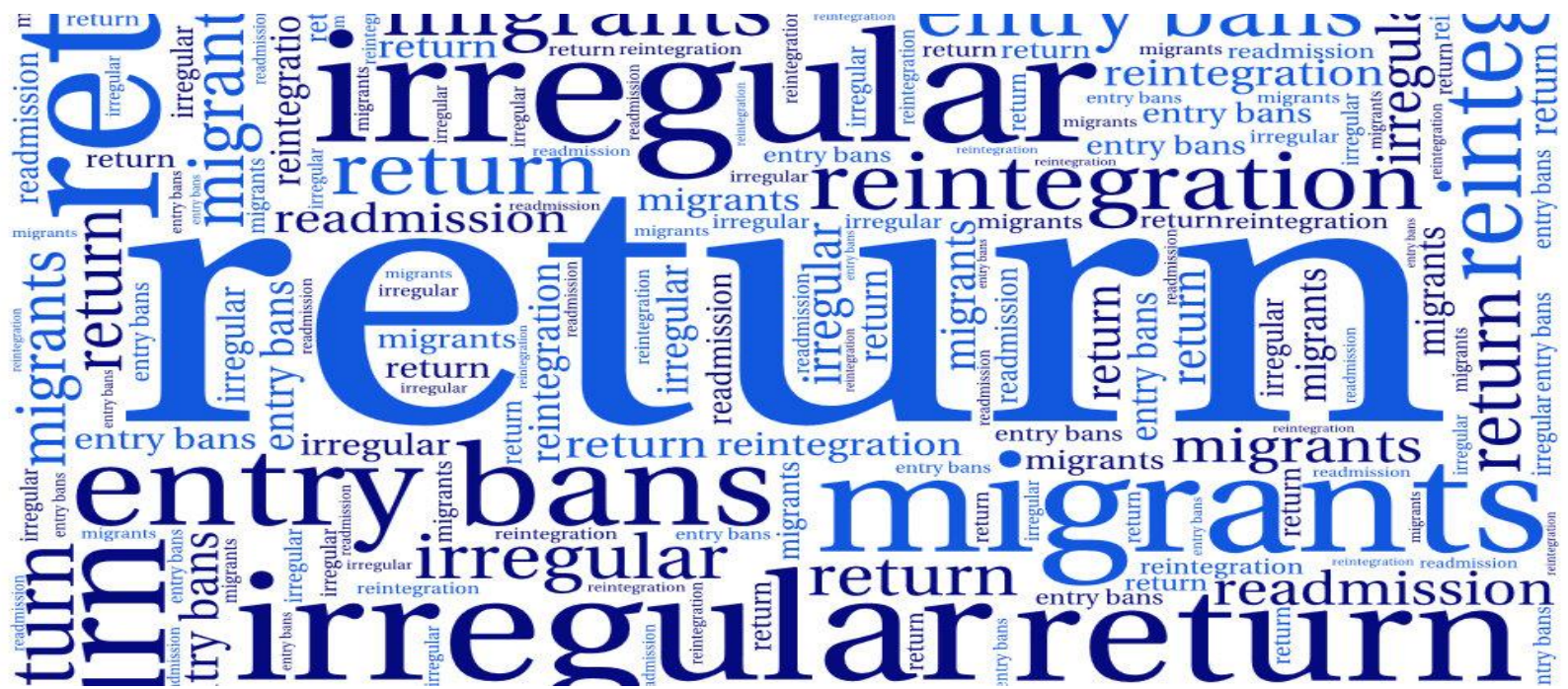


INTERNATIONAL ORGANIZATION FOR MIGRATION

EUROPEAN MIGRATION NETWORK

**Return and Reintegration of Irregular Migrants:  
Entry Bans Policy and Use of Readmission  
Agreements in Lithuania**

EMN FOCUSED STUDY 2014



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## Summary

The Study pursues the aim of overviewing the rules for imposing entry bans as applicable in Lithuania and assessing the extent of application of readmission agreements.

### **Entry ban**

*Criteria for imposition of an entry ban.* Entry bans are imposed and withdrawn by the Migration Department under the Ministry of the Interior of the Republic of Lithuania (hereinafter: the 'Migration Department'). Lithuania uses entry bans rather widely. In 2011-2013, on average approximately 800 entry bans prohibiting entry into Lithuania were imposed annually, however during this period only 15.3 per cent of returned aliens were denied entry. Entry bans may be imposed in various cases, in fact, in respect of all aliens who violate the regulations of entry, stay and residence in the Republic of Lithuania, as well as the aliens who represent a threat to national security and public policy. According to Article 133(2) of the Law, an alien who has voluntarily departed from the Republic of Lithuania and has unfulfilled obligations in respect of the Republic of Lithuania or abuses the possibility of voluntary departure from the Republic of Lithuania, or has been expelled from the Republic of Lithuania is prohibited from entering the Republic of Lithuania. A decision on the imposition of the entry ban and the length of such entry ban takes account of each alien's individual circumstances (family relationships, personal status, the nature of the committed violation, etc.). Upon imposing an entry ban, alerts of prohibition of entry and stay for an alien are entered also into the Schengen Information System subject to meeting the criteria set out in Article 24 of Regulation (EC) No 1987/2006.

*Withdrawal of an entry ban.* An entry ban may be withdrawn, and an alien may be removed from the national list of aliens refused entry upon a reasoned request submitted by the alien himself or a state institution. Entry bans prohibiting entry into Lithuania are withdrawn quite frequently, for example, in 2011-2013 on average approximately 335 entry bans were withdrawn annually. The main reason is the decisions of the Council of the European Union or other decisions of international organisations which are binding according to Lithuania's international commitments.

*Appeals.* All decisions on entry bans may be appealed against in accordance with the procedure laid down by the Law on Administrative Proceedings within 14 days from the service of the decision.

*Consultations.* Lithuania consults other Schengen countries as regards the persons on whom an alert has been entered in the Schengen Information System for the purpose of refusing entry and stay. In practice, there were few cases when a residence permit was issued to an alien, although an alert had been entered by another state in the Schengen Information System. Such residence permits were issued on the ground of family reunification in order to maintain family unity.

*Problems.* Experts point out that difficulties in ensuring the implementation of entry bans arise when an alien changes personal data or replaces travel documents and his personal data entered differently due to transliteration, also when the alien does not hold documents confirming his identity.

*Good practices.* In Lithuania, data on aliens who are prohibited from entering Lithuania are accumulated in the Register of Foreigners. Lithuanian authorities dealing with the issuance of visas and residence permits as well as entry of aliens to the territory and other issues related to the legal stay of aliens have direct access to the National list of aliens refused entry to Lithuania and can immediately check whether the applicant is on this list.

### **Readmission agreements**

*Context.* In 2013, 279 aliens were expelled from Lithuania. The majority of them were citizens of Georgia (62 per cent), Vietnam (13 per cent), Russia (9 per cent) and Belarus (5 per cent).

*EU Readmission Agreements.* The number of readmission applications submitted by Lithuania is not large, but is steadily growing (in 2011, Lithuania submitted 18 readmission applications, in 2012 – 107, in 2013 – 150). As regards expulsion, in 2013 279 persons were expelled from Lithuania, 49 per cent of such persons were transferred under readmission agreements: 4 persons – to the Russian Federation, 59 – in transit through the Russian Federation and 74 – to Georgia. Lithuania encounters no problems in implementing EU readmission agreements with the Russian Federation and Georgia (during 2011-2013, 97 per cent of Lithuania's readmission applications received a positive reply).

*Bilateral readmission agreements.* Lithuania has signed a bilateral agreement with Belarus on the state

border legal regime. The agreement provides for a facilitated procedure of transfer to Belarus of the aliens stopped at the border. In 2013, Lithuania transferred to Belarus under this Agreement 11 aliens. A bilateral agreement with Kazakhstan has been signed, but has not entered into force yet.

*Reintegration.* The state does not allocate reintegration support for the aliens transferred under the readmission procedure. However, such assistance may be provided by non-governmental organisations with funds of the European Return Fund, though in practice there have not been any such cases.

