salary paid during the period of validity of a temporary residence permit must be not less than 3 amounts of most recently announced average monthly earnings in the whole economy). The amendments to the Law passed on 30 June 2012 stipulate that, during the period of validity of a temporary residence permit of a highly qualified alien, the amount of a monthly salary must be not less than 2 amounts of average monthly gross earnings recently announced by the Lithuanian Department of Statistics. Accordingly, more aliens are now able to have access to more favourable conditions for family reunification.

The amendments to the Law passed on 30 June 2012 provide for a separate ground for the issuance of a temporary residence permit to an alien who has been granted the status of a long-term resident in another EU Member State. These aliens are also offered the possibility of reunification with their families provided that a family was started in the EU Member State which granted the status of a long-term resident to the alien. In addition, they are not subject to the general provision concerning family reunification, requiring that both alien spouses must be individuals aged 21 and over. Before coming into force of the said amendments to the Law, such aliens were subject to the same conditions which apply to other third-country nationals.

The amendments to the Law on the Legal Status of Aliens passed on 30 June 2012 establish the concept of another person who, according to EU legal acts, exercises the right of free movement of persons, that is, the amendments transpose into the Law the provisions of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, thus facilitating the entry and residence in the country for dependent persons or dependants of or persons who are in a documented long-term relationship with citizens of the EU Member States. These aliens are subject to the provisions of the Law concerning family members of a citizen of an EU Member State, except for certain provisions (e.g., retention of the right to reside in Lithuania after the death or departure of a citizen of an EU Member State or granting of the right to permanent residence before the expiry of a five years' period). This suggests that, according to the Law, these aliens should not be considered family members of a citizen of an EU Member State, but they are provided with more favourable conditions of entry, as required by the provisions of the said Directive. It should be noted that the new concept stipulated by the Law should be revised having regard to the interpretation given in the decision of the Court of Justice of the European Union of 5 September 2012 in Case C-83/11 (*Secretary of State for the Home Department v. M. S. Rahman et al.*). The relevant draft amendments to the Law⁴⁸ have been prepared and are expected to be debated during the Seimas spring session in 2013.

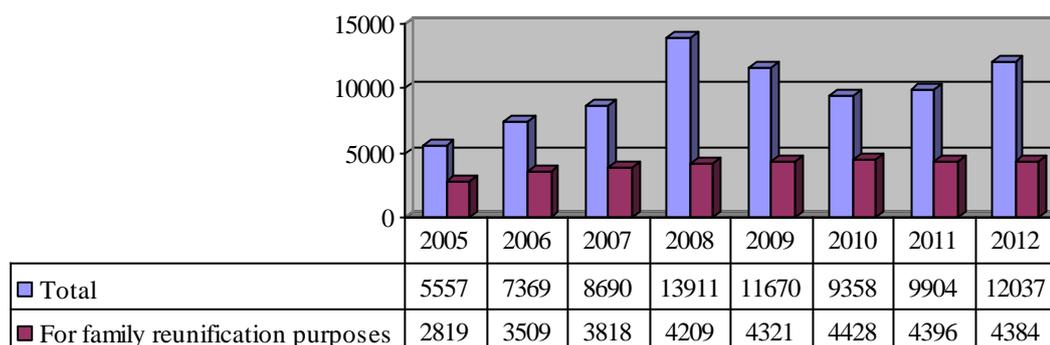
⁴⁷ Law No XI-392 Amending Articles 2, 4, 5, 8, 10, 11, 21, 26, 34, 35, 43, 45, 51, 53, 62, 63, 64, 80, 81, 93, 101, 102, 106, 125 and 140¹ of the Law of the Republic of Lithuania on the Legal status of Aliens and Supplementing the Law with Article 141¹ (Official Gazette, No 93-3984, 2009).

⁴⁸ Draft Law No XIIP-253(2) Amending and Supplementing Articles 2, 53, and 101 of and the Annex to the Law of the Republic of Lithuania on the Legal Status of Aliens.

Statistical data

The number of aliens entering for family reunification purposes remains stable. In 2012, decisions on the issuance or replacement of temporary residence permits on this ground were taken in respect of 4 384 aliens (including 867 first permits). The majority of temporary residence permits were issued to spouses (in 2012, such cases accounted for approximately 60 per cent of all cases).

Chart 5: Temporary residence permits in Lithuania for the purposes of family reunification



Source: data of the Migration Yearbooks

3.3 Students and researchers

Proposals for a more favourable regulation

On 11 April 2012, a draft Law Amending the Law on the Legal Status of Aliens⁴⁹ was registered at the Seimas. The draft Law proposes more favourable entry conditions for aliens for the purposes of higher education and research – facilitation of entry for aliens intending to teach and/or to conduct scientific research and/or experimental (social, cultural) development work in the capacity of researchers and their family members, employment of the aliens entering for study purposes subject to obtaining of a work permit or with Lithuanian institutions of higher education and research, allowing aliens to stay in Lithuania for a longer period of time upon completion of studies. The Seimas has not begun the consideration of this draft Law. It should be noted that the provisions as stipulated in the draft conform in principle to the proposals of the Government of the Republic of Lithuania contained in Draft Law No XIP-2360(2), which was submitted to the Seimas on 20 June 2011. However, after the working group formed by the Board of the Seimas modified the draft, the proposed more favourable regulation of entry for the purposes of higher education and research was not adopted.

New procedure for academic recognition of foreign qualifications

The Government of the Republic of Lithuania Resolution of 29 February 2012⁵⁰ approves a new procedure for recognising the education and qualifications concerning higher education and

⁴⁹ Draft Law No XIP-4304 Amending Articles 32, 33, 36, 40, 46, 49², and 58 of the Law of the Republic of Lithuania on the Legal Status of Aliens.

⁵⁰ Official Gazette, No 29-1290, 2012.

acquired according to the educational programmes of foreign states and international organisations. The Resolution revokes the centralised model of academic recognition of foreign qualifications applicable to aliens wishing to undertake studies and stipulates that in the cases of entry for the purposes of studies, higher education qualifications may be recognised also by higher education institutions authorised by the Minister of Education and Science. In such a manner, conditions are provided for acceleration and simplification of the required procedures.

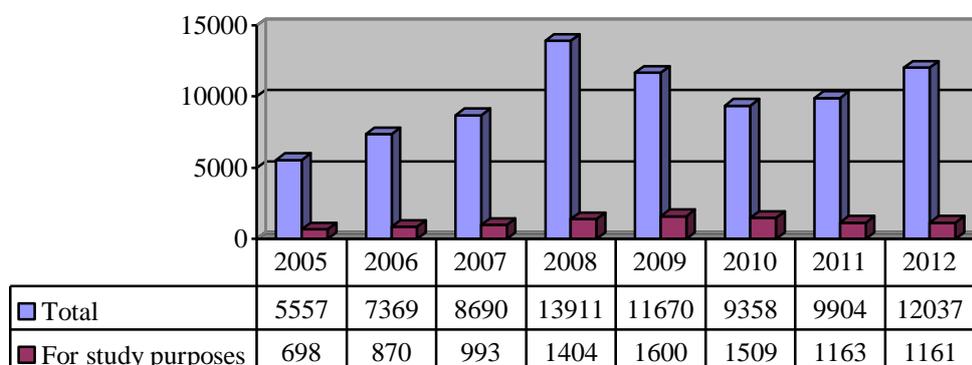
Statistical data

In 2012, 3 690 students,⁵¹ mainly from Belarus (1593), Russia (229), Ukraine (152), Nigeria (128), Poland (112), and Azerbaijan (102), were studying at Lithuanian higher education institutions (under degree studies programmes).

The number of foreign students in Lithuania is continuously growing, e.g., in 2007 there were 2247 such aliens, in 2006 – 1337, and in 2005 – 714.

1161 temporary residence permits were issued or replaced in 2012 to aliens who have entered the country for study purposes (including secondary education). According to the procedure currently in force, the aliens enrolled in studies are issued a national visa valid for one year; a foreign student may apply for the issuance of a temporary residence permit already when staying in Lithuania and at the end of the first year of studies.

