

European Migration Network

National Contact Point for the Republic of Lithuania

**ANNUAL POLICY REPORT:
MIGRATION AND ASYLUM IN
LITHUANIA 2011**

VILNIUS, 2012

CONTENTS

Summary	3
1. Introduction: Goal and methodology	5
2. General structure of political and legal systems	5
3. General developments in migration and asylum	5
3.1 Political developments.....	5
3.2 Main political and legislative debates	5
3.3 Broader developments in migration and asylum.....	8
3.4 Institutional developments	9
4. Legal immigration and integration.....	9
4.1. Economic migration	9
4.2. Family reunification	12
4.3. Integration	13
4.4. Citizenship and naturalisation.....	13
5. Illegal immigration and return	15
5.1. Illegal immigration	15
5.2. Return	17
5.3. Combating trafficking in human beings	19
6. Border control.....	20
6.1. Control and surveillance at external borders	20
6.2. Co-operation with respect to border control	21
7. Asylum	23
8. Unaccompanied minors.....	24
9. Global approach to migration	24
10. Implementation of European Union legal acts	25
Sources	26

Summary

The Report on Migration and Asylum 2011 drawn up by the European Migration Network (EMN) National Contact Point (NCP) for the Republic of Lithuania provides an overview of major developments taking place in 2011 in this field. The report has been drawn up in compliance with the general requirements specified by the European Migration Network and applicable to the drawing up of this report.

Emigration. Compared with 2010, when the largest declared volume of emigration was recorded (in 2010, departure was declared by 83 500 Lithuanian residents), in 2011 the volume decreased (in 2011, departure was declared by 53 900 Lithuanian residents). The main countries of destination for emigrants remained the same as in the past year, namely, the United Kingdom, Ireland, Norway, Germany.

Immigration. In 2011, 15 700 persons declared their entry to Lithuania, i.e., three times more than in 2010 (in 2010, 5 200 persons arrived to Lithuania). Citizens of the Republic of Lithuania accounted for over 89 per cent of immigrants. According to data of the Department of Statistics, 1 700 aliens immigrated to Lithuania, i.e., almost three times more than in 2010. Most aliens arrived from Russia, Belarus, Ukraine, Latvia. The majority of immigrants arrived for work purposes; in 2011, aliens were issued almost twice the number of work permits than in 2010.

Bilateral co-operation. In 2011, Lithuania ratified and is prepared to implement the agreement between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on local border traffic. However, this agreement has not entered into force yet. With a view to promoting arrival of Belarusian citizens to Lithuania for social, cultural and other purposes as well as developing interstate co-operation, the Government of the Republic of Lithuania decided not to charge any fee for examination of applications for the issuance of national visas to citizens of the Republic of Belarus. According to data of the Department of Statistics, 26 per cent more tourists from Belarus visited Lithuania in 2011 than in 2010.

Legal immigration. Amendments to the rules for issuing visas as adopted in 2011 have facilitated the entry of students and family members of researchers to the Republic of Lithuania. These amendments permit issuance of a national long-stay visa to students entering Lithuania irrespectively of the nature of studies. The amendments also stipulate that a national long-stay visa may be issued to family members of aliens entering the Republic of Lithuania for pedagogical work and/or research and/or experimental development at research and higher education institutions.

Illegal immigration. The number of detained illegal immigrants is increasing. In 2011, 1806 illegal immigrants were detained (in 2010 – 1297, in 2009 – 1214). Most cases (approximately 82 per cent) are related to a failure of aliens to depart from the country upon the expiry of the term of validity of a visa. Just as in previous years, Lithuania is often selected as the purported country of destination in order to gain entry to the Schengen Area, resorting to such unlawful ways of entering

the country as provision of false data for the purpose of obtaining a visa, establishment of fictitious enterprises, contraction of marriages of convenience. In 2011, 508 aliens were provided with accommodation at the Foreigners' Registration Centre, with Georgian citizens accounting for approximately a half of such aliens (251). The latter often lodged applications for asylum with a view to exercising the granted right of movement and leaving the Foreigners' Registration Centre.

Asylum. The number of asylum seekers is growing. Thus, in 2011 406 applications for granting of asylum were lodged (in 2010, 373 applications were lodged, in 2009 – 211 applications). Approximately a half of the applications were submitted by Georgian citizens (no Georgian citizen was granted international protection). In 2011, subsidiary protection was granted to 88 aliens, the status of a refugee – to 7 aliens (5 citizens of Belarus and 2 citizens of Afghanistan). Events in the countries of North Africa hardly had any effect on the flows of asylum seekers.

Citizenship. The new version of the Law of the Republic of Lithuania on Citizenship entered into force. Although the conditions of granting of citizenship of the Republic of Lithuania through naturalisation did not change, the number of persons who were granted citizenship through naturalisation increased in 2011 by 1.9 times. In 2011, citizenship of the Republic of Lithuania was granted through naturalisation to 311 persons (in 2010 – to 162 persons), the majority of them being stateless persons (125 persons), citizens of Russia (97 persons) and Ukraine (44 persons).

Legislation. Amendments to the Law of the Republic of Lithuania on the Legal Status of Aliens transposing and implementing provisions of EU legal acts were not adopted. Only the amendments to the Law transposing provisions of Directive 2008/115/EC (the Return Directive) were adopted. Other proposals, including a proposal concerning Council Directive 2009/50/EC of 25 May 2009 (on highly-qualified workers), were not considered. Provisions of the Code of Administrative Offences of the Republic of Lithuania stipulating liability of persons for provision of false data in order to verify letters of invitation for an alien to enter the Republic of Lithuania or assisting an alien, by other unlawful means, to obtain a document confirming the alien's right to stay or reside in the Republic of Lithuania were adopted; the Criminal Code of the Republic of Lithuania was supplemented with the article which stipulates criminal liability of the employer for illegal work of illegally staying third-country nationals.

Detailed information is provided in the report and its annex.

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

1. Introduction: Goal and methodology

This report pursues the aim of providing an overview of changes in Lithuania in 2011 in the field of migration policy and management of migration processes.

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.

2. General structure of political and legal systems

Information about the country's political system, the institutions shaping and implementing state migration and asylum policy, the key political documents and legal acts of this field was provided in the study "Organisation of asylum and migration policies in Lithuania" updated in 2012 by the European Migration Network (EMN) National Contact Point for the Republic of Lithuania, hence the present report will not discuss the general structure of political and legal systems.

3. General developments in migration and asylum

3.1 Political developments

In 2011, elections to municipal councils were held in Lithuania. Lithuanian local government authorities should not be viewed as having an impact on migration and asylum policies.

3.2 Main political and legislative debates

Census of the Lithuanian population. Emigration. In 2011, general census of residents and dwellings was held in Lithuania. Therefore, while waiting for the results of the census, a discussion was inevitably held about emigration of the population, which is the principal reason for decrease in the number of the Lithuanian population. According to preliminary data of the general census of residents and dwellings of 2011¹ as provided by the Department of Statistics of Lithuania, as on 1 March 2011 there were 3 054 000 permanent residents in Lithuania (according to data of the population census held in 2001, there were 3 484 000 residents in Lithuania), i.e., by 12 per cent or 430 200 residents less than in 2001. The decrease in the number of residents was mostly due to emigration (76 %), as during the past decade 328 300 residents left the country, while 64 200 entered the country.