## Section 1: Entry bans

### 1.1 National legal framework on entry bans: grounds for imposition of entry bans and categories of third-country national subject to entry bans

**Q1. In your Member State, which scenario applies to the imposition of entry bans?**

**a) Entry bans are automatically imposed in case the return obligation has not been complied with OR no period of voluntary departure has been granted**

Yes. Entry ban is automatically imposed to an alien who is issued an expulsion decision after he has failed to comply with the obligation of voluntary departure under a return decision, or in the case when no period for and possibility of voluntary departure from the Republic of Lithuania have been granted.<sup>1</sup>

**b) Entry-bans are automatically imposed on all return decisions other than under a)**

No. In addition to the cases referred to under a), entry bans are automatically imposed on the aliens who, while they have voluntarily departed from the Republic of Lithuania under a return decision, have unfulfilled obligations to the Republic of Lithuania or who abuse the possibility of voluntary departure from the Republic of Lithuania.<sup>2</sup>

The terms 'unfulfilled obligations' and 'abuse of the voluntary departure' are not defined by the law, hence they are assessed on a case by case basis. According to the Civil Code of the Republic of Lithuania, an obligation stands for a legal relationship one party of which (debtor) is bound to perform for the benefit of another party (creditor) a certain action or to refrain from such action, and the creditor has the right to demand from the debtor the performance of his duty.<sup>3</sup> Therefore, unpaid fines for administrative offences or other charges, also unfulfilled non-pecuniary obligation to the Republic of Lithuania could be viewed as an unfulfilled obligation to the Republic of Lithuania. The cases of persistent and intentional violation of the rules of legal stay in the Republic of Lithuania could be considered as an abuse of the voluntary departure, however these violations are not serious enough to be subject to expulsion (e.g., aliens constantly stay for one or two days longer than allowed under the visa-free travel regime).

**c) Entry bans are issued on a case by case basis on all return decisions other than a)**

No. When deciding on the imposition of an entry ban prohibiting entry into the Republic of Lithuania in respect of a specific alien, each situation is examined separately in all cases other than a) and b).

**Q2a. What are according to national legislation in your Member State the grounds for imposing entry bans? Please answer this question by indicating whether the grounds defined in national law include the following listed in the table 1.1 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:**

Entry bans to the Republic of Lithuania are regulated by Article 133 of the Law of the Republic of Lithuania on the Legal Status of Aliens.

#### **Article 133. Prohibition to Enter the Republic of Lithuania**

1. An alien who has been refused a visa or his visa has been annulled or he has been refused a residence permit or his residence permit has been withdrawn, who has been refused entry into the Republic of Lithuania, has

<sup>1</sup> Article 133(2) and Article 126(1) of the Law of the Republic of Lithuania on the Legal Status of Aliens No IX-2206

<sup>2</sup> However, the Government of the Republic of Lithuania is currently considering Draft Law Amending the Law on the Legal Status of Aliens No 14-580(3) ([http://www.lrs.lt/pls/proj/dokpaieska.showdoc\\_l?p\\_id=228945&p\\_fix=n&p\\_gov=n](http://www.lrs.lt/pls/proj/dokpaieska.showdoc_l?p_id=228945&p_fix=n&p_gov=n)), which proposes to repeal this provision. If this Draft is approved by the Seimas of the Republic of Lithuania, entry bans will be automatically imposed only on cases under a) of this questionnaire, and the reply to the question under c) will be 'Yes'.

<sup>3</sup> Article 1 of Book Six of the Civil Code of the Republic of Lithuania

been obliged to depart, has been returned to the country of origin or a foreign country, who has attempted to unlawfully depart or has departed from the Republic of Lithuania may be prohibited from entering the Republic of Lithuania for a period not exceeding five years.

2. An alien who has voluntarily departed from the Republic of Lithuania and has unfulfilled obligations in respect of the Republic of Lithuania or abuses the possibility of voluntary departure from the Republic of Lithuania, or has been expelled from the Republic of Lithuania shall be prohibited from entering the Republic of Lithuania for a period not exceeding five years.

.....

3. Where an alien may constitute a threat to national security or public policy, he may be prohibited from entering the Republic of Lithuania for a period exceeding five years.

4. The national list of aliens prohibited from entering the Republic of Lithuania shall be drawn up and handled by the Migration Department, which shall also forward the data from this list to the Central Schengen Information System in accordance with the procedure established by the Government of the Republic of Lithuania.

5. The decision to prohibit (not to prohibit) the alien to enter the Republic of Lithuania shall be made by the Migration Department.

According to **Article 128(1)** of the Law, when imposing an obligation to depart from the Republic of Lithuania, making a decision to return an alien to a foreign country or to expel him from the Republic of Lithuania, the following needs to be taken into account:

- a) the length of and reason for his illegal stay in the Republic of Lithuania and/or other Schengen countries;
- b) existing family relationships or social, economic and other connections with the Republic of Lithuania;
- c) administrative sanctions imposed on the alien and their implementation;
- d) the ground for refusing asylum or withdrawing it, and the fact of abuse of asylum procedures by the alien;
- e) whether, in the course of one year before making of the return decision, the alien is returned, is refused entry, is expelled or departs without authorisation; whether during this period he is refused a visa or it is annulled.

As an entry ban is imposed after imposing an obligation to depart, return or expel, the above circumstances are evaluated before imposing the entry ban.

**Table 1.1: Grounds for imposing entry bans**

Grounds for imposing entry bans	Yes/No	Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual cases
<b>Risk of absconding<sup>4</sup></b>	No	<p>The Law on the Legal Status of Aliens currently in force does not clearly identify this criterion as a ground for imposing entry bans.</p> <p>It should be noted that this criterion could be regarded as a derivative criterion. An alien may be the subject of an entry ban prohibiting his entry into the Republic of Lithuania when he is expelled from the Republic of Lithuania without granting to him the possibility to depart voluntarily.</p>

<sup>4</sup> As stipulated in the Return Directive Article 11(1)(a) in combination with Article 7(4).

		<p>This includes the cases when the alien illegally enters and illegally stays in the Republic of Lithuania or when he constitutes a threat to national security or public policy (Article 126(1)(2) and (3)). It is in such cases that it is considered that an alien may abscond.</p> <p>Moreover, Draft Law Amending the Law on the Legal Status of Aliens No 14-580(3) currently being considered by the Government of the Republic of Lithuania identifies the criterion of a risk of absconding <i>expressis verbis</i>. Under the Draft, an alien may be the subject of an entry ban prohibiting his entry into the Republic of Lithuania when he is expelled from the Republic of Lithuania without granting to him the possibility to depart voluntarily. Under the Draft, when there is a ground to believe that the alien may abscond, he may be refused a period of voluntary departure and be imposed an entry ban. The Draft also provides a list of circumstances that must be taken into consideration when determining whether the alien may abscond:</p> <ol style="list-style-type: none"><li>1) the alien does not have a document confirming the person's identity and fails to cooperate in establishing his identity and/or nationality (refuses to provide data on himself, provides false information, etc.);</li><li>2) the alien does not have a place of residence in the Republic of Lithuania or is absent from (does not reside at) the indicated address of the place of residence;</li><li>3) the alien does not have family relationships with the persons residing in the Republic of Lithuania or social, economic or other connections with the Republic of Lithuania;</li><li>4) the alien does not possess means of subsistence for the duration of his stay in the Republic of Lithuania;</li><li>5) the alien fails, within the specified time limit, to comply with the obligation to depart from the Republic of Lithuania or does not voluntarily depart from the Republic of Lithuania within the time limit laid down in the decision to return him to a foreign state;</li><li>6) the alien does not implement an alternative to detention as provided by the court;</li><li>7) the alien provided with accommodation at the Foreigners' Registration Centre without restricting his freedom of movement violates the procedure for temporary leave from the Foreigners' Registration Centre;</li><li>8) the alien, attempting to escape criminal liability for unlawful state border-crossing, lodges an application for the granting of asylum over the period of pre-trial</li></ol>
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		<p>investigation initiated against him; 9) the alien's presence in the Republic of Lithuania may constitute a threat to national security or public policy.</p>
<p><b>The third-country national concerned poses a risk to public policy, public security or national security<sup>5</sup>.</b></p>	<p>Yes</p>	<p>If an alien's presence in the Republic of Lithuania poses a risk to national security or public policy, he is expelled from the Republic of Lithuania by a decision of Vilnius Regional Administrative Court (an entry ban prohibiting entry into the Republic of Lithuania is automatically imposed on the expelled alien).<sup>6</sup></p> <p>Moreover, the Law on the Legal Status of Aliens specifies that in such a case, an alien may be prohibited from entering the Republic of Lithuania for a period exceeding five years.</p> <p>The Lithuanian law does not provide for a specific list of criteria for determining whether an alien may pose a risk to national security. The likelihood of the risk is assessed by the State Security Department of the Republic of Lithuania acting in compliance with Law of the Republic of Lithuania on the Basics of National Security No VIII-49 and other legal acts regulating its activities.</p> <p>Moreover, Lithuania has no list of criteria to be applied when it is necessary to determine whether an alien found to be illegally present in the Republic of Lithuania may pose a risk to public policy. The likelihood of the risk to public policy is assessed by the Police Department under the Ministry of the Interior of the Republic of Lithuania. However, in this case the police could, by applying legal analogy, act in compliance with a procedure for verifying data on an alien in order to determine whether stay in the Republic of Lithuania may pose a risk to public policy and drafting a conclusion on the risk to public policy as approved by Police Commissioner General Order No 5-V-979 of 16 December 2013. In the cases regulated by this procedure, the following criteria are relied upon when evaluating the risk to public policy posed by an alien:</p> <ul style="list-style-type: none"> <li>- the alien has been convicted of commission of a serious or grave crime;</li> <li>- the alien has been convicted of commission of a crime carrying a penalty involving deprivation of liberty of least one</li> </ul>