Chart 6: Temporary residence permits in Lithuania for the purposes of studies



Source: data of the Migration Yearbooks

In 2012, researchers were issued 9 temporary residence permits. Since 2008, as few as 27 residence permits have been issued or replaced on this ground.

Academic mobility promotion measures

The visits of 86 teachers (including 34 teachers from third countries) at Lithuanian higher education institutions were financed in 2012 by the Ministry of Education and Science in cooperation with the higher education institutions.⁵²

⁵¹ According to data of the Ministry of Education and Science as of 1 October 2012.

⁵² The procedure for granting support to foreign teachers coming to teach at Lithuanian higher education institutions has been approved by Minister of Education and Science Order No V-644 of 11 April 2012 (Official Gazette, No 4-2181, 2012).

In 2012, the Ministry of Education and Science allocated support to Master's degree studies of 11 students from third countries (3 scholarships and allowances for payment of tuition fees to students from Azerbaijan, Ukraine and Belarus and 2 scholarships to students from Kazakhstan). In compliance with the number of scholarships and allowances to be allocated in 2012, as approved by the Minister of Education and Science on 6 January 2012,⁵³ and the list of foreign states whose nationals are eligible for support, 3 citizens from each of the countries (Ukraine, Belarus, Kazakhstan and Azerbaijan) were eligible for state-funded studies at higher education institutions and to scholarships.

In 2012, the Ministry of Education and Science further supported studies of children, grandchildren and great-grandchildren of aliens of Lithuanian descent at Lithuanian higher education institutions.⁵⁴ Such support allowed 46 third-country students to enter Lithuania for studies.

3.4 Integration

Absence of an authority coordinating integration of aliens

The Draft Law Amending the Law on the Legal Status of Aliens,⁵⁵ as registered on 15 June 2012 by the working group set up by Decision of the Board of the Seimas of 26 October 2011 for improvement of Draft Law No XIP-2360(2)⁵⁶ submitted by the Government of the Republic of Lithuania, proposes to stipulate that a commission consisting of representatives of various related institutions is to be formed under the Government of the Republic of Lithuania for coordination of integration of aliens. So far, Lithuania has not identified an institution that would both be responsible for the implementation of integration of aliens and coordinate such integration. On the issues of integration of aliens, institutions act in isolation, each within their remit.

The Seimas commenced the debate on this Draft on 21 March 2013, but requested the Government of the Republic of Lithuania to submit conclusions.⁵⁷ Therefore, discussions concerning appointment of an institution in charge of integration of aliens continue at the governmental level.

Integration measures

In 2012, funds of the European Fund for the Integration of third-country nationals were used to support the activities of migrant service centres in cities where the majority of aliens reside, to hold a contest which aims at presenting the success stories of third-country nationals living in Lithuania, to support the training of persons working directly with third-country nationals (teachers, police officers, municipal professionals working with aliens).

⁵³ Official Gazette, No 8-279, 2012.

⁵⁴ Procedure approved by Minister of Education and Science Order No V-734 of 25 April 2012 (Official Gazette, No 50-2552, 2012).

⁵⁵ Draft Law No XIP-4566 Amending Articles 26, 33, 40, 41, 51, 53, 104, 109, 113, and 125 of the Law of the Republic of Lithuania on the Legal Status of Aliens.

⁵⁶ Draft Law No XIP-2360(2) Amending the Law of the Republic of Lithuania on the Legal Status of Aliens has been submitted to the Seimas by the Government under the Resolution of 20 April 2011; the Resolution contains the same provision regarding formation of a commission under the Government for coordination of integration.

⁵⁷ Board of the Seimas Decision No SV-S-159 of 10 April 2013 on Conclusions Regarding Draft Laws.

The funds of the European Refugee Fund were used in 2012 to finance projects focused on asylum seekers and aliens who have been granted asylum: organisation of Lithuanian language, IT courses, information meetings with representatives of hospitals and wards, provision of social and material assistance, legal and psychological aid, counselling on the issues of housing, subsistence funds and integration into the labour market, organisation of qualification improvement training and provision of practical assistance in seeking employment.

In 2012, the funds of the European Integration Fund were used to finance the projects aimed at enhancing management competencies and knowledge of the personnel of municipal support centres, local labour exchange offices and migration services.

In 2012, the Platform for Migration Information and Cooperation⁵⁸ was established. The project pursues the aim of promoting and facilitating the dialogue among state and higher education institutions, non-governmental organisations and other stakeholders and persons in various areas of integration through a close mutual cooperation.

3.5. Citizenship and naturalisation

New documents

No amendments were adopted in 2012 to the Law of the Republic of Lithuania on Citizenship. However, the entry into force of some provisions of the new Law of the Republic of Lithuania on Citizenship⁵⁹ adopted on 2 December 2010 was scheduled for 1 January 2013. Starting from that date, two new documents are issued – a certificate confirming the right to reinstate the citizenship of the Republic of Lithuania and a certificate of Lithuanian descent. These documents may be issued to aliens who reside in foreign countries or in Lithuania and who, in accordance with the Law of the Republic of Lithuania on Citizenship, respectively have an indefinite right to reinstate citizenship of the Republic of Lithuania (i.e., the persons who were citizens of Lithuania before 15 June 1940 and descendants of these persons) or are of Lithuanian descent. In 2012, secondary legal acts implementing these provisions were drafted (the form of the certificates and the procedure for issuing them were stipulated). Certificates are issued by the Migration Department.

More favourable naturalisation regulation for stateless persons

Proposals have been submitted for amendment of the provisions of the Law of the Republic of Lithuania on Citizenship regulating naturalisation conditions. The proposals are related to the aspiration for accession to the 1961 United Nations Convention on the Reduction of Statelessness. Relevant draft legal acts⁶⁰ have been submitted to the Seimas. On 9 May 2013, the Seimas ratified the mentioned convention and passed the proposed amendments to the Law of the Republic of Lithuania on Citizenship.

The amendments to the Law of the Republic of Lithuania on Citizenship stipulate more favourable conditions of naturalisation for stateless persons born in the territory of Lithuania. These

⁵⁸ More information about the Platform is available from www.mipas.lt

⁵⁹ Official Gazette, No 144-7361, 2010.

⁶⁰ Draft Law No XIIP-291 on Ratification of the United Nations Convention on the Reduction of Statelessness and Draft Law XIIP-292 Amending Articles 18 and 40 of the Law of the Republic of Lithuania on Citizenship.

individuals will be entitled to apply for the granting of citizenship if they have been resident in Lithuania for the last five years (in other cases, the general requirement of residence for ten years applies). The stateless persons who have not been granted the citizenship of another state will be eligible to take advantage of this opportunity. Just as other individuals seeking citizenship through naturalisation, such persons are subject to integration conditions (passing of examinations in the Lithuanian language and the fundamentals of the Constitution) and the requirement of swearing the oath of loyalty to the Republic of Lithuania.

At the beginning of 2013, there were 4 130 stateless persons in Lithuania, and more than 97 per cent of them (4 025 persons) held a permanent residence permit in Lithuania.⁶¹ In 2012, citizenship of the Republic of Lithuania through naturalisation was granted to 86 persons (slightly less than in 2011, when citizenship was granted through naturalisation to 125 stateless persons).

Debate on dual citizenship

The debate on regulation of dual citizenship (at the political level and in the public arena) is continuing. Lithuanian citizens' possibilities to hold citizenship of another state are restricted by the Constitution of the Republic of Lithuania, which stipulates that with the exception of individual cases provided for by law, no one may be a citizen of both the Republic of Lithuania and another state at the same time. The refusal to grant citizenship of the Republic of Lithuania by way of exception also became the subject of a heated debate. Acting in compliance with strict provisions of the Law of the Republic of Lithuania on Citizenship and previous interpretations given by the Constitutional Court, the President of the Republic refused to grant citizenship of Lithuania by way of exception to an athlete holding citizenship of another state, thus preventing also the athlete who is a Lithuanian citizen from representing Lithuania at the coming Winter Olympic Games.⁶² Following this case, the President referred to the Constitutional Court⁶³ for interpretation of the provisions of rulings of the Constitutional Court which stipulate that citizenship of the Republic of Lithuania may be granted to a citizen of a foreign state by way of exception for outstanding merits of such a person to the State of Lithuania, where he has integrated into the Lithuanian society, and for interpretation of the possibility of stipulating, under a law alone, the retention of citizenship of Lithuania by the persons who emigrated after 11 March 1990 (the re-establishment of independence of Lithuania) and acquired the citizenship of another state without amending the Constitution of the Republic of Lithuania. According to the interpretation given by the Constitutional Court of the Republic of Lithuania on 13 March 2013,⁶⁴ expansion of cases of dual citizenship is not possible without amending the Constitution of the Republic of Lithuania (which may be done only by holding a referendum). The Constitutional Court noted that the discretion of the President of the Republic to decide on the granting of citizenship by way of exception for merits to the State of Lithuania is bound by the imperative provisions of the Constitution stipulating that these must be outstanding and undeniable merits to the State of Lithuania itself and that the person must have continuing and genuine ties with the State of Lithuania and have integrated into the Lithuanian society.