¹ http://www.stat.gov.lt/uploads/docs/surasymas_lt.pdf

However, based on data of the Department of Statistics of Lithuania in 2011 emigration flows decreased², whereas immigration flows increased. In 2011, 53 900 residents emigrated from Lithuania, i.e., by 29 300 less than in 2010, and 15 700 persons immigrated, i.e., threefold or by 10 500 more than in 2010. Just as in previous years, the main countries of destination for emigrants are the United Kingdom (in 2011, every second emigrant left for this country), Ireland (10.4 per cent), Norway (7.1 per cent), Germany (7 per cent). The tendencies of decrease of emigration and return of Lithuanian citizens to the country³ were welcomed by politicians. These tendencies were explained as a result of the country's economic recovery. Politicians promised to make further efforts towards creation of a stable economic environment. They also proposed to use advantages of emigration through acquisition of appropriate competences and working skills⁴. However, it is also observed that the number of young emigrants is growing. Thus, in 2011 one-fifth (21.8 per cent) of emigrants were emigrants in 20-24 age group (compared to 2007, when emigrants in this age group accounted for 13.2 per cent)⁵. Emigration undoubtedly remains a highly sensitive issue for the public, which remains the topic of a public debate, it is being discussed whether state institutions can, and by what means, stop residents from emigrating in large numbers⁶, including promising university graduates and competent professionals specialising in specific fields (medical staff, etc.). Lithuania is losing a part of the country's most promising specialists also due to emigration of students to foreign universities, because a part of them does not return to Lithuania on completion of studies (approximately 4 per cent of the country's secondary school graduates leave for studies to other countries⁷). The Ministry of Education and Science is aiming at attracting for studies in Lithuania bright third-country nationals and has set a goal to ensure that by 2020, foreign students account for one-tenth of all students at colleges and higher education institutions (currently aliens make up approximately 2 per cent or 4 500 of students in the country)⁸. In this way, Lithuanian higher education institution would not only compensate for departure of studying youth, but would also gain an international recognition for the country's higher education system. In order to attain these goals, in 2011 the Ministry reimbursed study (for a master's degree) fees in respect of 4 students and granted scholarships (approximately LTL 1300 per month), and granted only scholarships to another 4 students⁹.

²<http://db1.stat.gov.lt/statbank/selectvarval/saveselections.asp?MainTable=M3020107&PLanguage=0&TableStyle=&Buttons=&PXSid=6287&IQY=&TC=&ST=ST&rvar0=&rvar1=&rvar2=&rvar3=&rvar4=&rvar5=&rvar6=&rvar7=&rvar8=&rvar9=&rvar10=&rvar11=&rvar12=&rvar13=&rvar14=>

³ In 2011, 14 000 Lithuanian citizens returned to Lithuania, of them almost a half arrived from the United Kingdom (6 400); 1 700 aliens arrived to the country, the majority of them were from Russia, Belarus, Ukraine and Latvia.

⁴ <http://www.ekonomika.lt/naujiena/emigracijos-statistika-lietuviai-jau-grizta-namo-23017.html>

⁵ <http://www.lrytas.lt/-13324946781332377272-jaunimas-emigruoja-nes-neturi-darbo.htm>

⁶ <http://www.veidas.lt/ar-lietuva-pajegi-sustabdyti-jaunimo-emigracija>

⁷ <http://www.tiesa.com/naujienos/4276/lietuva-studentu-emigracija-ti.html>

⁸ <http://www.tiesa.com/naujienos/4276/lietuva-studentu-emigracija-ti.html>

<http://www.rimtasreikalas.lt/naujienos/naujienos/lietuvoje-studijuoja-45-tukst.-uzsienieciu/>

3 800 or 86 per cent of foreign students have arrived from European countries – Belarus, Russian Federation, Spain, Poland, Ukraine. Every tenth (11 per cent) student has arrived from Asia, from Africa, North and South America – 1.5 per cent each, 0.1 per cent – from Australia.

⁹ On 27 April 2011, the Government of the Republic of Lithuania adopted Resolution No 476 on Approval of Description of the Procedure for Providing Support for Studies of Aliens Enrolled in Second-Cycle Continual Study Programmes at Lithuanian Higher Education Institutions, which stipulates the amount of scholarships and benefits to cover the study fee payable by third-country nationals enrolled in second-cycle continual studies at Lithuanian higher education institutions, their allocation and payment.

Amendments to the Law on the Legal Status of Aliens. The Government of the Republic of Lithuania declares its aspiration to attract qualified workers first and foremost to enhance the country's competitiveness rather than compensate for emigration, ensure economic growth and preserving the social system. Meanwhile, the Seimas of the Republic of Lithuania did not consider and did not adopt the amendments to the Law on the Legal Status of Aliens submitted by the Government of the Republic of Lithuania and transposing Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment as well as other proposals facilitating entry for highly qualified workers, researchers, lecturers and students. A number of politicians publicly viewed the proposals submitted by the Government of the Republic of Lithuania as being too liberal. Evaluating a delay in transposing directives, the Minister of the Interior claimed that the delay in passing the law was determined by the unwillingness of the Seimas to take over the legal norms of the European Union defining the status of immigrants from third countries, and stressed that such a position could be subject to appropriation sanctions¹⁰. The organisations representing business interests view national policy on labour immigration as restricting, criticism is voiced not only as regards bureaucratic procedures of employment of aliens, but also in respect of the short-sighted approach of authorities in seeking attainment of long-term goals, dealing with economic and demographic challenges. Numerous statements reflecting opposite views were made public¹¹.

Citizenship of the Republic of Lithuania. A new Law of the Republic of Lithuania on Citizenship entered into force 1 April 2011, however this did not bring to an end discussions over the legal regulation of citizenship relationships, especially emotions over regulation of cases of dual citizenship. The possibilities of possessing also the citizenship of another state for Lithuanian citizens are restricted by the Constitution of the Republic of Lithuania. According to the interpretation provided by the Constitutional Court of the Republic of Lithuania as early as in 2006¹², the cases of dual citizenship as stipulated by the Law must be particularly rare. The Lithuanian citizens who emigrated during the occupation and before it, also those who have recently emigrated in large numbers are not satisfied with such a regulation. A number of politicians are also critical about this Law, but hesitate to adopt more liberal amendments to the Law in respect of dual citizenship without changing the Constitution of the Republic of Lithuania, or to announce a referendum on amending the Constitution.

Agreement with Belarus on local border traffic. Although the Government of the Republic of Lithuania and the Government of the Republic of Belarus signed the Agreement on the Procedure for the Mutual Travels of Border Area Residents between the Republic of Lithuania and the Republic of Belarus on 20 October 2010, and in 2011 it was ratified by both Contracting Parties, the Agreement has not entered into force yet. It would facilitate travels across the border for approximately 600 000 border area residents of Belarus and approximately 800 000 border area residents of Lithuania. Lithuania is ready to implement the agreement on local border traffic, but Belarus has taken an idling position. Therefore, this issue remains topical both at the political level and in the public. On 14 September 2011, the Government of the Republic of Lithuania unilaterally resolved not to charge fees for examination of applications for the issuance of national visas to

¹⁰ <http://www.delfi.lt/news/daily/lithuania/article.php?id=54988581&categoryID=7>

¹¹ <http://verslas.delfi.lt/business/uzsienieciu-darbo-jega-ileisti-ar-neileisti.d?id=49745310>

¹² Ruling of the Constitutional Court of 13 November 2006 on the Compliance of the Provisions of Legal Acts Regulating the Citizenship Relations with the Constitution of the Republic of Lithuania, Official Gazette, No 123-4650, 2006;

citizens of the Republic of Belarus. According to data of the Department of Statistics, 368 000 tourists from Belarus visited Lithuania in 2011, which is by 26 per cent more than in 2010. Residents of Belarus account for 21 per cent of all tourists visiting our country¹³.

3.3 Broader developments in migration and asylum

A draft Law of the Republic of Lithuania Amending the Law on the Legal Status of Aliens was prepared and repeatedly submitted to the Seimas of the Republic of Lithuania on 20 June 2011. The draft aims at implementing the provisions of legal acts of the European Union adopted in the field of migration during 2008-2010, first and foremost, transposing into national law the following directives:

- 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.