<sup>5</sup> As stipulated in the Return Directive Article 11(1)(a) in combination with Article 7(4).

<sup>6</sup> Article 126(1)(3), Article 127 and 140<sup>(1)</sup>(1) and (2) of the Law on the Legal Status of Aliens.



		<p>year;</p> <ul style="list-style-type: none"> <li>- the alien has been issued an official notice of warning or is subject to a court's injunctions in accordance with the procedure laid down by the Law of the Republic of Lithuania on Organised Crime Prevention;</li> <li>- the alien is suspected of commission of a serious or grave crime or there are clear indications of his intention to commit such crimes;</li> <li>- the alien is subject to compulsory medical treatment provided for by Article 98 of the Criminal Code of the Republic of Lithuania;<sup>7</sup></li> <li>- the alien is on wanted list in a foreign state for commission of a crime.</li> </ul>
<b>The application for legal stay was dismissed as manifestly unfounded or fraudulent<sup>8</sup></b>	Yes	<p>Provisions of Article 133(1) of the Law on the Legal Status of Aliens allow to impose an entry ban on an alien who has been refused a residence permit or a visa. A national visa is not issued if the alien submits false information or forged documents (Article 19). A residence permit is not issued if the data provided by the alien are implausible or the submitted documents have been unlawfully obtained or forged (Article 35(1)(2) of the Law). Schengen visas are refused in the cases specified 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), including the cases when an alien presents a risk of illegal immigration (Article 21 of the Visa Code).</p> <p>When imposing an entry ban on an alien who has been refused asylum, whose asylum application examination has been terminated or whose asylum has been revoked and who is to be returned to a foreign country, account is taken of the reasons for refusal of asylum or its withdrawal, also of the fact of abuse of asylum procedures.</p>
<b>The obligation to return has not been complied with<sup>9</sup></b>	Yes	Where an alien fails to depart during a period of voluntary departure granted to him, he is expelled. In such a case, he is

<sup>7</sup> 1) out-patient observation under the conditions of primary mental health care; 2) in-patient observation under the conditions of a general observation at specialised mental health care institutions; 3) in-patient observation under the conditions of an enhanced observation at specialised mental health care institutions; 4) in-patient observation under the conditions of a strict observation at specialised mental health care institutions.

<sup>8</sup> As stipulated in the Return Directive in Article 11(1)(a) in combination with Article 7(4).

<sup>9</sup> As stipulated in the Return Directive Article 11(1)(b).

		the subject of an entry ban prohibiting his entry into the Republic of Lithuania.
<p><b>Other (e.g. please indicate and add rows as appropriate)</b></p> <p>Issuance of a visa has been refused or it has been annulled; issuance of a residence permit has been refused or it has been withdrawn; the alien has been denied entry to the Republic of Lithuania, the alien has been imposed an obligation to depart to another EU Member State in which he has a right to stay (under Article 6(2) of the Directive), has been returned, has attempted to unlawfully depart from the Republic of Lithuania or has departed from it</p>	Yes	In all these cases, an alien may be the subject of an entry ban prohibiting his entry into the Republic of Lithuania. A refusal to issue a visa or a residence permit may be based on the grounds stipulated by the Law on the Legal Status of Aliens, when the alien does not meet the conditions of issuance of these documents.
<p><b>The alien concerned has been returned to a foreign country</b></p>	Yes	<p>According to Article 133(1) of the Law of the Republic of Lithuania on the Legal Status of Aliens, an alien who has been returned to a foreign country may be prohibited from entering the Republic of Lithuania for a period not exceeding five years.</p> <p>When imposing an entry ban on this ground, the following is taken into account:</p> <p>a) the length of and reason for the alien's illegal stay in the Republic of Lithuania and/or other Schengen countries;</p> <p>b) existing family relationships or social, economic and other connections of the alien with the Republic of Lithuania;</p> <p>c) administrative sanctions imposed on the alien and their implementation;</p> <p>d) the ground for refusing asylum or withdrawing it, and the fact of abuse of asylum procedures by the alien;</p> <p>e) whether, in the course of one year before making of the return decision, the alien is returned, is refused entry, is expelled or departs without authorisation; whether during this period he is refused a visa or it is annulled.</p>
<p><b>The alien concerned has voluntarily departed from the Republic of Lithuania and has unfulfilled obligations to the Republic of Lithuania</b></p>	Yes	<p>According to Article 133(2) of the Law of the Republic of Lithuania on the Legal Status of Aliens, an alien who has voluntarily departed from the Republic of Lithuania and has unfulfilled obligations in respect of the Republic of Lithuania is <u>prohibited</u> from entering the Republic of Lithuania for a period not exceeding five years.</p>
<p><b>The alien concerned abuses the possibility</b></p>	Yes	<p>According to Article 133(2) of the Law of</p>

<b>of voluntary departure from the Republic of Lithuania</b>		the Republic of Lithuania on the Legal Status of Aliens, an alien who abuses the possibility of voluntary departure from the Republic of Lithuania is <u>prohibited</u> from entering the Republic of Lithuania for a period not exceeding five years.
<b>The alien concerned has been expelled from the Republic of Lithuania</b>	Yes	According to Article 133(2) of the Law of the Republic of Lithuania on the Legal Status of Aliens, an alien who has been expelled from the Republic of Lithuania is prohibited from entering the Republic of Lithuania for a period not exceeding five years.
<b>Decisions of international organisations on the implementation of political sanctions against persons</b>	Yes	According to point 1.1 of Government of Lithuania in Resolution No 639 of 6 June 2007 on the Implementation of Political Sanctions Prohibiting Entry or Transit of Individuals through the Territory of the Republic of Lithuania, the persons referred to in common positions and decisions of the European Union imposing restrictions on certain individuals entering the Republic of Lithuania or passing in transit through its territory or in other decisions of international organisations binding on the Republic of Lithuania in compliance with the international commitments of the Republic of Lithuania which are not implemented by common positions and decisions of the European Union are prohibited entry into transit through the territory of the Republic of Lithuania, with the exception of possible exemptions from the restrictions as established by the decisions of international organisations.