⁶¹ Data of the Migration Yearbook.

⁶² <http://sportas.delfi.lt/kitos-sporto-sakos/prezidente-nesuteike-itobias-lietuvos-pilietybes-isimties-tvarka-dstagniuunui-truksta-zodziu.d?id=60372177>

⁶³ Official Gazette, No 6-213, 2013

⁶⁴ Official Gazette, No 28-1333, 2013

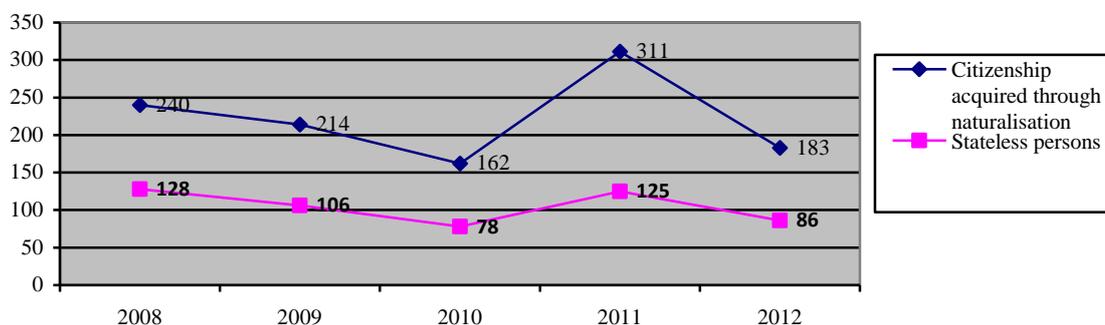
On 11 April 2013, Seimas Members registered a proposal⁶⁵ to announce a referendum on liberalisation of the provision of the Constitution of the Republic of Lithuania. The possibility of holding the referendum together with elections for the President of the Republic, to be held in 2014, is being considered.

It is worth pointing out in this context that 182 residence permits in Lithuania were issued in 2012 to aliens who are of Lithuanian descent or who have the right to reinstate citizenship of the Republic of Lithuania (in 2011, there were 164 such persons, in 2010 – 98, in 2009 – 120). According to the Law of the Republic of Lithuania on Citizenship currently in force, such persons could become citizens of Lithuania only upon renouncing the citizenship of another state held by them. Since 2008, no person has been granted citizenship of the Republic of Lithuania by way of exception.

Statistical data

In 2012, the number of persons who were granted citizenship of the Republic of Lithuania through naturalisation decreased almost by half (compared to 2011). In 2012, citizenship of the Republic of Lithuania was granted through naturalisation to 183 persons, while in 2011, it was granted in this manner to 311 persons, in 2010 – to 162 persons. The majority of them were stateless persons, also persons holding citizenship of Russia, Ukraine or Belarus.

Chart 7: Citizenship of the Republic of Lithuania through naturalisation



Source: data of the Migration Yearbooks

3.6 Management of migration and mobility

Visas

On 30 June 2012, the Seimas passed amendments to the Law on the Legal Status of Aliens,⁶⁶ which harmonise the provisions of this Law with the Visa Code,⁶⁷ also with changes in regulation⁶⁸

⁶⁵ Draft Seimas Resolution No XIIP-444 on Announcement of a Referendum on the Second Paragraph of Article 12 of the Constitution of the Republic of Lithuania.

⁶⁶ Official Gazette, No 85-4450, 2012.

⁶⁷ 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)

⁶⁸ 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

related to the movement of persons with a long-stay visa. Moreover, the Law stipulates that biometrics are to be obtained from aliens also when issuing national visas. The amendments also establish grounds for refusal to issue a national visa if there is a threat of irregular migration.

On 29 June 2012, the Minister of Foreign Affairs and the Minister of the Interior adopted amendments⁶⁹ to the Description of the Procedure for Submitting Documents for the Issuance of Visas, Issuing and Revoking Visas, Consultation, Co-operating with External Services Providers, Accrediting Commercial Intermediaries and Verifying Letters of Invitation, which is approved by a joint order. The amendments tighten requirements for verification of letters of invitation allowing aliens to enter the country. The mentioned Description was additionally amended on 22 February 2013 by a joint order of the ministers⁷⁰ with a view to implementing the amendments to the Law on the Legal Status of Aliens passed on 30 June 2012.

In 2012, the Ministry of Foreign Affairs selected external service providers in the Russian Federation and Ukraine (services are to be provided in 28 centres in Russia and Ukraine). On 7 March 2013, the Ministry of Foreign Affairs entered into an agreement with the company VFS Global on provision of visa centre services in the Russian Federation (the services will be provided by 14 centres in the Russian territory).⁷¹ The first centre was opened on 12 March 2013 in Moscow,⁷² the Lithuanian visa centre was opened on 28 March 2013 in Krasnodar.⁷³ Such centres will also operate in Novosibirsk, Krasnoyarsk, Vladivostok, Irkutsk, Khabarovsk, Kazan, Nizhny Novgorod, Rostov-on-Don, Samara, Sochi, Ufa and Yekaterinburg. The visa centres should facilitate the process of visa issuance to third-country nationals in Russia and Ukraine.

On 10 May 2012, the Visa Information System (VIS) was launched at the embassy of the Republic of Lithuania in Israel.

By the Resolution of 2 February 2012,⁷⁴ the Government of the Republic of Lithuania endorsed the agreement concluded in 2011 with the Government of the Republic of Azerbaijan on abolition of visa regime for holders of diplomatic passports, by the Resolution of 28 March 2012⁷⁵ – the agreement concluded in 2009 with the Government of the Republic of Kazakhstan on abolition of visa regime for holders of diplomatic passports, and by the Resolution of 21 August 2012⁷⁶ – the agreement concluded in 2012 with the Government of the Sultanate of Oman on mutual visa exemption for holders of diplomatic, special and service passports.

In 2012, 417 967 visas were issued, including 5 139 national long-stay visas, which more than in 2011, when 346 536 visas were issued, including 3 993 national visas.

Representation

Schengen visas are issued on behalf of Lithuania at 67 consular posts of the Member States.

⁶⁹ Official Gazette, No 80-4194, 2012

⁷⁰ Official Gazette, No 22-1085, 2013

⁷¹ <http://keliauk.urm.lt/index.php/titulinis/atvykstantiems/vizos-%C4%AF-lietuv%C4%85-ir-%C5%A1engen%C4%85/i%C5%A1davimo-vieta/viz%C5%B3-centrai-rusijoje>

⁷² <http://www.urm.lt/index.php?2754506664>

⁷³ <http://keliauk.urm.lt/index.php/titulinis/atvykstantiems/naujienos/2013/03/29/2013-m-kovo-28-d-atidarytas-lietuvos-viz%C5%B3-centras-krasnodare>

⁷⁴ Official Gazette, No 17-772, 2012

⁷⁵ Official Gazette, No 39-1944, 2012

⁷⁶ Official Gazette, No 100-5096, 2012

Table 1: Agreements on Lithuania's representation in force since 2012

Country in which Lithuania is represented	EU mission	Representation commencement date
Ghana	Netherlands	Since 01-01-2012
Aruba	Netherlands	Since 01-01-2012
Curacao	Netherlands	Since 01-01-2012
China (Shanghai)	Slovakia	Since 01-06-2012
United Arab Emirates	Spain	Since 01-06-2012
Oman	Spain	Since 01-06-2012
Kuwait	Spain	Since 01-06-2012
Qatar	Spain	Since 01-06-2012
Kenya	Spain	Since 01-06-2012
Columbia	Spain	Since 01-06-2012
Bolivia	Spain	Since 01-06-2012
Ecuador	Spain	Since 01-06-2012
Dominican Republic	Spain	Since 01-06-2012
Australia (Sydney)	Estonia	Since 15-06-2012
Russia (Pskov)	Estonia	Since 15-06-2012
Chile	Sweden	Since 15-06-2012
Guatemala	Sweden	Since 15-06-2012

Source: data of the Ministry of Foreign Affairs

Lithuania currently represents other states in 27 cases.