The draft also aimed at ensuring proper transposition of 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, revising certain provisions of the Law currently in force relating to Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents, also bring the provisions of the Law in compliance with the provisions of five regulations governing the issues of issuance of Schengen visas, validity of national visas and taking biometric data.

At the plenary sitting of 27 September 2011, the Seimas of the Republic of Lithuania decided to commence the procedure of consideration of the draft Law of the Republic of Lithuania Amending the Law on the Legal Status of Aliens, but concurrently expressed the opinion that the draft submitted by the Government of the Republic of Lithuania needs to be improved. On 26 October 2011, the Board of the Seimas of the Republic of Lithuania formed a working group and charged it with the task of improving the draft submitted by the Government of the Republic of Lithuania by 1 May 2012.

On 22 December 2011, the Seimas of the Republic of Lithuania adopted amendments to the Law of the Republic of Lithuania on the Legal Status of Aliens, which transpose the provisions of Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. The Seimas did not consider and did not adopt other provisions of the draft law submitted by the Government, including those transposing and implementing legal acts of the European Union. It is expected that the amendments to the Law on the Legal Status of Aliens necessary to

¹³ <http://verslas.delfi.lt/business/baltarusius-i-lietuva-vilioja-galimybe-pailseti-ir-apsipirkti.d?id=58318210>

transpose the law of the European Union will be considered by the Seimas of the Republic of Lithuania in the spring session of 2012.

The new version of the Law of the Republic of Lithuania on Citizenship entered into force on 1 April 2010.

On 28 June 2011, the Seimas of the Republic of Lithuania ratified the agreement between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on local border traffic, concluded on the basis of Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention. The agreement has not entered into force yet.

3.4 Institutional developments

Since 1 March 2011, the Migration Division in charge of the functions assigned to the police in the field of migration was established at the Police Department under the Ministry of the Interior. Establishment of this division is linked with assignment of new functions, which until 2 May 2011 were performed by the Migration Department under the Ministry of the Interior. The Police Department under the Ministry of the Interior was assigned the task of organisation of issuance of personal documents (identity cards and passports) to citizens of the Republic of Lithuania, and the migration services of territorial police institutions subordinate to it – issuance of passports not only to citizens of the Republic of Lithuania residing in Lithuania, but also to those residing abroad. The Migration Department under the Ministry of the Interior continues to perform the functions relating to procedures of immigration of aliens, asylum and citizenship of the Republic of Lithuania.

After liquidating, as from 1 July 2011, the Illegal Immigration Prevention and Control Board at the State Border Guard Service under the Ministry of the Interior, the Migration Division was set up within the framework of the Border Control Organisation Board. Respective changes were subsequently implemented also in territorial divisions of the Service. The changes were introduced for the purposes of structure optimisation and are not linked with changes in the functions performed.

4. Legal immigration and integration

4.1. Economic migration

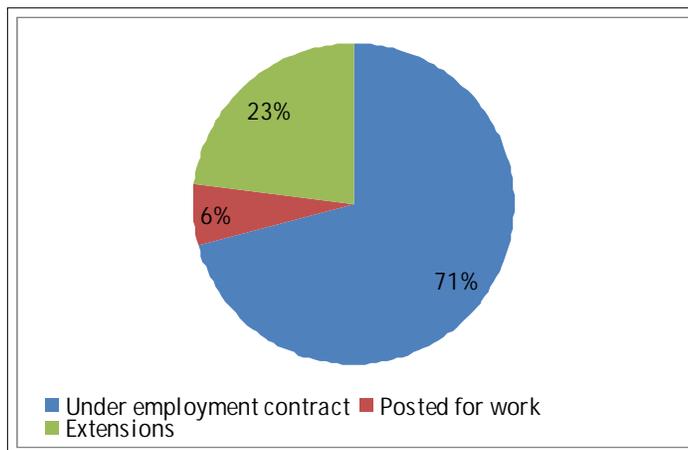
In 2011, unemployment in the country remained high, though it was steadily decreasing. The annual average unemployment rate as percentage of the working-age population was 11.7 per cent, or by 2.8 per cent less than the annual average unemployment indicator of 2010 (14.5 per cent). As on 1 January 2012, there were 227 100 registered unemployed in the country, which makes up 11.0 per cent of all residents of working age. The percentage of the unemployed

compared to the working-age population decreased over the year by 3.4 per cent (according to data of 1 January 2011 – 14.4 per cent)¹⁴.

Even in the presence of the high rate of unemployment in the country, **employers are facing a shortage of workers of certain qualifications**, because the unemployed are not qualified to occupy the vacancies on offer. According to data of the Labour Exchange, the largest shortage is of qualified workers and craftsmen, the demand for workers in the field of servicing and trade has increased as well. According to the **lists of professions under-staffed in the Republic of Lithuania according to areas of economic activity, as approved** by the Minister of Social Security and Labour, in the 1st and 2nd half of 2011 the shortage of workers remained in the sectors of shipbuilding and repairs, transportation and services, the Shortage Occupations List contained as few as 4 professions: highly qualified ship welders, ship hulls assemblers, kitchen chefs, drivers of international freight vehicles. In the 1st and 2nd half of 2010, the same sectors indicated respectively 7 and 6 professions under-staffed in the country.

In order to satisfy the need for qualified workforce in specific sectors of the economy, in 2011 aliens were **issued almost twice the number of work permits** compared with 2010. In 2011, the Lithuanian Labour Exchange¹⁵ issued 3327 work permits for aliens to work in the Republic of Lithuania (in 2010, 1808 work permits were issued).

Chart 1. Work permits (by reasons), 2011



Source: Lithuanian Labour Exchange

In 2011, the majority of permits were issued to aliens for work in the services (83 per cent) and industry sectors (15 per cent). Most work permits were issued/extended to drivers of international freight vehicles – 68 per cent, metal ship hulls assemblers – 11 per cent, welders – 5 per cent, restaurant chefs – 3 per cent of all work permits in the Republic of Lithuania.

The **Law of the Republic of Lithuania on Employment with Temporary-Work Agencies entered into force** on 1 December 2011. The Law was passed with a view to implementing Directive 2008/104/EC of the European Parliament and of the Council of 19 November 2008 on

¹⁴ Data of the Labour Exchange (review of labour market tendencies for 2011)

¹⁵ Ibid.

temporary agency work, also creating new jobs, ensuring flexibility of the labour market and adapting to changing market conditions.

On 14 September 2011, the **Government of the Republic of Lithuania approved the Description of the Procedure for Recognising Regulated Professional Qualifications of Third-Country Nationals**. The provisions of this description apply to third-country nationals who have acquired a professional qualification in a third country and intend to work in a regulated profession in the Republic of Lithuania. In the event of recognition of the applicant's professional qualification by the Republic of Lithuania, the person may work in the Republic of Lithuania in the same profession which he is considered to have acquired in the third country under the same conditions as citizens of the Republic of Lithuania.

A draft Law of the Republic of Lithuania Amending the Law on the Legal Status of Aliens was submitted to the Seimas of the Republic of Lithuania for consideration. The draft Law transposes 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. However, the mentioned draft Law was not passed in 2011, **provisions of Directive 2009/50/EC were neither transposed at the statutory level**. The draft submitted to the Seimas also proposes to shorten the time limits for examining applications for the issuance of residence permits (from 6 months to 2 months) in respect of aliens intending to engage in work requiring high professional qualification or arriving as lecturers and/or for purposes of carrying out scientific research and (or) experimental (social, cultural) development work as researchers.