**Q2b. What are the national grounds based upon which your Member State can decide not to issue an entry ban? Please answer this question by indicating whether the grounds defined in national law include the following listed in the table 1.2 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:**

**Table 1.2: Grounds for not imposing entry bans**

<b>Grounds for not imposing entry bans</b>	<b>Yes/No</b>	<b>Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual cases</b>
<b>Humanitarian reasons</b>	Yes	An alien who has been granted a period of voluntary departure or who is entitled to enter another EU Member State will not be imposed an entry ban if the alien submits the documents confirming that he has failed to timely depart from the Republic of Lithuania for personal reasons beyond his

		control or in the case of <i>force majeure</i> . <sup>10</sup>
<b>Right to family life (Article 8 ECHR)</b>	Yes	The right to family life is not directly named as a basis for not imposing an entry ban. However, the circumstances of family life are always taken into account both when deciding on the prohibition of entry into the Republic of Lithuania and when deciding on return or expulsion of an alien. Article 128(1)(2) of the Law on the Legal Status of Aliens stipulates that when imposing an obligation to depart to another EU Member State or making a decision to return an alien to a foreign country or to expel him from the Republic of Lithuania, account is taken of the alien's family ties with the persons living in the Republic of Lithuania.
<b>Health reasons</b>	Yes	An alien who has been granted a period for voluntary departure or who has the right to depart to another EU Member State is not imposed an entry ban if the alien submits documentation confirming that he failed to timely depart from the Republic of Lithuania due to an illness or another acute health disorder or health condition. <sup>11</sup> Moreover, Article 128(2)(3) of the Law on the Legal Status of Aliens specifies that the procedure of expulsion of an alien is suspended if the alien is in need of basic medical aid, the necessity of which is confirmed by a consulting panel of a health care institution.
<b>Negligence</b>	Yes	An alien who is refused entry to the Republic of Lithuania for the first time (in a year) is not imposed an entry ban if he is refused entry due to acts of negligence (did not foresee the consequences, even though he had to and was able to foresee), for example, fails to produce a valid Schengen visa or a valid document permitting to cross the border. Moreover, an entry ban is not imposed on an alien to be returned if he, due to lack of care or due to negligence, stays illegally in the Republic of Lithuania and/or in other Schengen countries for not longer than 30 days. <sup>12</sup>

<sup>10</sup> Director of the Migration Department Order No 3K-33 of 14-04-2014 on Approval of a Procedure for Assessing the Criteria for Determining or Shortening the Length of an Entry Ban Prohibiting an Alien's Entry into the Republic of Lithuania or Deleting Data on the Alien from the National List of Aliens Refused Entry to the Republic of Lithuania

<sup>11</sup> Ibid.

<sup>12</sup> Ibid.

<b>Voluntary return assisted by an international or non-governmental organisation</b>	Yes	An alien who is refused asylum or whose asylum application examination has been terminated and who voluntarily returns assisted by an international or non-governmental organisation is not refused entry to the Republic of Lithuania (unless additional aggravating circumstances transpire). <sup>13</sup>
<b>Child's best interests</b>	Yes	A minor alien may be the subject of an entry ban prohibiting entry to the Republic of Lithuania only in exceptional cases taking into account the child's best interests. <sup>14</sup>

**Q3. Please provide a short overview of the categories of third-country national that can be issued an entry ban by completing the table 1.3 below:**

**Table 1.3: Categories of third-country national who can be issued an entry ban**

<b>Categories of third-country national who can be issued an entry ban<sup>15</sup></b>	<b>Who comply voluntarily with return decision (Y/N)</b>	<b>Who do not cooperate with return decision (Y/N)</b>
<b>Third-country nationals staying illegally on the territory of a Member State (including residence/visa over-stayers, rejected applicants for international protection, third-country nationals who entered the territory illegally)</b>	Yes	Yes
<b>Third-country nationals who are subject to a refusal of entry in accordance with Article 13 of the Schengen Borders Code</b>	Yes. These persons may be subject to a refusal of entry to the Republic of Lithuania, however they are not subject to a return decision (they are simply denied entry to the territory of the country).	
<b>Third-country nationals who are apprehended or intercepted by the competent authorities in connection with the irregular crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State</b>	Yes, but in exceptionally rare (theoretical) cases  An alien who has illegally entered the Republic of Lithuania or illegally stays in it is the subject of an expulsion decision, and a return decision may be issued only in respect of the aliens who are vulnerable persons or asylum seekers and who consent to voluntary return assisted by an international or non-	Yes

<sup>13</sup> Ibid.

<sup>14</sup> Ibid.

<sup>15</sup> Based on Article 2 Return Directive

	governmental organisation. Such aliens are usually not denied entry to the Republic of Lithuania.	
<b>Third-country nationals who are subject to return as a criminal law sanction or as a consequence of a criminal law sanction</b>	Not applicable. No such sanction provided for in the criminal law of the Republic of Lithuania	
<b>Other (please indicate and add rows as appropriate)</b>  Aliens who are subject to an expulsion decision taken by another EU Member State, provided that such a decision is recognised by the Republic of Lithuania under Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals	Not applicable	Yes

**Q4. Specify the territorial scope of entry bans that are imposed by your Member State, i.e. do they apply to the entire EU territory or do they only cover the national territory of the Member State? If both types of entry bans can be imposed, please indicate that this is the case.**

Under entry bans, aliens are refused entry into the territory of the Republic of Lithuania. However, if the provisions of Article 24 of Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) are satisfied,<sup>16</sup> a decision to impose an entry ban into the Republic of Lithuania is accompanied by a decision to enter an alert on the alien's entry ban into the Schengen Information System. In this case, Lithuania's decision is valid in all countries of the Schengen Area.

**Q5. Which institution(s) in your Member State decides whether or not to issue an entry ban on third-country nationals who are the subject of a return decision? Please specify whether this concerns for example the police, border police, immigration service, asylum agency etc.**

<sup>16</sup> '2. An alert shall be entered where the decision referred to in paragraph 1 is based on a threat to public policy or public security or to national security which the presence of the third-country national in question in the territory of a Member State may pose. This situation shall arise in particular in the case of:

- (a) a third-country national who has been convicted in a Member State of an offence carrying a penalty involving deprivation of liberty of at least one year;
- (b) a third-country national in respect of whom there are serious grounds for believing that he has committed a serious criminal offence or in respect of whom there are clear indications of an intention to commit such an offence in the territory of a Member State.

3. An alert may also be entered when the decision referred to in paragraph 1 is based on the fact that the third-country national has been subject to a measure involving expulsion, refusal of entry or removal which has not been rescinded or suspended, that includes or is accompanied by a prohibition on entry or, where applicable, a prohibition on residence, based on a failure to comply with national regulations on the entry or residence of third-country nationals.'

All decisions on issuance of an entry ban or withdrawal of such a ban or shortening of the length of the ban are adopted by the Migration Department under the Ministry of the Interior of the Republic of Lithuania. The following institutions may, within their remit, apply to the Migration Department for issuing an entry ban on an alien:<sup>17</sup>

- 1) Police Department under the Ministry of the Interior, territorial and specialised police agencies;
- 2) State Border Guard Service under the Ministry of the Interior and structural divisions of the Service;
- 3) VIP Protection Department under the Ministry of the Interior;
- 4) Financial Crime Investigation Service under the Ministry of the Interior;
- 5) State Security Department;
- 6) Ministry of Foreign Affairs, diplomatic missions of the Republic of Lithuania and consular posts abroad;
- 7) Second Investigation Department under the Ministry of National Defence;
- 8) Customs Department under the Ministry of Finance;
- 9) Special Investigation Service;
- 10) courts of the Republic of Lithuania.

## 1.2 Practical application of entry bans

**Q6. Who informs third-country nationals of the imposition of the entry ban and what procedure is used to convey this information? Please specify**

Aliens are informed of the imposition of an entry ban orally, in writing or by service of a copy of the decision issuing the entry ban. For example, a decision to expel an alien from the Republic of Lithuania indicates the length of the entry ban during which the alien will be prohibited from entering the Republic of Lithuania. The body implementing the decision to expel the alien (a territorial police agency or a structural division of the State Border Guard Service under the Ministry of the Interior) familiarises the alien with the decision to expel him in a language which he understands. This decision must be signed by the alien, the civil servant who has familiarised the alien with the decision and the interpreter, if such participates. Where the alien, upon familiarising with the decision, refuses to affix his signature, the fact must be acknowledged by at least two civil servants participating in the familiarisation procedure with their signatures. The decision also stipulates the grounds on which the signature may be refused.

**Q7. Do third-country nationals who have been imposed an entry ban have the possibility to appeal the decision? (Yes/No) Specify whether this is laid down in national law (make reference to the national legislation and the provision) and specify the concerned court of appeal**

Yes. According to Article 136 of the Law on the Legal Status of Aliens, all decisions made on the legal status of aliens may be appealed against to an administrative court within 14 days from the service of a decision:

**Article 136. Right of Appeal against a Decision**

Decisions made in accordance with this Law may be appealed against in accordance with the procedure established by this Law and the Law on Administrative Proceedings.