Table 2: Agreements on representation concluded since 2012

Lithuanian mission representing a Member State	Represented state	Representation commencement date
Kazakhstan (Almaty)	Estonia	Since 01-06-2012
Kazakhstan (Almaty)	Finland	Since 01-06-2012
Embassy in Armenia	Spain	Since 01-06-2012
Embassy in Georgia	Slovakia	Since 01-06-2012
Consulate General in Grodno	Estonia	Since 15-06-2012
Kazakhstan (Almaty)	Sweden	Since 15-06-2012
Consulate in Sovietsk	Estonia	Since 15-06-2012
Embassy in Armenia	Denmark	Since 15-06-2012
Embassy in Armenia	Latvia	Since 15-06-2012
Embassy in Bulgaria	Latvia	Since 15-06-2012

Source: data of the Ministry of Foreign Affairs

4. Irregular migration and return

4.1. Irregular migration

Assessment of the current situation

Just as each year, an analysis of the situation and assessment of threats of irregular migration and illicit transport of persons was provided in 2012 by the Criminal Information Analysis Centre.⁷⁷ Information concerning the situation at the border is analysed and summarised on a regular basis by the Information Analysis Division of the State Border Guard Service. As compared with the previous year, the trends remain unchanged – for the majority of irregular migrants, Lithuania is a transit country in an attempt to reach the countries of Western Europe and Scandinavia. The migrants attempt to illegally cross the state border (in groups or alone), to obtain a visa by fraud (by providing false data about the purpose of the travel), to use forged documents.

In 2012, more violations of the state border at the border with Belarus were registered, whereas the number of such violations at the border with Russia was decreasing.⁷⁸ Illegal border crossing was mostly attempted by citizens of Georgia, Vietnam and Afghanistan, Russia and Belarus. Also in 2011, the majority of violators came from these countries, except for Vietnam, as there were no citizens of Vietnam detained in 2011. In 2012, the number of violations increased due to irregular migration of citizens of Georgia and Vietnam.

Moreover, there has been an increase in the number of aliens who have failed to depart after the expiry of the term of validity of their visa and have been detained in the territory of the country.⁷⁹

Measures enhancing border control

The Agreement on the Activities of State Border Representatives concluded between the Government of the Republic of Lithuania and the Government of the Russian Federation⁸⁰ entered into force on 4 July 2012. The Agreement stipulates that state border representatives implement the required measures intended to prevent border incidents (for example, instances of irregular migration), and in the event of their occurrence – carry out their analysis, organise the control of the state border regime, ensure the appropriate functioning of state border crossing points, maintain contacts with authorised institutions, and exchange service information.

In 2012, the State Border Guard Service purchased 16 sets of portable sensor systems. The systems were introduced in the parts of the state border in which it is complicated to install

⁷⁷ 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 is co-ordinated by the Lithuanian Criminal Police Bureau and has the purpose of comprehensive monitoring of changes in crime in Lithuania and provision of recommendations to the country's law enforcement institutions on the basis of data analysis.

⁷⁸ In 2012, 351 persons attempted illegal border crossing at the border with Belarus (in 2011 – 185 persons), 23 persons – at the border with the Russian Federation (in 2011 – 36 persons).

⁷⁹ According to data of the State Border Guard Service, the number of detained irregular migrants increased in 2012 by approximately 13 per cent (in 2012 – 2041 persons, in 2011 – 1809). The majority of them were detained in the territory of the country (in 2012 – 1548 persons, in 2011 – 1549 persons), including persons who had failed to depart after the expiry of the term of validity of a visa (in 2012 – 1357 persons (approximately 87.7 per cent), in 2011 – 1286 persons (83 per cent)).

⁸⁰ Official Gazette, No 78-4035, 2012

stationary border surveillance systems. The data obtained from such systems are transferred to frontier stations, which take relevant decisions on responding to violations. The divisions guarding the external border with the Republic of Belarus and the Russian Federation were provided with the portable sensors. The portable border surveillance devices (sensors) are used taking into consideration the crime rate in certain parts of the state border and having regard to risk analysis and other data.

In 2012, the State Border Guard Service acquired the additional number of military working dogs and dog equipment.

In 2012, a workstation of the operator of an integrated sea border surveillance system was set up to ensure communication of data of the sea border surveillance system to a joint border surveillance system centre, allowing for improvement of the control of migration flows.

In 2012, the State Border Guard Service actively cooperated with other Lithuanian institutions in implementing joint patrol and exercise measures. Such cooperation was implemented with a view to ensuring protection of the state border and taking account of the growing volume of irregular migration in certain areas of the state border. The police and officers of the Public Security Service were requested to assist in ensuring border surveillance. Moreover, a joint exercise of the State Border Guard Service and the Lithuanian Army was carried out at the border with Belarus according to a state border protection plan.

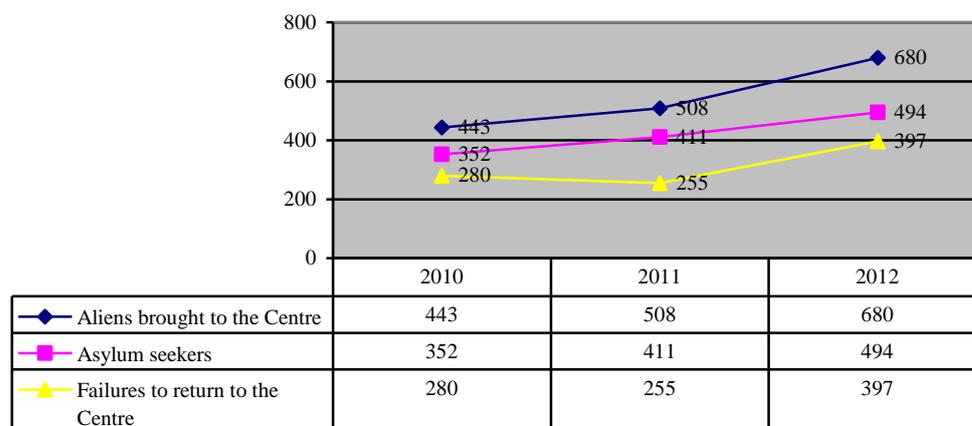
In 2012, an exercise in operability between the land forces (border guard ensuring border surveillance) and air forces (helicopters with the crew) of the State Border Guard Service was carried out for the first time aiming at prompt identification or detention of state border violators.

Abuse of the asylum system

The number of unfounded applications for asylum, mostly lodged by citizens of Georgia, has increased. They lodge applications for asylum when detained at the moment of illegally crossing the state border or when detained already in the country's territory, seeking only to avoid the stipulated criminal liability for illegal border crossing and also to take advantage of the possibility of unauthorised departure from the Foreigners' Registration Centre, which provides asylum seekers with accommodation without restricting their freedom of movement. Seizing this possibility, they temporarily depart from the Centre and do not return.

The number of aliens brought to the Foreigners' Registration Centre is growing. A similar trend is observed as regards the number of asylum seekers who have departed from the Centre without an authorisation, the majority of them (over 65 per cent) being citizens of Georgia.

Chart 8: Unauthorised departures from the Foreigners' Registration Centre



Source: data of the State Border Guard Service

The working group formed by the Board of the Seimas has proposed, under the Draft Law Amending the Law on the Legal Status of Aliens⁸¹ registered on 15 June 2012, to provide for the possibility of application of detention to aliens who have unlawfully entered or are unlawfully staying in the Republic of Lithuania, where they have not been granted temporary territorial asylum in the Republic of Lithuania. The Seimas has commenced the consideration of this draft.