It should be pointed out that in 2011, a considerably greater attention was paid to a search for the ways of attracting to the country researchers, lecturers, students, elimination of obstacles for their arrival, enhancement of academic mobility¹⁶. The mentioned draft Law submitted by the Government to the Seimas for consideration proposes to specify a broader range of persons eligible for temporary residence permits for studies and allow foreign students to work at research and study institutions in the field of scientific research without holding work permits. Moreover, aliens in their last year of studies could have the term of validity of the temporary residence permit in Lithuania extended for three months after completion of studies, hence the aliens who have acquired higher education in Lithuania would be given an opportunity to find job and become employed in Lithuania following graduation. It was proposed to separately regulate the issuance of temporary residence permits to lecturers (as has been done in respect of researchers).

With a view to facilitating and accelerating the student entry procedure, the new version of rules regulating the issuance of visas¹⁷ as approved jointly by the Minister of the Interior of the Republic of Lithuania and the Minister of Foreign Affairs of the Republic of Lithuania, which entered into force on 1 April 2011, **lift restrictions previously applied to persons eligible for the issuance of a multiple-entry national visa for studies** (the necessary volume of studies was previously specified, and a visa was issued only in the case of full-time studies for a time limit not

¹⁶ The Minister of Education and Science of the Republic of Lithuania approved the Programme on Internationalisation of Higher Education of Lithuania 2011-2012 and its implementation measures plan. The Brain Regain and Attraction Programme approved by the Minister of Education and Science of the Republic of Lithuania for 2008-2013 is being further implemented, projects are being carried out in order to support the scientific research conducted by Lithuanian and foreign high (international) level scientists and other researchers at Lithuanian research and study institutions, finance internships of young foreign researchers at Lithuanian research and study institutions.

¹⁷ Official Gazette, No 38-1832, 2011

exceeding 6 months, subject to concurrent submission of documents for the issuance of a temporary residence permit). **According to the new rules, this visa may be issued to all students admitted to study at a higher education establishment registered and operating in the Republic of Lithuania** or those who enter to study under international student exchange programmes, irrespectively of the scope or nature of studies. Visas valid up to 1 year are currently issued. A foreign student may apply for a temporary residence permit already staying in Lithuania and completing the first year of studies.

In 2011, **negotiations with New Zealand over the agreement on a working holiday programme** were continued. During the working holiday programme, young people from New Zealand and Lithuania would be given an opportunity to live and work in both countries. The duration of the programme is one year, though employment with the same employer could not exceed 6 months. Participants of the working holiday programme would also be able to study for a period of up to 6 months. Eligible candidates for the working holiday programme will be young citizens of Lithuania and New Zealand (from the age of 18 to 30 years) who confirm that they are travelling for tourism or cultural cognition purposes, i.e., that work or studies are not the main purpose of travel. A person will be able to participate in the working holiday programme only once and will have to travel alone, that is, will not be able to participate together with dependants (e.g., children). It is expected to complete the negotiations over this agreement, and to sign the agreement in 2012.

4.2. Family reunification

On 1 April 2011, the **rules regulating the issuance of visas and approved** by a joint order of the Minister of the Interior of the Republic of Lithuania and the Minister of Foreign Affairs of the Republic of Lithuania entered into force. The rules have broadened the range of persons eligible for long-stay national visas. The rules **stipulate that long-stay national visas may be issued to family members of the aliens entering the Republic of Lithuania for pedagogical work and/or for the purpose of conducting scientific research and/or experimental development activities at research and study institutions.** This means that the possibilities of entry to the Republic of Lithuania for such family members were facilitated, and entry of scientists, lecturers will also be encouraged.

Under a draft Law of the Republic of Lithuania Amending the Law on the Legal Status of Aliens submitted to the Seimas of the Republic of Lithuania for consideration, the Government of the Republic of Lithuania **proposes to lift restrictions on family reunification** in respect of the aliens who enter to study at research and study institutions of the Republic of Lithuania under treaties of the Republic of Lithuania or according to EU academic exchange programmes with third countries, i.e., without applying the requirement for an alien to have resided in Lithuania for the last two years, to hold a temporary residence permit in the Republic of Lithuania valid for at least one year and to have reasonable prospects of obtaining the right to permanently reside in the Republic of Lithuania. However, this proposal was not approved.

In 2011, 690 applications for the issuance of residence permits on the grounds of family reunification were received.

4.3. Integration

In Lithuania, there is no institution responsible for implementation of integration of aliens and co-ordinating integration. The draft Law of the Republic of Lithuania Amending the Law on the Legal Status of Aliens submitted to the Seimas by the Government of the Republic of Lithuania proposes to assign to the Government of the Republic of Lithuania the task of forming an interdepartmental commission for co-ordination the integration of aliens. Moreover, the Government proposed supplement the provisions of the Law regulating integration, i.e., to broaden the range of aliens to whom integration provisions would apply in order to include citizens of the Member States of the European Union and their family members who are in possession of a document confirming their right to reside in Lithuania. Under the provisions of the law currently in force, the Republic of Lithuania creates conditions for integration of the aliens who are in possession of residence permits (i.e., third-country nationals alone) into the political, social, economic and cultural life of the state. However, the amendments proposed by the draft law in 2011 were not adopted, and the situation in the field of integration did not change. Thus, Lithuania does not have a general programme intended for integration of aliens; an institution co-ordinating implementation of integration of aliens does not exist; as regards the issues of integration of aliens residing in Lithuania, institutions act separately within the sphere of competence assigned to each of them.

According to the migrant integration policy index announced in 2011, among 31 countries under examination Lithuania ranks 27th. Compared with the study carried out in 2007, Lithuania's evaluation has slightly improved, however both the authors of the migrant integration policy index and the representatives of non-governmental organisations in Lithuania commenting on the results consider the possibilities for immigrants from non-EU Member States to integrate in Lithuania to be rather unfavourable¹⁸.

4.4. Citizenship and naturalisation

The new version of the **Law of the Republic of Lithuania on Citizenship**¹⁹ entered into force on 1 April 2011. This led to certain changes in the field of legal regulation of citizenship relationships in the Republic of Lithuania (concerning the grounds and conditions of acquisition and loss of citizenship as well as the procedures relating to resolution of citizenship issues). The Law stipulates a number of provisions confirming to international legal acts in the field of citizenship, but not included in the version of the Law of the Republic of Lithuania on Citizenship previously in force, for instance:

- The persons who, by entering into marriage with the citizen of another state, acquire the citizenship of that state *ipso facto* retain also the citizenship of the Republic of Lithuania;
- A citizen's request for renunciation of the citizenship of the Republic of Lithuania cannot be considered if the person is to be a stateless person;

¹⁸ <http://www.delfi.lt/news/daily/lithuania/lietuva-yra-viena-blogiausiai-imigrantus-pasitinkanciu-europos-saliu.d?id=44692571&categoryID=7>

¹⁹ Official Gazette, No 144-7361, 2010;

- The Law stipulates a more favourable regulation in respect of stateless persons. It is specified that a child of stateless persons permanently residing in Lithuania acquires the citizenship of the Republic of Lithuania by birth irrespectively of the place of his birth, unless he acquires another state's citizenship by birth. Until adoption of the new version of the Law, a child of such persons could acquire the citizenship of the Republic of Lithuania by birth only if born in the territory of the Republic of Lithuania;
- The citizenship of the Republic of Lithuania by birth is acquired not only by children of stateless persons having the status of permanent residents in Lithuania (as stipulated in the earlier version of the Law), but also by children of stateless persons in possession of temporary residence permits, irrespectively of whether children are born in the territory of Lithuania or abroad;
- A person who acquired the citizenship of the Republic of Lithuania and the citizenship of another country by birth may have both citizenships only until he turns 21 years old (the previous version of the law did not contain such a restriction);
- The issues of acquisition of citizenship of the Republic of Lithuania by adopted children, also its retention (when a citizen is adopted by aliens) are regulated separately.