**Article 138. Time Limits for Lodging an Appeal**

An alien may lodge an appeal against the decision made under this Law to an appropriate regional administrative court within 14 days from the day of service of the decision.'

According to Article 19(1) and Article 35 of Law No VIII-1029 on Administrative Proceedings, complaints over the decisions taken by the Migration Department under the Ministry of the Interior are filed with Vilnius Regional Administrative Court. If aliens do not agree with this court's rulings, they may appeal against them under appellate review to the Supreme Administrative Court of Lithuania.

**Q8. Please indicate whether entry bans can be withdrawn or suspended in your Member State, specifying the categories of third country national who may be withdrawn/suspended from an entry ban, and explain the circumstances or reasons for this by filling out the table 1.4 below:**

<sup>17</sup> Point 9 of the Rules for Compiling and Managing the National List of Aliens Refused Entry to the Republic of Lithuania as approved by Government of the Republic of Lithuania Resolution No 436 of 20 April 2005

Under the Lithuanian law, any alien may submit to the Migration Department a reasoned request to delete his data from the National List of Aliens Refused Entry to the Republic of Lithuania (hereinafter: the 'National List of Aliens Refused Entry'), i.e. to withdraw an entry ban.<sup>18</sup> When considering an alien's request to withdraw the entry ban, the same criteria as used when deciding on the imposition of the entry ban are relied upon, and account is taken of newly found facts.<sup>19</sup> A reasoned written request to delete data on the alien from the list of aliens refused entry may also be submitted by state institutions or agencies. The examination of such a request takes account of the reasons, as indicated in the request, for which the alien's data should be deleted from the list of aliens refused entry, as well as of other circumstances listed in the request. If the circumstances (existing at the time of deciding on the imposition of the entry ban or newly emerging) that have not been considered when deciding on the imposition of the entry ban, the issue of determining the length of the entry ban is considered anew, and one of the following decisions is adopted:

- a) not to shorten the length of the entry ban or not to delete the alien's data from the list of aliens refused entry if, upon considering the newly discovered facts, the same length of the entry ban is determined;
- b) to shorten the length of the entry ban if, upon considering the newly discovered facts, a shorter length of the entry ban is determined than the one previously determined, and it has not expired yet (the length of the entry ban previously determined is shortened to the newly determined length of the entry ban);
- c) to delete the data on the alien from the list of aliens refused entry if, upon considering the newly discovered facts, it is found that the ground for refusal of entry to the Republic of Lithuania has disappeared or that these circumstances do not prohibit the alien from entering the Republic of Lithuania, or a shorter length of the entry ban is determined than previously determined and it has already expired.

Legal acts of the Republic of Lithuania do not provide for the possibility of suspension of an entry ban.

**Table 1.4: withdrawal and suspension of entry bans**

<b>Categories of third-country national who can be exempted from an entry ban</b>	<b>Entry ban can be withdrawn or suspended (Y/N)</b>	<b>If yes, please provide information on the criteria/indicators used</b>
<b>Third-country nationals who can demonstrate that they have left the territory of the member State in full compliance with a return decision</b>	<p>No. This criterion is not provided for, however, this circumstance is taken into consideration before prohibiting an alien from entering the Republic of Lithuania. A decision to impose an entry ban is issued upon receipt of information that the alien has left voluntarily. It is then decided on the imposition of an entry ban.</p> <p>In addition, in a specific case it may also affect a decision on withdrawal of an entry ban.</p>	

<sup>18</sup> See sub-point 1 of point 16 of the Rules for Compiling and Managing the National List of Aliens Refused Entry to the Republic of Lithuania as approved by Government of the Republic of Lithuania Resolution No 436 of 20 April 2005.

<sup>19</sup> Director of the Migration Department Order No 3K-33 of 14-04-2014 on Approval of a Procedure for Assessing the Criteria for Determining or Shortening the Length of an Entry Ban Prohibiting an Alien's Entry into the Republic of Lithuania or Deleting Data on the Alien from the National List of Aliens Refused Entry to the Republic of Lithuania



<p><b>Victims of trafficking in human beings who have been granted a residence permit pursuant to Council Directive 2004/81/EC (provided they do not represent a threat to public policy, public security or national security)</b></p>	<p>Not applicable. Unless victims stay illegally in the Republic of Lithuania after the expiry of a residence permit granted pursuant to Directive 2004/81/EC, they are not imposed an entry ban.</p>	<p>In Draft Law No 14-580(3) Amending the Law on the Legal Status of Aliens currently considered by the Government of the Republic of Lithuania, this case is given a special mention:</p> <p>'Prohibition of entry into the Republic of Lithuania shall not apply to an alien who has been expelled from the Republic of Lithuania on grounds of a failure to comply with an obligation to depart from the Republic of Lithuania within a specified period of time or who has not voluntarily departed from the Republic of Lithuania within the period of time specified in the decision to return him to a foreign country where he has been issued a temporary residence permit on the ground referred to in Article 40(1)(12) of the Law as a victim of trafficking in human beings, provided he does not represent a threat to national security or the public.'</p>
<p><b>Minors</b></p>	<p>Yes</p>	<p>Minor aliens may be the subject of an entry ban prohibiting entry into the Republic of Lithuania only in exceptional cases taking into account the child's best interests.<sup>20</sup></p>
<p><b>Unaccompanied Minors</b></p>	<p>Yes</p>	<p>See information on minors.</p>
<p><b>Disabled people</b></p>	<p>No. Such a criterion is not provided for, however, this circumstance is taken into consideration in specific cases.</p>	
<p><b>Elderly people</b></p>	<p>No. Such a criterion is not provided for, however, this circumstance is taken into consideration in specific cases.</p>	
<p><b>Pregnant women</b></p>	<p>No. Such a criterion is not provided for, however, this circumstance is taken into consideration in specific cases.</p>	

<sup>20</sup> Director of the Migration Department Order No 3K-33 of 14-04-2014 on Approval of a Procedure for Assessing the Criteria for Determining or Shortening the Length of an Entry Ban Prohibiting an Alien's Entry into the Republic of Lithuania or Deleting Data on the Alien from the National List of Aliens Refused Entry to the Republic of Lithuania

<b>Single parents with minor children</b>	No. Such a criterion is not provided for, however, this circumstance is taken into consideration in specific cases.	In any case, when deciding on refusing an alien entry into the Republic of Lithuania, account is taken of his family ties with the Republic of Lithuania.
<b>Persons with serious illness</b>	No. Such a criterion is not provided for, however, this circumstance is taken into consideration in specific cases.	
<b>Persons with mental disorders</b>	No. Such a criterion is not provided for, however, this circumstance is taken into consideration in specific cases.	
<b>Persons who have been subjected to torture, rape, or other serious forms of psychological, physical or sexual violence (e.g. victims of female genital mutilation)</b>	No. Such a criterion is not provided for, however, this circumstance is taken into consideration in specific cases.	
<b>Other humanitarian reasons, (please indicate and add rows as appropriate)</b>	Not applicable	Not applicable
<b>Other individual cases or certain categories of cases for other reasons (please indicate and add rows as appropriate)</b>	Not applicable	Not applicable

**Q9. Is the institution responsible for the imposition of the entry ban the same as the authority that is competent to decide on withdrawal/suspension? Yes/ No. If not, or in case other actors are involved, please specify which ones and comment on the cooperation between the two actors.**

Yes. Decisions prohibiting entry to the Republic of Lithuania and withdrawing the entry ban are taken by the Migration Department. However, the Migration Department's decisions to remove the administrative courts. However, the decisions of the Migration Department may be revoked by administrative courts.

### 1.3 Cooperation between Member States

**Q10. Does your Member State enter an alert into the SIS when an entry ban has been imposed on a third-country national? (e.g. see Article 24 (3) of Regulation No 1987/2006 – SIS)? (Yes/No)**

**Please specify whether;**

**a) Alerts are entered into the SIS as standard practice**

N/A

**b) Alerts are entered into the SIS on a regular basis**

N/A

**c) Alerts are entered into the SIS on a case-by-case basis**

Yes

Yes, subject to satisfaction of the criteria set out in Article 24 of Regulation 1987/2006, the imposition of an entry ban is accompanied by the decision to enter an alert into the Schengen Information System. Each case is considered individually.