Problem of abuse of issuance of temporary residence permits to engage in lawful activities

An overall upward tendency in terms of the number of aliens who have obtained a temporary residence permit for the purpose of engaging in lawful activities is observed.⁸² These tendencies should be linked with the growing number of aliens who make false declarations about their entry for business purposes. It is believed that aliens establish or purchase enterprises only to take advantage of the specified ground for the issuance of a temporary residence permit and thus to gain the right to move within the Schengen Area, rather than to do business in Lithuania. According to the Law on the Legal Status of Aliens currently in force, a temporary residence permit may be issued to an alien who intends to engage in lawful activities in the Republic of Lithuania, provided that the alien registers an enterprise, agency or organisation in the Republic of Lithuania as the owner or co-owner, in which the nominal value of his proportion of the authorised capital held in the enterprise must comprise not less than LTL 50 000, and his stay in the Republic of Lithuania is necessary seeking to attain the aims of the enterprise, agency, or organisation and carrying out the activities, or is the head or an authorised representative of an enterprise, agency or organisation registered in the Republic of Lithuania, if the principal goal of his entry is work at the enterprise, agency or organisation.

It is acknowledged that this problem needs to be solved by amending the regulation as stipulated by the Law on the Legal Status of Aliens concerning the conditions of issuance and revocation of temporary residence permits for the purpose of engaging in lawful activities.

⁸¹ Draft Law No XIP-4566 Amending Articles 26, 33, 40, 41, 51, 53, 104, 109, 113, and 125 of the Law of the Republic of Lithuania on the Legal Status of Aliens.

⁸² In 2012, 3 023 temporary residence permits (including 1 445 first permits) were issued or replaced on the ground of lawful activity, i.e., one-third more than in 2011 (1 935 permits, including 904 first permits).

The working group formed by the Board of the Seimas proposes in its Draft Law Amending the Law on the Legal Status of Aliens⁸³ as registered on 15 June 2012 to supplement the Law with the provision which would allow to establish, under a secondary legal act, the criteria according to which the institutions exercising control of aliens could determine that an alien who has been issued a temporary residence permit in Lithuania on the mentioned ground does not actually carry out any activity. This would provide greater possibilities for the practical implementation of the provisions of the Law concerning revocation of temporary residence permits issued to the aliens declaring fictitious activities. In 2012, the Migration Department revoked for this reason as few as 3 residence permits (in 2011, there were 15 such cases).

The issues of consolidation of control of irregular migration and corruption prevention measures in issuing residence permits⁸⁴ were considered by the Seimas Committee on National Security and Defence at its meeting held on 13 February 2013. Competent authorities were assigned the task of drafting of the relevant legislation required to address the problem of abuse of issuance of temporary residence permits to engage in lawful activities. An alternative proposal is a greater differentiation of conditions of issuance of temporary residence permits, with a more favourable regulation to be established for foreign investors. Amendments to the Law on the Legal Status of Aliens are expected to be drafted and considered in 2013.

Cooperation with Frontex

In 2012, Lithuania participated in two operations coordinated by FRONTEX and carried out in Greece: “POSEIDON 2012 – LAND” and “POSEIDON 2012 – SEA”.

In June 2012, three experts of the State Border Guard Service participated in the operation “FOCAL POINTS” using a mobile document examination laboratory and organised three-week trainings for Greek border guard officers related to checking and examination of documents and the ways of identifying forged documents. At the same time, an expert of the State Border Guard Service participated in the operation “FOCAL POINTS” carried out at the Greek-Turkish border. He carried out the check of documents of the persons crossing the border in the first line of control.

4.2. Return

Developments in legal regulation

The amendments to the Law on the Legal Status of Aliens⁸⁵ transposing the provisions of the Return Directive⁸⁶ entered into force on 1 February 2012. In implementing the amendments to the Law and aiming at full transposition of the provisions of the Directive, the Minister of the Interior approved, by the Order of 15 May 2012, the new version of the Description of the Procedure for Adopting and Executing Decisions on Placing of Aliens under the Obligation to

⁸³ Draft Law No XIP-4566 Amending Articles 26, 33, 40, 41, 51, 53, 104, 109, 113, and 125 of the Law of the Republic of Lithuania on the Legal Status of Aliens.

⁸⁴ On 13 November 2012, the Special Investigation Service brought suspicions of corruption (in adopting decisions on the issuance of residence permits) against seven officers of the Migration Department.

⁸⁵ Law Amending Articles 2, 19, 77, 113, 114, 125, 126, 127, 128, 129, 132, 133, and 139 of and the Annex to the Law of the Republic of Lithuania on the Legal Status of Aliens (Official Gazette, No 156-7384, 2011)

⁸⁶ 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.

Depart, Aliens' Expulsion, Return and Passing in Transit through the Territory of the Republic of Lithuania.⁸⁷

The proposal has been submitted to revise the provisions of the Law⁸⁸ by supplementing the Law and providing possibilities for the aliens who have unlawfully entered the Republic of Lithuania or are unlawfully staying in, but are vulnerable persons or asylum seekers, to choose voluntary return to a foreign state assisted by an international or non-governmental organisation. According to the version of the Law in force until 1 February 2012, such aliens were able to voluntarily return to their country of origin or to a foreign state, and currently they are subject only to expulsion. Therefore, a proposal has been submitted to improve the regulation. The Seimas has commenced the consideration of the mentioned revising draft.

Voluntary return

Assisted voluntary return is provided to third-country nationals who are in a difficult situation in Lithuania (no longer meet the conditions of stay in Lithuania and must comply with the obligation to depart from the territory of Lithuania, but do not have enough funds for voluntary departure). Voluntary return enables to return home in safety and with dignity and to avoid expulsion from the Republic of Lithuania.

The 2012 voluntary return programme was financed with funds of the 2010 and 2011 annual work programmes of the European Return Fund.

In 2012, the International Organization for Migration Vilnius Office assisted in the departure of 65 third-country nationals, mostly citizens of Russia (21), Georgia (10) and Afghanistan (8), and provided reintegration assistance in the country of origin to 14 migrants from Afghanistan, Georgia, Tajikistan, and Russia.

Lithuania also participates in the activities of the Voluntary Return European Network (VREN).

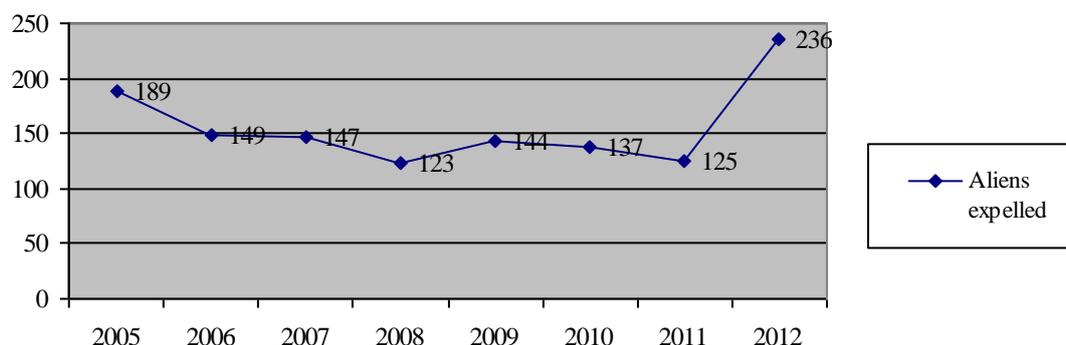
Statistical data

The aliens who have unlawfully entered or are unlawfully staying in Lithuania are provided with accommodation at the Foreigners' Registration Centre. The number of aliens provided with accommodation at the Foreigners' Registration Centre is growing annually (over the period from 2008 until 2012, the number of aliens at the Centre has increased twofold). Therefore, regardless of the entry into force of a new regulation in 2012 (in implementing the Return Directive) the number of aliens expelled from Lithuania has increased by almost 50 per cent, and citizens of Georgia account for more than a half of them.