The conditions of acquisition of Lithuanian citizenship through naturalisation did not change. Thus, the citizenship of Lithuania may be granted to a person who has been resident in Lithuania for the last ten years, has the right of permanent residence in Lithuania and has legal means of subsistence, has passed an examination in the state language and has passed an examination in the fundamentals of the Constitution of the Republic of Lithuania and if he is a stateless person or a citizen of a state under the law of which he shall lose citizenship of that state on acquiring citizenship of the Republic of Lithuania. It should be pointed out that the latter provision does not apply to persons who have been granted the status of a refugee in Lithuania. A person who has been granted citizenship must swear the oath of loyalty to the Republic of Lithuania.

In 2011, the number of persons who were granted citizenship of the Republic of Lithuania through naturalisation increased 1.9 times. In 2011, citizenship of the Republic of Lithuania through naturalisation was granted to 311 persons (in 2010 – to 162 persons, including 78 stateless persons), the majority of them being stateless persons (125 persons), citizens of Russia (97 persons) and Ukraine (44 persons). 4 314 stateless persons reside in Lithuania, which accounts for 13.7 per cent of all aliens. Over the past five years, their number has decreased by half²⁰.

²⁰ <http://www.migracija.lt/index.php?-1156730250>

5. Illegal immigration and return

5.1. Illegal immigration

Under the law passed on 23 December 2011²¹, the Criminal Code of the Republic of Lithuania was supplemented with an article stipulating criminal liability for illegal work of third-country nationals illegally staying in the Republic of Lithuania. The Law implements the provisions of Directive 2009/52/EC 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 criminalising illegal employment of illegally staying third-country nationals in the presence of qualifying circumstances as specified by the Directive (if the employer pursues such activity systematically and continuously; in the case of illegal employment of five or more persons; employment is accompanied by particularly exploitative working conditions; in the case of employment of a minor).

The Seimas of the Republic of Lithuania received a draft Law of the Republic of Lithuania on Prohibition of Illegal Work, which aims at reducing the extent of illegal work²² and transposing the provisions of Directive 2009/52/EC 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. In 2011, it was possible to detect 7 cases of illegal employment of aliens, i.e., without concluding with them any contract of employment or in violation of the employment procedures specified by legal acts (in 2010, 21 such cases were identified, in 2009 – 15; the largest number of such cases, as many as 161, was identified in 2008)²³.

When passing, on 28 June 2011, the law ratifying the Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Belarus on the Procedure for the Mutual Travels of Border Area Residents between the Republic of Lithuania and the Republic of Belarus, the Seimas of the Republic of Lithuania passed the law supplementing the Code of Administrative Offences of the Republic of Lithuania with an article stipulating liability of aliens for violations of the local border traffic. The mentioned agreement, which was signed on 20 October 2010 in Minsk, has not entered into force yet.

On 22 December 2011, the Seimas of the Republic of Lithuania adopted amendments to the Code of Administrative Offences of the Republic of Lithuania related to imposition of administrative liability for violations of requirements set forth for the legal status of aliens. The law imposes liability against aliens for illegal stay in the Republic of Lithuania (upon the expiry of the validity of a visa, etc.), liability against persons representing legal entities for provision of accommodation to aliens illegally staying in the country or creation of conditions for such aliens to engage in certain activities. Moreover, the amendments impose **administrative liability against persons for provision of false data in order to verify letters of invitation for aliens to enter the Republic of Lithuania** or for assisting an alien, by other unlawful means, to obtain a document confirming the alien's right to stay or reside in the Republic of Lithuania (the amendments related to

²¹ Official Gazette, No 4-115, 2012

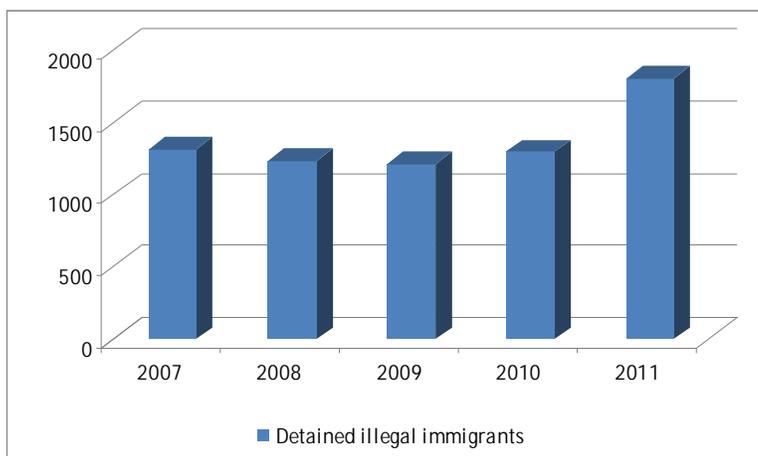
²² The explanatory note this draft notes that the number of cases of illegal work is growing (according to data of the State Labour Inspectorate, the number of cases of illegal work in 2010 was up by 40 per cent as compared with 2009);

²³ Information of the State Labour Inspectorate, <http://www.vdi.lt/index.php?7544530>

implementation of provisions of Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence).

An analysis of the situation in the area of illegal immigration and illegal transport of human beings and threat assessment was prepared in 2011 by the Criminal Information Analysis Centre²⁴. Information about tendencies of illegal immigration is regularly analysed and generalised by the Information Analysis Division of the State Border Guard Service. In 2011, 1806 illegal immigrants were detained, i.e., by 39 per cent more than in 2010.

Chart 2. Illegal immigrants detained during 2007-2011



Source: State Border Guard Service

It may be claimed that in 2011, as compared with the previous year, the trends and ways of irregular migration remained the same. Lithuania is often chosen as the purported country of destination in search for ways of entering the Schengen Area by such unlawful means of entry as obtaining of visas by fraud, use of forged documents, including the frequent use of forged travel documents of the Republic of Lithuania, etc. Aliens most frequently fail to depart the country after the expiry of the term of validity of their visa (such cases make up over 82 per cent of all cases). It is often the case when, having been issued a Schengen visa, aliens even do not enter Lithuania, but, on entering other EU countries, lodge there applications for asylum or, upon entering Lithuania, lodge applications for asylum whose examination is terminated after they leave the Foreigners' Registration Centre, where they are provided with accommodation without restricting their freedom of movement. The main ways of obtaining visas by fraud and entering the Schengen Area are verification of letters of invitation containing false data, execution of transactions of acquisition of a small-value real property in Lithuania (the latter method is most often employed by citizens of

²⁴ 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, provision of recommendations to the country's law enforcement institutions on the basis of data analysis.

Belarus²⁵), use of establishment of fictitious enterprises²⁶ or contraction of marriages of convenience²⁷ with a view to obtaining a residence permit.

Positive developments are expected to emerge upon entry into force, on 1 January 2012, of a law imposing liability on persons for provision of false data in order to verify letters of invitation for aliens to temporarily enter the Republic of Lithuania or assisting an alien, by other unlawful means, to obtain a document confirming the alien's right to stay or reside in the Republic of Lithuania. The role of institutions participating in the process of issuance of visas and other documents entitling aliens to enter Lithuania is being consolidated. On 3 February 2011, the State Border Guard Service and the Ministry of Foreign Affairs signed an agreement on co-operation in the field of exchange of information on the aliens detained in Lithuania, also on the aliens who apply to diplomatic missions and consular posts of the Republic of Lithuania abroad for visas, the information relating to risks of illegal immigration. The State Border Guard Service notes that in 2011, the number of negative consultations on the issuance of visas decreased.