**Q11a. Does your Member State share information on the use of entry bans with other Member States? (Yes/No)**

**a) Your Member State exchanges information as a standard practice**

N/A

**b) Your Member State exchanges information on a regular basis**

N/A

**c) Your Member State exchanges information on a case-by-case basis**

N/A

No.

Information on the use of entry bans prohibiting entry into the Republic of Lithuania is not shared with other Member States. However, if necessary, supplementary information is shared on the alerts entered into the Schengen Information System regarding refusal of entry and stay under Article 24 of Regulation (EC) No 1987/2006 of the European Parliament and of the Council.

**Q11b. What type of information is shared with other Member States? Please indicate whether any or all of the following types of information are shared:**

**a) Number of entry bans imposed**

No

**b) Identity of the individuals who have been imposed an entry bans**

Yes

**c) Reasons for imposing the entry bans**

Yes

**d) Decision to withdraw an entry ban and reasons for this**

No

**e) Decision to suspend an entry ban and reasons for this**

No

**f) Any other information (please specify)**

Information on the use of entry bans prohibiting entry into the Republic of Lithuania is not shared with other Member States. However, if necessary, supplementary information is shared on the alerts entered into the Schengen Information System regarding refusal of entry and stay under Article 24 of Regulation (EC) No 1987/2006 of the European Parliament and of the Council.

As supplementary information is shared among SIRENE Bureaux of the Schengen countries in accordance with the provisions of the SIRENE Manual, the information which is provided in standard forms used according to this Manual is shared.

**Q11c. How is information shared with other Member States? Please provide an overview of the existing mechanisms to share information (e.g. via the Schengen Information System, bilateral exchange of information either face-to-face, over the telephone, via e-mail, other?)**

Information on the use of entry bans prohibiting entry into the Republic of Lithuania is not shared with other Member States. However, if necessary, supplementary information is shared on the alerts entered into the Schengen Information System regarding refusal of entry and stay under Article 24 of Regulation (EC) No 1987/2006 of the European Parliament and of the Council.

Supplementary information is shared among SIRENE Bureaux of the Schengen countries in accordance with the provisions of the SIRENE Manual.

**Q12a. Article 11(4) stipulates that "where a Member State is considering issuing a residence permit or other authorisation offering a right to stay to a third-country national who is the subject of an entry ban issued by another Member State, it shall first consult the Member State having issued the entry ban and shall take account of its interests in accordance with Article 25 of the Convention implementing the Schengen Agreement". Please describe the processes how these consultations take place; indicate which authorities are involved as well as the method of consultation.**

*Consultations when issuing national visas and residence permits*

Article 26(6) of the Law on the Legal Status of Aliens stipulates that 'if, when issuing the residence permit for the first time, it is established that another Schengen State has entered an alert in the Central Schengen Information System for the purposes of refusing the alien entry in accordance with the provisions of the Schengen Convention, this Schengen State must be consulted by the Migration Department and its interests must be taken into account. The residence permit may be issued or replaced only for humanitarian reasons or due to international obligations'.

When examining an alien's application for the issuance of a residence permit, the Migration Department or a territorial migration service verifies in the Schengen Information System whether any alert has been entered in respect of the alien. If the alien is the subject of such an alert, the migration service refers by e-mail to the Migration Department no later than the next day. No later than the next working day, the Migration Department refers (dispatches an electronic message) to the national SIRENE Bureau at the International Relations Board of the Lithuanian Criminal Police Bureau for verification of data on the alien. The Lithuanian SIRENE Bureau immediately contacts the SIRENE Bureau of the Schengen country which has entered the alert regarding the alien who is the subject of the alert in accordance with European Commission Implementing Decision 2013/115/EU of 26 February 2013 on the SIRENE Manual and other implementing measures for the second generation Schengen Information System (SIS II). The Lithuanian SIRENE Bureau immediately notifies the Migration Department by e-mail of the receipt of the response, and the latter informs by e-mail the migration service.<sup>21</sup> Similar consultations take place also when issuing national visas.

**Q12b. Has your Member State ever issued a residence permit or any other authorisation offering a right to stay to a third-country national who is the subject of an entry ban imposed by another Member State? (Yes/No); If yes, please indicate the number of residence permits issued to third-country nationals in these circumstances.**

Yes. Statistics about such cases are not collected, however the number of such cases is small (single cases reported annually).

<sup>21</sup> These consultations are conducted in compliance with Minister of the Interior of the Republic of Lithuania Order No 1V-329 of 12 October 2005 on Approval of the Description of the Procedure for Submitting Documents to Obtain a Temporary Residence Permit in the Republic of Lithuania and Issuing to Aliens, Replacing and Revoking Temporary Residence Permits in the Republic of Lithuania, Also Assessing Whether a Marriage or a Registered Partnership has been Contracted or a Child has been Adopted for the Alien to Obtain a Temporary Residence Permit in the Republic of Lithuania (version of Order 1V-596 of 8 July 2013) and Minister of the Interior of the Republic of Lithuania Order No 1V-445 of 21 December 2005 on Approval of the Description of the Procedure for Submitting Documents to Obtain a Permit of a Long-term Resident of the Republic of Lithuania to Reside in the European Union and Issuing to Aliens, Replacing and Revoking Permits of a Long-term Resident of the Republic of Lithuania to Reside in the European Union, Calculating the Period of Residence in the Republic of Lithuania and Identifying a Marriage of Convenience, Partnership of Convenience and Fake Adoption (version of Order No 1V-456 of 23 May 2013).

**Q12c. In case your Member State has issued a residence permit or any other authorisation offering a right to stay to a third-country national who is the subject of an entry ban imposed by another Member State, please specify the circumstances based on which such decisions were taken.**

In all cases, residence permits have been issued on the ground of family reunification with a view to maintaining family unity.

#### 1.4 Effectiveness of entry bans

**Q13. Has your Member State conducted any evaluations of the effectiveness of entry bans? (Yes/No) If yes, please provide any results pertaining to the issues listed in the table 1.5 below. The full bibliographical references of the evaluations can be included in an Annex to the national report.**

No (data on any evaluations of the effectiveness of entry bans conducted in the Republic of Lithuania are not available)

**Table 1.5: Entry ban's effectiveness**

Aspects of the effectiveness of entry bans	Explored in national evaluations (Y/N)	Main findings
Contribute to preventing re-entry	N/A	N/A
Contribute to ensuring compliance with voluntary return <sup>22</sup>	N/A	N/A
Cost-effectiveness of entry bans	N/A	N/A
Other aspects of effectiveness (please specify)	N/A	N/A

**Q14. The following indicators have been developed in order to measure the effectiveness of entry bans as a means for enhancing the ability of (Member) States to carry out sustainable returns, or provide proxy measures of their effectiveness. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years. The statistics should be provided as a total number from January 1<sup>st</sup> until December 31<sup>st</sup> of each year.**

**Table 1.6: National statistics on entry bans**

Indicators (refer to 12 month period, if possible data should be disaggregated by category of third-country national)	Y/N	2009	2010	2011	2012	2013
<b>Number of entry bans imposed<sup>23</sup></b>	Yes	412	394	991	783	707

<sup>22</sup> i.e. to what extent does the graduated approach (withdrawal or suspension of the entry ban) contribute to encouraging third-country nationals to return voluntarily?