⁸⁷ Official Gazette, No 57-2869, 2012

⁸⁸ Draft Law No XIP-4566 Amending Articles 26, 33, 40, 41, 51, 53, 104, 109, 113, and 125 of the Law of the Republic of Lithuania on the Legal Status of Aliens.

Chart 9: Expulsion of aliens



Source: data of the Migration Yearbooks

Return operations

In 2012, officers of the State Border Guard Service participated in two joint return operations carried out together with officers of the Polish Border Guard. Two connecting flights of military aircraft were organised. In the course of the operations, 7 citizens of Georgia were expelled.

In 2012, two officers of the Foreigners' Registration Centre participated in trainings organised by FRONTEX in Malta and Netherlands concerning return operations.

Agreements on readmission

By Resolution No 792 of 27 June 2012, the Government of the Republic of Lithuania endorsed the Protocol of the Government of the Republic of Lithuania and the Russian Federation on the Implementation of the Agreement of 25 May 2006 between the European Community and the Russian Federation on readmission (the Protocol was signed in Moscow on 19 April 2012).

The draft Protocol of the Government of the Republic of Lithuania and the Government of Georgia on the Implementation of the Agreement between the European Union and Georgia on the readmission of persons residing without authorisation is being coordinated (in October 2012, representatives of the Republic of Georgia submitted proposals concerning the draft).

On 6 November 2012, the Seimas passed the Law on Ratification of the Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Kazakhstan on the Readmission of Persons.

The draft Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Kosovo on the readmission of persons residing without authorisation and the draft implementing protocol are being coordinated.

The 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 Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation has been submitted to Bosnia and Herzegovina.

The 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 is being coordinated (on 11 December 2012, the Republic of Macedonia submitted proposals concerning the draft Protocol).

On 16 May 2012, the Ministry of Foreign Affairs of the Republic of Lithuania adopted a favourable decision regarding the expediency of conclusion of an agreement between the Government of the Republic of Lithuania and the Government of the Kingdom of Thailand on the readmission of persons (the text of the agreement has been drafted).

On 25 June 2012, the Ministry of Foreign Affairs of the Republic of Lithuania adopted a favourable decision regarding the expediency of conclusion of an agreement between the Republic of Lithuania and the Arab Republic of Egypt on the readmission of persons present without authorisation in the territory of the contracting parties (the text of the agreement is being drafted).

5. Asylum

Development of the Common European Asylum System

A draft Law Amending the Law on the Legal Status of Aliens⁸⁹ transposing the provisions of Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection has been submitted to the Seimas. It should be pointed out that according to the version of the Law currently in force, an alien who has been granted subsidiary protection in the Republic of Lithuania in accordance with the procedure laid down by the Law may obtain the status of a long-term resident in the same manner as other third-country nationals, that is, he may be issued a permanent residence permit in the Republic of Lithuania if he has been residing in Lithuania uninterruptedly for the last five years holding a temporary residence permit. The prepared draft Law proposes to supplement the Law with the derogation provided for by the Directive concerning a more favourable calculation of the period of residence, i.e., to take into account a half of the period between the date of the lodging of the application for asylum and the date of the grant of the residence permit or the whole of that period if it exceeds 18 months.

In developing the Common European Asylum System (CEAS), a matter of high importance is practical cooperation coordinated by the European Asylum Support Office. In 2012, reports on developments in the area of asylum, information and replies to queries⁹⁰ were submitted to the Office.

The results of the project “Improving the quality of asylum decisions in Lithuania” implemented in 2012 by the Office of the United Nations High Commissioner for Refugees in cooperation with the Migration Department have been presented.⁹¹ This project pursued the aim of evaluating and improving the process and quality of first-instance decisions on international protection (adopted by the Migration Department). As an outcome of the project, the Office of the United Nations High Commissioner for Refugees presented to the Migration Department the recommendations which would allow for improvement of the mechanism of granting of asylum in the Republic of Lithuania.

EUREMA II project

By the Resolution of 14 September 2011,⁹² the Government of the Republic of Lithuania approved of Lithuania’s participation in the project of relocation of asylum seekers from the Republic of Malta (EUREMA II), thus contributing to implementation of the principle of solidarity and responsibility sharing among the Member States of the European Union. The project is co-financed by the European Refugee Fund. On 7 October 2011, Lithuania officially joined the

⁸⁹ Draft Law No XIIP-253(2) Amending Articles 2, 53, and 101 of and the Annex to the Law of the Republic of Lithuania on the Legal Status of Aliens

⁹⁰ Executed by the Migration Department; under the Minister of the Interior Order on the European Asylum Support Office (Official Gazette, No 2-54, 2011), a representative of the Migration Department was appointed to the Administrative Board of the European Asylum Support Office, the reserve of national experts in the area of asylum was formed, and the national contact point for communicating with the European Asylum Support Office on the issues of asylum support teams was designated.

⁹¹ <http://www.migracija.lt/index.php?709979387>

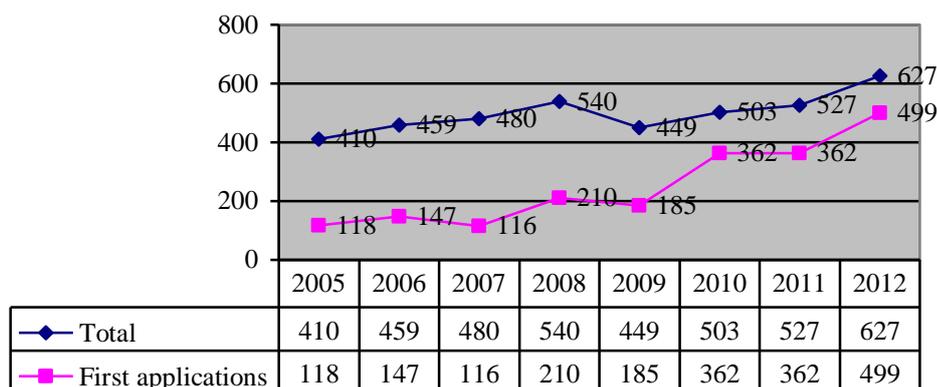
⁹² Official Gazette, No 115-5416, 2011

EUREMA II project. On 24 October 2012, the Minister for Home Affairs of Malta and the Minister of the Interior of Lithuania endorsed the agreement on implementation of EUREMA II.

On 12 December 2012, 4 asylum seekers (citizens of Eritrea) were relocated from the Republic of Malta to Lithuania and were granted refugee status in the Republic of Lithuania.

In recent years, the number of asylum seekers in Lithuania has grown.

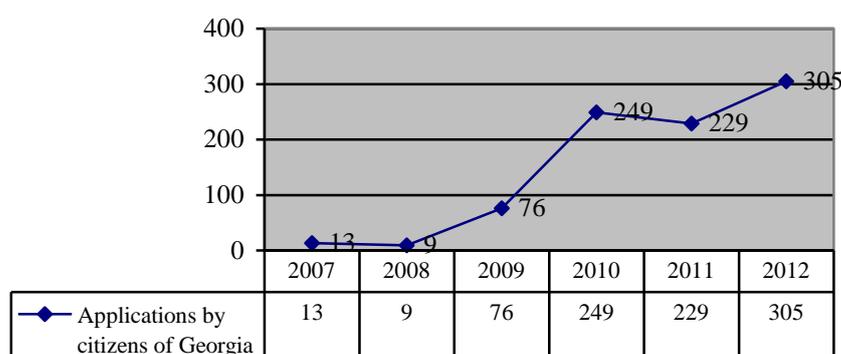
Chart 10: Applications for asylum



Source: data of the Migration Yearbook 2012

This tendency is particularly evident in the case of asylum seekers from Georgia. In 2012, applications lodged by citizens of Georgia made up 57 per cent of all first applications (283).