The new version of the Law of the Republic of Lithuania on Tourism was passed²⁸ stipulating the duty of providers of accommodation services to ensure that the aliens to be accommodated personally complete and sign registration forms and confirm their identity by producing a valid identity document. The State Department of Tourism was assigned²⁹ the task to stipulate a procedure for registering aliens at establishments providing accommodation services. This provision ensures compliance with the obligation specified in Article 45 of the Convention Implementing the Schengen Agreement to adopt the necessary measures in order to ensure that aliens accommodated in hotels and other establishments providing accommodation personally complete registration forms and produce a valid identity document.

5.2. Return

On 22 December 2011, the Seimas of the Republic of Lithuania adopted amendments to the Law of the Republic of Lithuania on the legal status of aliens³⁰ transposing to national law 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.

Table 1. Agreements of the Republic of Lithuania in the field of migration

Country	Title	Status
Republic of Moldova	Protocol on the Implementation of the Agreement between the European Community and the Republic of Moldova on the readmission of persons residing without authorisation	Protocol signed on 29-09-2010, entered into force on 24-08-2011

²⁵ <http://verslas.delfi.lt/realestate/lietuvoje-nekilnojamu-turtu-domisi-baltarusiai.d?id=54802783>

²⁶ http://m.lrytas.lt/?data=20110618&id=sos18_a6110618&view=2

²⁷ More data are available in the study "Marriages of convenience as a channel for irregular migration" prepared by EMN National Contact Point for Lithuania

²⁸ Official Gazette, No 85-4138, 2011

²⁹ Official Gazette, No 141-66-31, 2011

³⁰ Official Gazette, No 156-7384, 2011

Republic of Kazakhstan	Agreement on the readmission of persons	Agreement signed on 06-10-2011, not entered into force yet.
Russian Federation	Protocol on the Implementation of the Agreement between the European Community and the Russian Federation on readmission.	Co-ordination of the text completed. Protocol signed on 19-04-2012
Bosnia and Herzegovina	Draft Protocol Implementing the Agreement between the European Union and Bosnia and Herzegovina on the readmission of persons residing without authorisation	Text is being co-ordinated
Republic of Macedonia	Draft Protocol 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	Text is being co-ordinated
Republic of Georgia	Draft Protocol on the Implementation of the Agreement between the European Community and the Republic of Georgia on the readmission of persons	Text is being co-ordinated
Republic of Kosovo	Draft Agreement on the readmission of persons residing without authorisation and draft protocol implementing the agreement	Text is being co-ordinated

The aliens who have unlawfully entered Lithuania or are unlawfully staying in Lithuania are provided with accommodation at the Foreigners' Registration Centre of the State Border Guard Service. During a period from 1 January 1997, when the Centre was established, until 1 January 2012, 6889 aliens were provided with temporary accommodation at the Foreigners' Registration Centre, most of them arriving to Lithuania from Russia (1659), Afghanistan (674), Georgia (666), Pakistan (481), India (432), Belarus (407), Bangladesh (353) and Sri Lanka (322)³¹.

The number of aliens provided with accommodation at the Foreigners' Registration Centre is increasing annually. In 2011, 508 aliens were provided with accommodation at the Foreigners' Registration Centre, of them 251 being Georgian citizens (including 237 males, 9 females and 5 children), 81 – citizens of Russia, 43 – citizens of Afghanistan, 37 – citizens of Kirgizstan. In 2010, 443 aliens were with accommodation at the Foreigners' Registration Centre, in 2009 – 320 aliens.

In 2011, 1618 aliens were placed under the obligation to voluntarily depart from Lithuania, i.e., approximately 27 per cent more than in 2010. In 2011, 125 aliens were expelled (the majority of them (46) being Georgian citizens), i.e., less than in 2010, when 137 aliens were expelled (the majority of them (29) being Georgian citizens).

In 2011, 27 aliens who cannot be expelled from the Republic of Lithuania or whose expulsion from the Republic of Lithuania has been postponed in accordance with the procedure laid down by the law were issued temporary residence permits. Another 39 aliens who were not in

³¹ http://www.pasienis.lt/lit/Pabradeje_esantis_Uzsienieciu_registraci/4918

possession of a document entitling to reside in the Republic of Lithuania, but whose factual residence in Lithuania has been confirmed by court (the fact that they settled in Lithuania before 1 July 1993 and still reside in the country), were issued permits of a long-term resident of the Republic of Lithuania to reside in the European Community.

5.3. Combating trafficking in human beings

On 30 December 2011, **amendments to the Criminal Code of the Republic of Lithuania related to liability in the field of trafficking in human beings were submitted to the Seimas** of the Republic of Lithuania. The mentioned amendments aim at ensuring compliance of national legal norms to provisions of the Council of Europe Convention on Action against Trafficking in Human Beings of 16 May 2005, implementing the provisions of 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 ensuring the effectiveness of provisions of criminal law in the field of combating trafficking in human beings. The proposal is to expand the concept of trafficking in human beings. Thus, such an offence could mean any exploitation of a person, i.e., various forms of sexual exploitation, involuntary servitude, slavery, forced services, use for the purpose of forced marriage, begging, etc. (the concept of trafficking in human beings currently used in the Criminal Code was linked solely with the use for the purposes of prostitution, pornography, forced labour and with the acquisition of the victim's body organs); to stipulate liability for taking advantage of a person's forced labour or services, while being aware that the victim carries out such activities due to his exposure to physical violence, threats or fraud; to enhance the protection of victims, that is, to provide for a possibility of releasing from criminal liability the persons who had been subject to exploitation or who voluntarily reported about illegal activity and actively co-operated in disclosing it.

Under the Law on the Legal Status of Aliens, an alien who is or has been a victim of human trafficking and co-operates with a pre-trial investigation body or with a court in the fight against trafficking in human beings or in combating the offences linked to trafficking in human beings may be issued a temporary residence permit. The draft law submitted to the Seimas by the Government of the Republic of Lithuania proposes to stipulate that a temporary residence permit may be issued also to a minor alien who is or has been a victim of human trafficking and co-operates with a pre-trial investigation body or with a court in the fight against trafficking in human beings or in combating the offences linked to trafficking in human beings (according to provisions of the law currently in force, this ground of issuance of temporary residence permits in the Republic of Lithuania does not apply to minor aliens).

The Government of the Republic of Lithuania has prepared a draft resolution³², which lays down a 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 co-operation with a pre-trial investigation body or court. The aim is to provide such persons with a possibility to take an impartial and well-thought-out decision to co-operate with a pre-trial investigation body or a court and hence enable the pre-trial investigation body investigating a crime related to the person to collect sufficient data about him, carry out all required pre-trial investigation actions and speed up the transfer of the criminal case to court.

³² Adopted on 18 April 2012 (to enter into force on 1 January 2013)

In 2011, 42 pre-trial investigations were initiated concerning trafficking in human beings, charges were brought against 37 persons. In 2010, 34 pre-trial investigations were being conducted in Lithuania over the criminal acts related to trafficking in human beings.

Specialists note that although Lithuania is not among the European countries where trafficking in human beings is widespread, it is possible to observe certain developments as regards the number and character of such acts, criminal acts have become better organised, they are committed by various forms of complicity rather than individual persons. Pre-trial investigation officers and prosecutors closely co-operate with non-governmental and other organisations which provide assistance to victims of trafficking in human beings. In implementing the **Programme of Prevention and Control of Trafficking in Human Beings for 2009-2012 approved** by the Government of the Republic of Lithuania³³, support is provided to the projects focused on supporting victims of human trafficking, enhancing co-operation with non-governmental organisations in combating trafficking in human beings. Notably, Lithuania's efforts in combating trafficking in human beings are welcomed by the international community. The U.S. Department of State, which annually assesses the efforts of foreign countries in combating human trafficking³⁴, attributes Lithuania to the countries making considerable effort to combat trafficking in human beings.