<sup>23</sup> Number of decisions to impose an entry ban prohibiting entry into the Republic of Lithuania on all grounds specified by legal acts (not only those related to voluntary or forced returns)

<b>Number of decisions to withdraw an entry ban<sup>24</sup></b>	Yes	30	50	231	263	512
<b>Number of decisions to suspend an entry ban</b>	No The Republic of Lithuania does not have in place any procedure for suspending entry bans.	N/A	N/A	N/A	N/A	N/A
<b>Number of persons who are the subject of an entry ban who have been re-apprehended inside the territory (not at the border)</b>	No Statistical data are not collected.	N/A	N/A	N/A	N/A	N/A
<b>Proportion of persons issued an entry ban who have returned voluntarily – out of the total number of persons that were issued an entry ban</b>	Yes	14%	14%	4%	8%	7%
<b>Proportion of persons who were not issued an entry ban who have returned voluntarily – out of the total number of persons that were imposed a return decision</b>	Yes	N/A	87%	92%	91%	89%

**Q15. Please indicate whether your Member State has encountered any of the following challenges in the implementation of entry bans and briefly explain how they affect the ability of entry bans to contribute to effective returns.**

**Table 1.7: Practical challenges for the implementation of entry bans**

<b>Challenges associated with entry bans</b>	<b>Y/N</b>	<b>Reasons</b>
It is difficult to ensure compliance with entry bans on the part of the third-country national concerned	Yes	<p>If an alien changes personal data or replaces travel documents, and in such documents the alien's names are entered differently due to transliteration used in the country issuing the travel document, difficulties arise in establishing the alien's identity and at the same time – in ensuring compliance with the entry ban.</p> <p>It is also difficult to ensure compliance with an entry ban in the case of lack of the basic data required for the identification of the alien – name, surname, date of birth, nationality, sex (this is particularly topical in respect of the implementation of the restrictive measures taken under Article 15 of the Treaty on European Union and intended to prohibit the entry into the</p>

<sup>24</sup> Number of decisions to delete aliens' data from the National List of Aliens Refused Entry (i.e. decisions to withdraw an entry ban prohibiting entry into the Republic of Lithuania) regardless of the ground for refusing entry into the Republic of Lithuania

		territories of the Member States or to pass in transit).
It is difficult to monitor compliance with entry bans	Yes	<p>If an alien changes personal data or replaces travel documents, and in such documents the alien's names are entered differently due to transliteration used in the country issuing the travel document, difficulties arise in establishing the alien's identity and at the same time – in ensuring compliance with the entry ban.</p> <p>It is also difficult to ensure compliance with an entry ban in the case of lack of the basic data required for the identification of the alien – name, surname, date of birth, nationality, sex (this is particularly topical in respect of the implementation of the restrictive measures taken under Article 15 of the Treaty on European Union and intended to prohibit the entry into the territories of the Member States or to pass in transit).</p>
It is difficult to secure the cooperation of other MS in the implementation of entry bans <sup>25</sup>	Yes	There were several cases when a residence permit was issued to an alien by other Schengen countries without consulting the Republic of Lithuania under Article 25 of the Schengen Convention, although an alert concerning refusal of entry and stay for the alien had been entered by the Republic of Lithuania in the Schengen Information System under Article 24 of Regulation (EC) No 1987/2006 of the European Parliament and of the Council, and merely notifying the Republic of Lithuania of the issuance of the residence permit.
It is difficult to secure the cooperation of the country of origin in the implementation of entry bans	No	Data on entry bans prohibiting aliens' entry into the Republic of Lithuania are not provided to the countries of origin of the aliens, hence no cooperation takes place with the countries of origin of the aliens on the issues of implementation of entry bans.
Other challenges (please specify and add rows as necessary)	N/A	N/A

**Q16. Please describe any examples of good practice in your (Member) State's implementation of entry bans, identifying as far as possible the reasons why the practice in question is considered successful. In the synthesis report, these good practices will be compared and those which appear most transferrable to other Member States will be highlighted.**

Aliens who are refused entry into the Republic of Lithuania are entered into the national list of aliens refused entry to the Republic of Lithuania, the data of which are stored in the database of the Register of Foreigners (it is a public registry). The state institutions and agencies of the Republic of Lithuania dealing with the issues of issuance of visas and residence permits, entry of aliens to the territory and other issues related to the legal status of aliens are provided with data of this list directly (online).

<sup>25</sup> This could for example relate to problems in the use of the Schengen Information System, and/or the lack of a common system.

## Section 2: Readmission agreements<sup>26</sup>

### 2.1 Institutional set-up

**Q17. Which authority is responsible for making applications for readmission to third countries in individual cases of forced and or voluntary return?**

Readmission applications are made to third countries by the authority referred to in the protocol implementing the relevant agreement between the European Union and a third country on the readmission of persons or a bilateral agreement between the Republic of Lithuania and the third country on the readmission of persons.

Readmission applications are usually submitted (with certain exceptions) by the Migration Department. Applications for readmission under the facilitated procedure (when a person is detained in the border area of the Republic of Lithuania after illegally crossing the border directly from the territory of the Russian Federation) are submitted to the Russian Federation by border representatives (in the cases of readmission to the Russian Federation). Transit applications under the bilateral agreement between the Republic of Lithuania and the Republic of Kazakhstan on the readmission of persons are made by the State Border Guard Service under the Ministry of the Interior.

### 2.2 EU Readmission agreements

**Q18. Please provide any available statistics on the number of readmission applications that your Member State has submitted on the basis of EU readmission agreements. In Table 2.1 you are required to provide statistics on the total number of all readmission applications made based on EURAs. In table 2.2 and 2.3 you are required to only provide statistics for the three third countries to which most readmission applications are made. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons.**

**Table 2.1: National Statistics on the total number of readmission applications under EU Readmission Agreements**

	Total number of readmission applications made based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	11	18	107	150	5	6	0	0
Own nationals	10	18	87	91	5	6	0	0
Third-country nationals (including stateless persons)	1	0	20	59	0	0	0	0

**Table 2.2: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 1 (Russian Federation)**

	Number of readmission applications made to third country 1 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	11	5	29	68	5	2	0	0

<sup>26</sup> Please note that this Section only concerns readmission agreements with third countries and that any other readmission agreements with EEA countries are outside the scope.



Own nationals	10	5	9	9	5	2	0	0
Third-country nationals (including stateless persons)	1	0	20	59	0	0	0	0

**Table 2.3: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 2 (Georgia)**

	Number of readmission applications made to third country 2 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	N/A	13	78	82	0	4	0	0
Own nationals	N/A	13	78	82	0	4	0	0
Third-country nationals (including stateless persons)	N/A	0	0	0	0	0	0	0

**Q19. Has your (Member) State experienced any practical obstacles when implementing EU Readmission Agreements? Please answer this question by filling in the table below. Please specify in your answer whether problems are of a general nature and/or only experienced in relation to certain third countries. In case particular problems are experienced only in relation to specific third countries, please indicate which third countries these are (the latter is optional).**

**Table 2.4 Practical obstacles for the implementation of EU Readmission Agreements**

Practical obstacles associated with EU readmission agreements	Yes/No	If yes, please specify whether only in relation to a specific third country, or more of general nature. Also illustrate the obstacle with an example in this column
Countries of origin do not cooperate in general	No	
Countries do not respect the deadlines	No	
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)	No	
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)	No	
Countries do not issue travel document to enable readmission/return	No	
Gaps in own (Member) State's administrative capacity to implement readmission agreement	No	
Other obstacles (please add columns as necessary)	N/A	N/A

**Q20. Has your (Member) State conducted any evaluations of the effectiveness of EU and/or its bilateral readmission agreements?**

No (data on any evaluations of the effectiveness of readmission agreements conducted in the Republic of Lithuania are not available)

**Table 2.5 Findings of the evaluations of EU Readmission Agreements carried out by your MS (if applicable)**

Aspects of effectiveness	Covered in national evaluations (Y/N)	Main findings
Recognition rates of readmission applications	N/A	N/A
Other (please indicate and add rows as necessary)	N/A	N/A

**Q21. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of EU and bilateral readmission agreements. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years**

**Table 2.6: Indicators measuring the effectiveness of EU Readmission Agreements<sup>27</sup>**

Indicators (refer to 12 month period, if possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent	18	11	18	107	150
Number of readmission applications that received a positive reply	5	9	16	104	147
Number of requests for travel documents in the context of a readmission application	N/A	N/A	N/A	N/A	N/A
Number of travel documents issued by third country after the positive reply	N/A	N/A	N/A	N/A	N/A
Number of persons who were effectively returned	N/A	N/A	N/A	N/A	N/A

<sup>27</sup> This Table does not provide data on transit applications.

**Q22. Please provide an assessment of the added value of the EU Readmission Agreements in facilitating the effective returns in comparison with the period before the EU Readmission Agreements were concluded.**

An assessment of the added value of the EU Readmission Agreements in facilitating effective returns, compared with the period prior to the conclusion of the agreements, is not possible, because there are no data whose comparison would allow to draw certain conclusions. Presently, the Republic of Lithuania needs to submit readmission applications under the EU Readmission Agreements only to the Russian Federation and Georgia. Until the entry into force of the Agreement between the European Union and the Russian Federation on Readmission, the Republic of Lithuania submitted readmission applications to the Russian Federation under a bilateral readmission agreement. Until 2011 (when the Agreement between the European Union and Georgia on readmission came into force), the number of citizens of Georgia in the Republic of Lithuania who were subject to a return decision was small.