Chart 11: Applications for asylum lodged by citizens of Georgia (all applications)



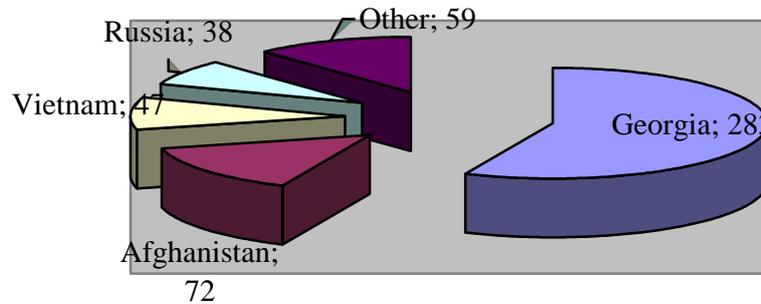
Source: data of the Migration Yearbook 2012

Apart from citizens of Georgia, asylum seekers came in 2012 mostly from Afghanistan, Vietnam and Russia. Also in 2011, most asylum seekers were citizens of Georgia, Afghanistan and Russia, however, there were no asylum seekers from Vietnam. The number of asylum seekers from Afghanistan has increased (in 2012, 72 first applications were lodged, in 2011 – 45 such applications), whereas the number of asylum seekers from Russia slightly decreased (in 2012, 38 first applications were lodged, in 2011 – 47 such applications). In 2012, 6 asylum seekers⁹³ came from Eritrea (in 2011, no such asylum seekers) and from Syria (in 2012, 6 first applications were

⁹³ Including 4 persons relocated from Malta.

lodged, in 2011 – one application), 3 asylum seekers came from Ukraine (in 2011, no such asylum seekers), first applications for asylum were lodged by persons from Mongolia (1) and Mali (1). In 2011, 22 asylum seekers came from Armenia (no such asylum seekers in 2012).

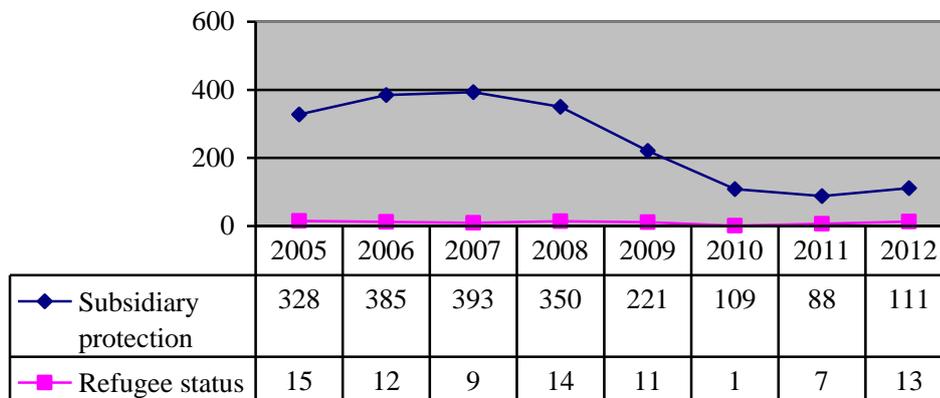
Chart 12: Asylum seekers by citizenship (first applications), 2012



Source: data of the Migration Yearbooks

In 2012, international protection was granted to 124 persons, mostly citizens of Russia, Afghanistan, Belarus, Uzbekistan, Iraq and Sri Lanka.

Chart 13: Granting of international protection



Source: data of the Migration Yearbooks

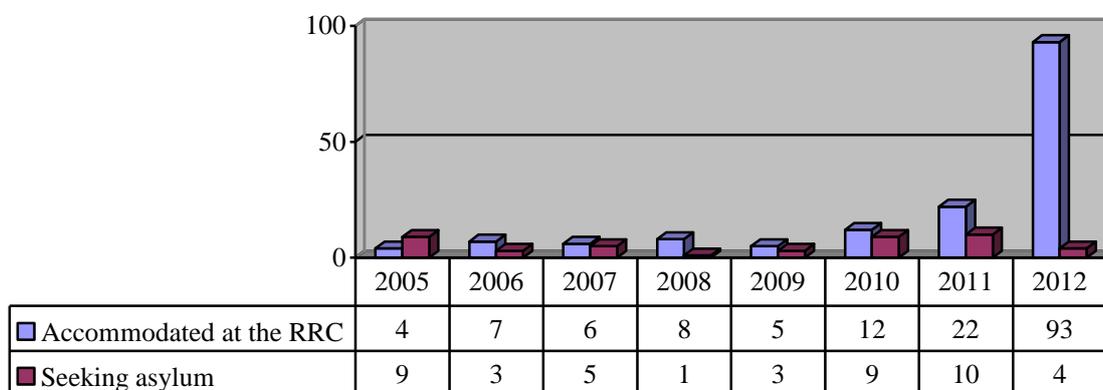
In 2012, Lithuania granted refugee status to 4 seekers from Eritrea, 3 from Iraq, 2 from Belarus and 2 from Ukraine, 1 from Afghanistan and 1 from Uzbekistan, while subsidiary protection – mostly to seekers from Russia (46), Afghanistan (35) and Belarus (14).

6. Unaccompanied minors and other vulnerable persons

The law which entered into force on 1 February 2012⁹⁴ and which, in implementing the provisions of the Return Directive, amends the Law on the Legal Status of Aliens stipulates the concept of a vulnerable person, according to which a person is considered vulnerable if he is a minor, a disabled person or a person older than 75 years, a pregnant woman, a single parent raising minor children or a person who was tortured, raped or subjected to other serious psychological, physical or sexual violence. The Law has been supplemented with the provision that vulnerable persons and families with minor aliens may be detained only in exceptional cases, having regard to the best interests of the child and the vulnerable persons.

In 2012, the Refugee Reception Centre (RRC) provided accommodation to 93 persons as unaccompanied minors, including 4 asylum seekers (3 citizens of Afghanistan, 1 citizen of Georgia). Notably, the mentioned 93 persons included 83 citizens of Vietnam (in 2011, the Centre did not provide accommodation to any citizen of Vietnam, in 2010 – to 4 such persons). The citizens of Vietnam, when detained without personal documents, introduce themselves as minors, hence they are provided with accommodation as unaccompanied minors at the Refugee Reception Centre, although the officers of the Centre have doubts as regards their actual age.

Chart 14: Unaccompanied minor aliens



Source: data of the Migration Yearbooks

On 18 December 2012, the Ministry of Social Security and Labour organised a meeting of representatives of the institutions concerned to discuss the ways of solving the problems related to unaccompanied minors (provision of temporary accommodation, establishment of guardianship, payment for health care services), and on 8 March 2013 the Minister of Social Security and Labour formed an inter-institutional working group, which was assigned the task of drafting, by 1 October 2013, a description of the procedure for determination of the conditions of detention and the age of unaccompanied minors, their interview, transportation and provision with accommodation.

⁹⁴ Law Amending Articles 2, 19, 77, 113, 114, 125, 126, 127, 128, 129, 132, 133, and 139 of and the Annex to the Law of the Republic of Lithuania on the Legal Status of Aliens (Official Gazette, No 156-7384, 2011)

7. Combating trafficking in human beings⁹⁵

Improved legal regulation

Under the law passed on 21 June 2012,⁹⁶ the Seimas ratified the Council of Europe Convention on Action against Trafficking in Human Beings.

On 30 June 2012, the Seimas passed amendments to the Criminal Code of the Republic of Lithuania⁹⁷ transposing the provisions of the Directive on trafficking in human beings⁹⁸ and the Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005. The amendments expand the concept of trafficking in human beings, that is, this crime should mean a person's exploitation covering various forms of sexual exploitation, servitude, slavery, forced services, use in forced marriage, begging, etc. (according to the previous version of the Code, the concept of trafficking in human beings was linked only with using a person for prostitution, pornography, forced labour and removal of the victim's body organs). The amendments stipulate liability for using a person's forced labour or services if it is known that the victim was forced into such conduct through the use of physical violence, threat or deception against him. Protection of victims has increased, as the amendments provide for the possibility of releasing from criminal liability the persons were subject to exploitation or who voluntarily reported an unlawful action and actively cooperated in solving it.