6. Border control

6.1. Control and surveillance at external borders

Ensuring effective protection of the external borders of the European Union is among the priorities of the Government of the Republic of Lithuania. **At the vulnerable parts of the external border on land and in frontier waters, modern border surveillance systems are being further introduced.** In 2011, such a system was introduced at one of the most vulnerable parts of the border with the Kaliningrad Oblast of the Russian Federation from the point of view of risk; technical equipment and devices were procured for border guard and control using also the funds of the European Union. Introduction of modern surveillance systems at the state border with the Russian Federation has changed the situation. Thus, the number of border violations at this stretch of the border decreased by over 55 per cent – from 175 (in 2010) to 78 (in 2011).

In 2011, **sets of portable sensors were procured** for the purpose of protection of external borders and distributed among the divisions guarding the external border with the Republic of Belarus and the Russian Federation. These sensors could be used in various locations by moving them depending on available information on a potential criminal act, they are particularly effective in recording border violations³⁵.

Since 25 October 2011, the State Border Guard Service **has been able to perform a check in VIS by using a biometric visa's number** in order to establish the traveller's identity.

³³ Official Gazette, No 112-4761, 2009;

³⁴ <http://vilnius.usembassy.gov/news-events/trafficking-in-persons/2011m.-ataskaita-apie-prekyb-monmis---lietuva>

³⁵ http://www.pasienis.lt/lit/Kilnojami_davikliai_sustiprins_sienos_ap/4440

In 2011, 416 instances of violation of the state border were registered, 392 state border violators were detained (including 137 detained Georgian citizens (the majority of detained violators); in 2010, there were 51 violators). Compared with 2010, the number of state border violations slightly decreased (22 instances were registered, which is a decrease by 5 per cent), and the number of detained state border violators increased by one-third (in 2010, 301 persons were detained). The number of violations at the border with the Russian Federation decreased, but their number at the border with Belarus increased by 26.8 per cent – from 246 (in 2010) up to 312 (in 2011).

The number of persons refused entry is growing (in 2011, 2215 aliens were refused entry, in 2010 – 1968, in 2009 – 1751). The majority of the aliens were refused entry for lack of required documents (visas).

In 2011, 10 groups of illegal immigrants were detained, 12 pre-trial investigations were initiated concerning unlawful transport of persons across the state border.

6.2. Co-operation with respect to border control

In implementing the objective of expansion of the network of representation in issuing visas, **Lithuania signed in 2011 representation agreements with Belgium, Finland, France.** As of 1 May 2011, the Republic of Lithuania represents Finland in Kaliningrad, and as of 1 October 2011 – the country represents Belgium. Under the agreement which entered into force on 1 July 2011, Belgium represents Lithuania in Burundi, Democratic Republic of the Congo, Niger and Rwanda. On 1 December 2011, the agreement between Lithuania and France on representation in issuing visas in Benin, Botswana, Brunei, Burkina Faso, Cameroon, Central African Republic, Chad, Congo, Djibouti, Fiji, Gabon, Cote d'Ivoire, Mali, Mauritania, Niger, Nigeria (Lagos), Papua New Guinea, St. Louis, Seychelles, Togo, Trinidad and Tobago, Vanuatu entered into force. **Negotiations are being held with Slovakia** on representation of Lithuania in China, Shanghai and representation of Slovakia in Georgia.

The number of issued visas is constantly increasing. Out of 3308 national visas issued in 2011, 701 visas were issued for the purpose of studies, the rest – for the purpose of work.

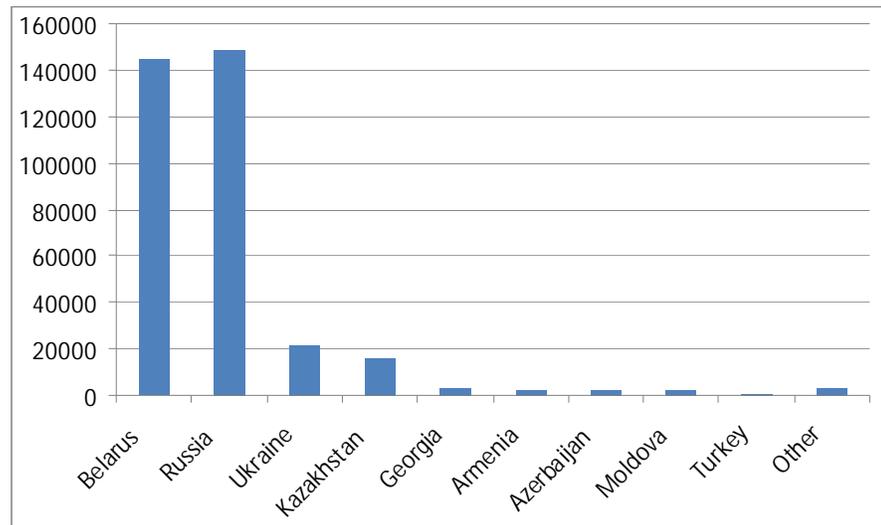
Table 2. Schengen visas and national visas issued by the Republic of Lithuania during 2008-2011

	2009	2010	2011
Schengen visas	238154	274791	350953
National visas	3327	2520	3308

Source: Ministry of Foreign Affairs

The majority of Schengen visas are issued in the Russian Federation and Belarus (Chart 3). Most applications for the issuance of a Schengen visa are rejected by Lithuania's embassies in Delhi (20.4 proc.), Georgia (19.9 per cent), Armenia (18 per cent) and Egypt (17.4 per cent).

Chart 3. Countries in which the Republic of Lithuania issued the largest number of visas in 2011



Source: Ministry of Foreign Affairs

On 10 December 2010, implementation of the project of development of the national Visa Information System was successfully completed; in order to join the Central Visa Information System, Lithuania participated during January – September 2011, in various tests of the Visa Information System, and on 11 October 2011, **successfully commenced work with SIS in the region of North Africa together with other Member States**. In the region of North Africa, Lithuania has a single embassy (in Egypt). Lithuania intends shortly to commence VIS tests at the embassy of the other region (in Israel).

In implementing the provisions of the Visa Code and with a view to simplifying the procedure for issuance of visas and eliminating difficulties in reaching consulates by inhabitants of specific regions due to large distances, a legal basis for co-operation with external services providers has been developed. **A commission for selection of external services providers has been formed.**

On 16 August 2011, the Government of the Republic of Lithuania and the Government of the Russian Federation **signed the agreement on the activities of border representatives** (the agreement has not entered into force yet).

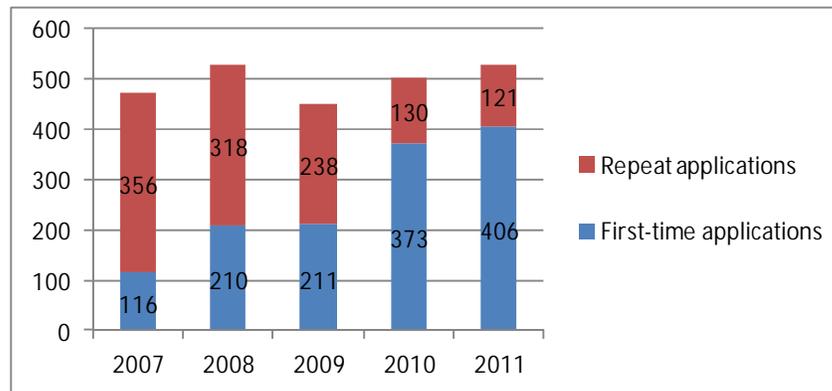
With a view to enhancing co-operation between border guard services of the neighbouring countries of the Schengen Area and preventing irregular migration across internal borders thus contributing to common security of all countries of the Schengen Area, **the agreement between the border guard services of Lithuania and Poland and the police on joint patrols was signed** on 7 December 2011.