### 2.3 Separate bilateral readmission agreements

**Q23. Does your Member State have any separate bilateral readmission agreements in place with third countries? (Yes/No) If yes, please indicate the number of agreements, the third countries concerned, the date of the agreement, and the date of its entry into force**

Yes.  
The Republic of Lithuania had bilateral readmission agreements with Russia, Ukraine, Moldova and Armenia, but upon the entry into force of the EU Readmission Agreements with these countries, the bilateral agreements have ceased to apply.  
In addition to the mentioned agreements, the Republic of Lithuania has a readmission agreement with the Republic of Kazakhstan.<sup>28</sup> The agreement was signed on 6 October 2011, but has not entered into force yet. Moreover, the Republic of Lithuania has signed an agreement with the Republic of Belarus on the state border legal regime,<sup>29</sup> which provides for a facilitated procedure for transferring aliens stopped at the border back to Belarus. This agreement was concluded on 16 September 2009 and entered into force on 7 July 2010.

**Q24. Please provide any available statistics on the number of readmission applications that your Member State has submitted on the basis of separate bilateral readmission agreements. Please only provide such statistics for the three third countries to which most readmission applications are made. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons. If there have been any instances of voluntary return under the separate bilateral readmission agreements, please indicate this in the last column of the table:**

Recently, the Republic of Lithuania has not seen the need to make readmission applications under bilateral readmission agreements.

**Table 2.7: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 1 (Republic of Belarus).**

	Number of readmission applications made to third country 1 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	3	5	4	11	N/A	N/A	N/A	N/A

<sup>28</sup> Agreement between the Government of the Republic of Lithuania and the Government of the Republic of Kazakhstan on the readmission of persons ([http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=430110&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=430110&p_query=&p_tr2=2))

<sup>29</sup> Agreement between the Republic of Lithuania and the Republic of Belarus on the Lithuanian-Belarusian State Border Legal Regime ([http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=378113](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=378113))

Own nationals	3	N/A	4	8	N/A	N/A	N/A	N/A
Third-country nationals (including stateless persons)	N/A	5	N/A	3	N/A	N/A	N/A	N/A

**Q25. Please indicate the most common problems encountered in the implementation of separate bilateral readmission agreements by filling in the table 2.8 below. Please indicate whether problems are of general nature or whether these are only experienced in relation to specific third countries. In case particular problems are experienced only in relation to specific third countries, please indicate which third countries these are (the latter is optional).**

**Table 2.8: Practical obstacles experienced under separate bilateral readmission agreements**

Practical obstacles associated with separate bilateral readmission agreements	Yes/No	If yes, please specify whether only in relation to a specific third country, or more of general nature. Also illustrate the obstacle with an example in this column
Countries of origin do not cooperate in general	No	
Countries do not respect the deadlines	No	
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)	No	
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)	No	
Countries do not issue travel document to enable readmission/return	No	
Gaps in own (Member) State's administrative capacity to implement readmission agreement	No	
Other obstacles (please add columns as necessary)	No	

**Q26. Do any of the separate bilateral readmission agreements signed by your (Member) State include an article encouraging both Parties to promote the use of voluntary return? If yes, please indicate with which countries these agreements have been signed. If no, please confirm whether the agreements focus exclusively on readmission cases involving forced returns.**

No.  
Lithuania's readmission agreement with Kazakhstan focuses exclusively on readmission in the cases when a person is transferred (i.e., remains within the remit of the authorities linked to the implementation of the agreement). The Agreement between Lithuania and Belarus concerning the State Border also refers to the transfer of the aliens stopped at the border to competent authorities of Belarus. The agreements do not contain specific provisions on voluntary return.

**Q27. Does your Member State prefer to use separate bilateral readmission agreements instead of EU Readmission agreements with particular third countries? (Yes/No) If yes, please indicate with which third countries and the reasons for this.**

No. Upon the entry into force of EU readmission agreements with Ukraine, Russia, Armenia and Moldova, bilateral readmission agreements with these countries have ceased to apply.

**Q28. Has your (Member) State conducted any evaluations of the effectiveness of separate bi-lateral readmission agreements? (Yes/No) If yes, what issues have the evaluations covered? Please provide any results pertaining to:**

No (data on any evaluations of the effectiveness of readmission agreements conducted in the Republic of Lithuania are not available)

**Table 2.9: Evaluations on separate bilateral readmission agreements**

Aspects of effectiveness	Covered in national evaluations (Y/N)	Main findings
Recognition rates of readmission applications	N/A	N/A
Other (please indicate and add rows as necessary)	N/A	N/A

**Q29. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of separate bilateral readmission agreements. Please provide the statistics for the three third countries to which most readmission applications are made on the basis of such agreements – these should be provided in a separate table for each of the third countries concerned. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years.**

**Table 2.10: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 1 (specify the country concerned)**

Indicators (Refer to 12 month period for readmission applications made to third country 1. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent	N/A	N/A	N/A	N/A	N/A
Number of readmission applications that received a positive reply	N/A	N/A	N/A	N/A	N/A
Number of requests for travel documents in the context of a readmission application	N/A	N/A	N/A	N/A	N/A
Number of travel documents issued by third country after the positive reply	N/A	N/A	N/A	N/A	N/A
Number of persons who were effectively returned	N/A	N/A	N/A	N/A	N/A

**Q30. Please provide an assessment of the added value of the separate bilateral readmission agreements in facilitating effective returns in comparison with the period before the separate bilateral readmission agreements were concluded. Please only provide this assessment for the separate bilateral readmission agreements conducted with the three third countries to which most readmission applications are made.**

Recently, the Republic of Lithuania has not seen the need to make readmission applications under bilateral readmission agreements, hence it is not possible to provide statistics.

### Section 3: Entry bans and readmission agreements: understanding the synergies with reintegration assistance

**Q31. Do the authorities in charge of imposing an entry ban subsequently consult with and/or inform the authorities in the concerned third country to which the individual is to be returned? If yes, at which stage in the process of imposing an entry ban is the third country consulted/informed? And if yes, do third countries subsequently impose travel bans on third-country nationals who were imposed an entry ban?**

No. The legal acts establishing a procedure for imposing entry bans do not stipulate an obligation of the Migration Department to consult with third countries or to inform them of the entry bans to be imposed.

**Q32. Is it possible in your (Member) State for returnees who have been the subject of an entry ban to apply for re-integration assistance? (Yes/No) If yes, please indicate in which circumstances.**

No, no such possibility provided for in the Lithuanian law

**Q33. (If answered yes to question 32), are the competent authorities involved in making decisions about the use of entry bans and granting of re-integration assistance the same? Yes/No.**

Not applicable.

**Q34. (If answered no to question 33), have any formal cooperation mechanisms been set up to facilitate coordination? (e.g. Protocols, contracts, conventions, working arrangements, etc.). Yes/No. If yes, please describe.**

No

**Q35. (If answered no to question 34), do the competent authorities consult with each other when making decisions? If yes, do these consultations take place on a regular basis as a standard practice, or are consultations only made on very few / exceptional occasions?**

No

**Q36. Does your (Member) State offer re-integration assistance to returnees who have been removed on the basis of a readmission agreement? Yes/No. If yes, please indicate in which circumstances.**

No. Lithuanian legal acts do not offer re-integration assistance to be provided by the state to aliens returned on the basis of a readmission agreement. However, such assistance may be provided by non-governmental organisations with funds of the European Return Fund, though in practice there have not been any such cases.

**Q37. (If answered yes to question 36), are the competent authorities involved in making readmission applications and granting re-integration assistance the same? Yes/No.**

Not applicable

**Q38. (If answered no to question 37), have any formal cooperation mechanisms been set up to facilitate coordination? (e.g. Protocols, contracts, conventions, working arrangements, etc.). Yes/No. If yes, please describe.**

Not applicable

***Q.39 (If answered no to question 38), do the competent authorities consult with each other when making decisions? If yes, do these consultations take place on a regular basis as a standard practice, or are consultations only made on very few / exceptional occasions?***

Not applicable