Under the version of the Law on the Legal Status of Aliens currently in force (with amendments passed on 30 June 2012), an alien who is or has been a victim of human trafficking or illegal employment and cooperates with a pre-trial investigation body or court in combating human trafficking or offences linked to human trafficking or illegal employment, when employed in particularly exploitative working conditions or when employed as a minor, may be issued a temporary residence permit. The Resolution of the Government of the Republic of Lithuania of 18 April⁹⁹ stipulates the procedure for granting a reflection period during which an alien, as a present or former victim of offences linked to human trafficking, has to make a decision on cooperation with a pre-trial investigation body or court. The victims of trafficking in human beings may be granted a 30-day reflection period during which they must make a decision on cooperation with the pre-trial investigation body or the court.

Statistical data

In 2012, 44 pre-trial investigations in human trafficking were being carried out (11 of them were initiated in 2012). 14 persons were recognised victims of trafficking in human beings, suspicions were brought against 25 persons, 7 persons were sentenced to imprisonment.

⁹⁵ For more information, see annual reports;

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

⁹⁶ Official Gazette, No 78-4036, 2012

⁹⁷ Law Amending Articles 147, 147¹, 157 and 303 of and the Annex to the Criminal Code of the Republic of Lithuania and supplementing the Code with Article 147² (Official Gazette, No 82-4276, 2012)

⁹⁸ Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA;

⁹⁹ Official Gazette, No 49-2385, 2012, entered into force on 1 January 2013; adopted in implementing Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.

Illegal employment

Since 1 August 2012, the State Labour Inspectorate has been assigned the examination of administrative cases and imposition of penalties for the illegal employment of third-country nationals.

In 2012, 13 illegally working aliens were identified (in total, 1 710 illegally working persons were identified upon performing almost 4 000 inspections of cases of illegal employment),¹⁰⁰ which is almost twice as many cases identified in 2011 (7 cases of illegal employment of aliens), but less than in 2010 (21 cases). The largest number of illegally employed aliens, as many as 161, was detected in 2008.¹⁰¹

¹⁰⁰ Data of the State Labour Inspectorate, <http://www.vdi.lt/index.php?-1421967904>

¹⁰¹ Data of the State Labour Inspectorate, <http://www.vdi.lt/index.php?7544530>

8. Implementation of European Union legal acts

In 2012, the following EU legal acts were transposed and implemented:

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;

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;

certain provisions of Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States 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;

certain provisions of Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents;

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 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code);

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;

Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA;

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

A draft law has been submitted to the Seimas with a view to transposing Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection.

References

Law of the Republic of Lithuania on the Legal Status of Aliens (Official Gazette, No 73-2539, 2004) (with subsequent amendments)

Law of the Republic of Lithuania on Citizenship (Official Gazette, No 144-7361, 2010)

Law of the Republic of Lithuania on Ratification of Council of Europe Convention on Action against Trafficking in Human Beings (Official Gazette, No 78-4036, 2012)

Law Amending Articles 147, 147¹, 157 and 303 of and the Annex to the Criminal Code of the Republic of Lithuania and Supplementing the Code with Article 147² (Official Gazette, No 82-4276, 2012)

Constitutional Court of the Republic of Lithuania Decision of 13 March 2013 on Interpretation of Provisions of Rulings of the Constitutional Court of the Republic of Lithuania of 30 December 2003 and 13 November 2006 (Official Gazette, No 28-1333, 2013)

Draft Law No XIP-2360(2) Amending the Law of the Republic of Lithuania on the Legal Status of Aliens

Draft Law No XIP-4566 Amending Articles 26, 33, 40, 41, 51, 53, 104, 109, 113, and 125 of the Law of the Republic of Lithuania on the Legal Status of Aliens

Draft Law No XIP-4304 Amending Articles 32, 33, 36, 40, 46, 49², and 58 of the Law of the Republic of Lithuania on the Legal Status of Aliens

Draft Law No XIIP-253(2) Amending Articles 2, 53, and 101 of and the Annex to the Law of the Republic of Lithuania on the Legal Status of Aliens

Draft Law No XIIP-291 of the Law of the Republic of Lithuania on Ratification of the United Nations Convention on the Reduction of Statelessness

Draft Law No XIIP-292 Amending Articles 18 and 40 of the Law of the Republic of Lithuania on Citizenship

Draft Seimas Resolution No XIIP-444 on Announcement of a Referendum on the Second Paragraph of Article 12 of the Constitution of the Republic of Lithuania

Programme of the Sixteenth Government for 2012-2016, approved by the Resolution of the Seimas of the Republic of Lithuania of 13 December 2012 (Official Gazette, No 149-7630, 2012)

Programme of the Fifteenth Government for 2008-2012, approved by the Resolution of the Seimas of the Republic of Lithuania of 8 December 2008 (Official Gazette, No 146-5870, 2008)

Lithuania's Progress Strategy "Lithuania 2030", approved by the Resolution of the Seimas of the Republic of Lithuania of 13 December 2012 (Official Gazette, No 61-3050, 2012)

Priority Measures of Implementation of the Programme of the Government of the Republic of Lithuania for 2012-2016, approved by Resolution of the Government of the Republic of Lithuania of 13 March 2013 (Official Gazette, No 29-1406, 2013)

Programme for Creation of "Global Lithuania" (Involvement of Lithuanian Emigrants into the Life of the State) for 2011-2019, approved by the Resolution of the Government of the Republic of Lithuania of 30 March 2011 (Official Gazette, No 42-1969, 2011)

Description of the Procedure for Granting a Cooling-off Period during which an Alien, as a Present or Former Victim of Offences Linked to Human Trafficking, has to Make a Decision on Cooperation with a Pre-trial Investigation Body or Court, approved by the Resolution of the Government of the Republic of Lithuania of 18 April 2012 (Official Gazette, No 49-2385, 2012)

Sample Description of the Procedure for Recognising Regulated Professional Qualifications of Third-country Nationals, approved by the Resolution of the Government of the Republic of Lithuania of 14 September 2011 (Official Gazette, No 115-5403, 2011)

Government of the Republic of Lithuania Resolution No 1082 of 14 September 2011 on Asylum Seekers from Malta (Official Gazette, No 115-5416, 2011)

Description of the Procedure for Submitting Documents for the Issuance of Visas, Issuing and Revoking Visas, Consultation, Co-operating with External Services Providers, Accrediting Commercial Intermediaries and Verifying Letters of Invitation, approved by Minister of the Interior of the Republic of Lithuania and Minister of Foreign Affairs of the Republic of Lithuania Order No 1V-280/V-109 of 2 September 2004 (Official Gazette, No 136-4961, 2004) (with subsequent amendments)

Description of the Procedure for Adopting and Executing Decisions on Placing of Aliens under the Obligation to Depart, Aliens' Expulsion, Return and Passing in Transit through the Territory of the Republic of Lithuania, approved by Minister of the Interior Order No 1V-429 of 24 December 2004 (version of Order No 1V-382 of 15 May 2012) (Official Gazette, No 57-2869, 2012)

Description of the Procedure for Recognising Education and Qualifications Concerning Higher Education and Acquired According to the Educational Programmes of Foreign States and International Organisations, approved by the Resolution of the Government of the Republic of Lithuania of 29 February 2012 (Official Gazette, No 29-1290, 2012)

Minister of Social Security and Labour of the Republic of Lithuania Order No A1-500 of 14 August 2009 on the Approval of the Description of the Conditions of and the Procedure for Issuing Work Permits to Aliens (Official Gazette, No 98-4134, 2009)

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

Minister of Social Security and Labour of the Republic of Lithuania Order No A1-587 of 28 December 2012 on the Approval of the Description of the Procedure for Adopting Decisions on the Conformity of Jobs Requiring High Professional Qualifications of Aliens to Needs of the Labour Market of the Republic of Lithuania (Official Gazette, No 1-11, 2013)

Procedure for Granting Support to Foreign Teachers Coming to Teach at Lithuanian Higher Education Institutions, approved by Minister of Education and Science Order No V-644 of 11 April 2012 (Official Gazette, No 4-2181, 2012)

Minister of Education and Science Order No V-20 of 6 January 2012 on Approval of the Number of Scholarships and Allowances to be Granted in 2012 and the List of Foreign States whose Nationals May Apply for Support (Official Gazette, No 8-279, 2012)

www.vrm.lt
www.urm.lt
www.smm.lt
www.migracija.lt

www.stat.gov.lt
www.vdi.lt
www.ldb.lt
www.iom.lt