7. Asylum

With a view to contributing to solidarity and ensuring the principle of fair sharing of responsibility among the EU Member States as well as having regard to the proposal of the European Commission and the Republic of Malta to join the project of transfer of third-country nationals in need of international protection from Malta to other Member States of the European Union as initiated by Malta, **the Government of the Republic of Lithuania approved, under the resolution of 14 September 2011, participation of the Republic of Lithuania in the project of transfer of asylum seekers from the Republic of Malta.** A decision was adopted to transfer up to 6 asylum seekers from the Republic of Malta to the Republic of Lithuania; examine their applications for granting of asylum and, upon granting of asylum in Lithuania, to organise their integration into public life in accordance with the procedure established by legal acts.

In 2011, 527 applications for asylum in the Republic of Lithuania were lodged, which is by 5 per cent more than in 2010 and by 15 per cent more than in 2009. It should be noted that the number of first-time applications has increased steadily since 2007, whereas the number of repeat applications has decreased, as compared with 2009 and 2010, by respectively 45 per cent and 7 per cent. Such a tendency has been observed for several years³⁶.

Chart 4. Number of applications for asylum lodged during 2007-2011



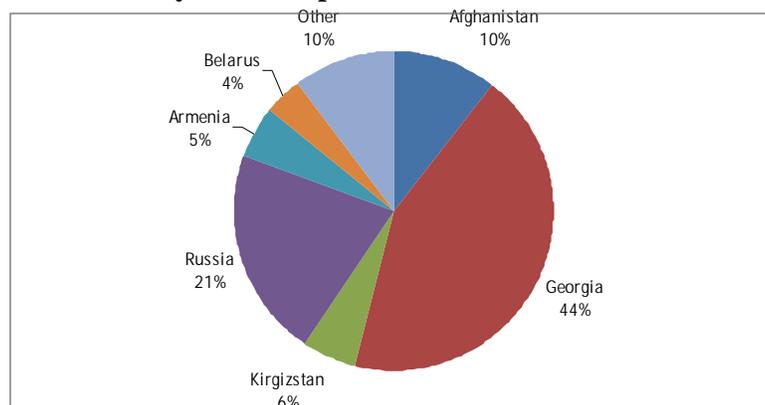
Source: Migration Department

In 2011, applications for asylum were lodged by citizens of 26 countries³⁷. The majority of the applications were lodged by Georgian citizens.

³⁶ Report "Asylum in the Republic of Lithuania in 2011" prepared by the Division on Asylum Affairs of the Migration Department

³⁷ This figure consists of both applications lodged for the first time, and repeat applications

Chart 5. Asylum seekers by citizenship in 2011



Source: Migration Department

In 2011, subsidiary protection in the Republic of Lithuania was granted to 88 persons (in 2010 – 110, 2009 – 221, 2008 – 350), the status of a refugee was granted to 7 aliens, including 5 citizens of Belarus, 2 citizens of Afghanistan (in 2010 – 1, 2009 – 11, 2008 – 14).

The events taking place in the countries of North Africa in 2011 hardly had any impact on the flows of asylum seekers (in 2011, 2 applications of Libyan citizens for granting asylum in Lithuania were received, whereas previously no applications for asylum from Libyan citizens had been received)³⁸.

8. Unaccompanied minors

On 26 August 2011, the Minister of Social Security and Labour of the Republic of Lithuania approved amendments to the terms of and procedure for providing aliens with accommodation at the Refugee Reception Centre³⁹, which regulated accommodation of all unaccompanied minors at this centre (previously, only accommodation of unaccompanied minor asylum seekers at the centre had been regulated). In 2011, the Refugee Reception Centre provided accommodation to 22 unaccompanied minors, who had lodged applications for asylum (in 2011, 10 applications were received, of them 8 applications were lodged by citizens of Afghanistan, 2 – by citizens of Georgia), and 1 unaccompanied minor alien who was not an asylum seeker.

9. Global approach to migration

Lithuanian, Polish and Russian Federation cross-border cooperation programme funds are used to finance **projects implemented in the border regions to achieve faster social and economic development of border regions** in different areas (such as tourism development, development of human capacities, enhancement of social and cultural ties and community development, improvement of transport infrastructure in border regions, etc.).

³⁸ Ibid., also data of the Migration Yearbook 2010 of the Migration Department

³⁹ Official Gazette, No 107-5078, 2011

In 2011, the funds of the **development co-operation and democracy promotion programme were used to implement 107 projects**⁴⁰ supporting the EU Eastern Partnership countries (Armenia, Azerbaijan, Belarus, Georgia, Moldova, Ukraine), also Afghanistan and Palestine.

10. Implementation of European Union legal acts

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 – transposed (amendments to the Law on the Legal Status of Aliens were adopted on 22 December 2011)

Council Directive **2009/50/EC** of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment – not transposed (the draft Law Amending the Law on the Legal Status of Aliens is to be considered in 2012)

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 – transposition not completed (the Criminal Code was supplemented by the law passed on 23 December 2011, the draft Law on Prohibition of Illegal Work and the draft Law Amending the Law on the Legal Status of Aliens are to be considered in 2012)

Directive **2004/38/EC** of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC – transposed, but some provisions are being adjusted (the draft Law Amending the Law on the Legal Status of Aliens is to be considered in 2012)

Council Directive **2003/109/EC** of 25 November 2003 concerning the status of third-country nationals who are long-term residents – transposed, but some provisions are being adjusted (the draft Law Amending the Law on the Legal Status of Aliens is to be considered in 2012)

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 – compulsory document form of a residence permit in the Republic of Lithuania as approved by Order No 1V-519 of the Minister of the Interior of 14 July 2011 (since 9 January 2012, aliens have been issued biometric documents – permits of a long-term resident of the Republic of Lithuania to reside in the European Community, temporary residence permits in the Republic of Lithuania and residence cards of a family member of an EU citizen)

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)⁴¹ – 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

⁴⁰ More information is available from <http://www.orangeprojects.lt/site/>

⁴¹ Official Gazette, No 38-1832, 2011.

Letters of Invitation, approved by the Order of the Minister of the Interior of the Republic of Lithuania and the Minister of Foreign Affairs of the Republic of Lithuania No 1V-233/V-66 of 24 March 2011.

Sources

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Resolution No 476 of the Government of the Republic of Lithuania of 27 April 2011 on Approval of Description of the Procedure for Providing Support for Studies of Aliens Enrolled in Second-Cycle Continual Study Programmes at Lithuanian Higher Education Institutions, Official Gazette, No 50-2440, 2011;

Regulations of the Refugee Reception Centre approved by Minister of Social Security and Labour Order No A1-234 of 18 August 2005 (version of 26 August 2011);
Programme on Internationalisation of Higher Education of Lithuania 2011-2012 and the Plan of Implementation Measures Thereof, approved by Order No V-178 of the Minister of Education and Science of the Republic of Lithuania of 2 February 2011, Official Gazette, No 16-785, 2011 (with subsequent amendments);
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 the Order of the Minister of the Interior of the Republic of Lithuania and the Minister of Foreign Affairs of the Republic of Lithuania No 1V-233/V-66 of 24 March 2011, Official Gazette, No 38-1832, 2011;

Draft Law Amending the Law of the Republic of Lithuania on the Legal Status of Aliens No XIP-2360(2), registered with the Seimas on 11-10-2011;
Draft Law of the Republic of Lithuania on Prohibition of Illegal Work No XIP-3383(2), registered with the Seimas on 31-01-2012;
Draft Resolution No 11-4043-05 of the Government of the Republic of Lithuania on Approval of 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 Co-operation with a Pre-trial Investigation Body or Court

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