

**REPUBLIC OF LITHUANIA**  
**LAW ON**  
**THE LEGAL STATUS OF ALIENS**

29 April 2004 – No IX-2206

Vilnius

(As last amended on 8 December 2011 – No XI-1786)

**CHAPTER I**  
**GENERAL PROVISIONS**

**Article 1. Purpose and Scope of the Law**

1. This Law shall establish the procedure of entry and exit, temporary or permanent residence, granting of asylum, the procedure of integration and naturalisation as well as the procedure for lodging appeals against the decisions on the legal status of aliens and shall regulate other issues relating to the legal status of aliens in the Republic of Lithuania.

2. The provisions of this Law have been harmonised with the provisions of legal acts of the European Union specified in the Annex to this Law.

3. The Law shall not apply to aliens who enjoy the privileges and immunities under international treaties and other legal acts of the Republic of Lithuania.

4. The provisions of other laws of the Republic of Lithuania shall apply to legal relations regulated by this Law to the extent they are not regulated by this Law.

**Article 2. Definitions**

1. “**Manifestly unfounded application for asylum**” means an application by an alien for asylum in the Republic of Lithuania in which there is clearly no substance to the applicant’s claim of fear of persecution in the country of origin or it is based on false or misleading representations or is an abuse of asylum procedures and it is clear that for the above-mentioned reasons it fails to meet the criteria established in this Law for the granting of asylum in the Republic of Lithuania.

2. “**Travel document of a stateless person**” means a document, issued in accordance with the provisions of the 1954 Convention relating to the Status of Stateless Persons to a stateless person not holding citizenship of any foreign country but holding a document which

entitles to reside in the Republic of Lithuania, granting the right to depart from and return to the Republic of Lithuania for the period of validity of the document.

3. **“Residence permit of a citizen of a Member State of the European Communities”** means a document granting any citizen of an EU Member State and his family member the right of residence in the Republic of Lithuania.

4. **“Family members of a citizen of an EU Member State”** mean the person’s spouse or the person with whom a registered partnership has been contracted, his direct descendants who are under the age of 21 or are dependants, including direct descendants of the spouse or person with whom the registered partnership has been contracted, who are under the age of 21 or those who are dependants, the dependent direct relatives in the ascending line of a citizen of an EU Member State, of the spouse or of the person with whom the person has contracted a registered partnership.

4<sup>(1)</sup>. **“Residence permit in the Republic of Lithuania of a family member of the citizen of an EU Member State”** (hereinafter – the **“EU residence permit”**) means the document granting a family member of the citizen of an EU Member State, who is not a citizen of an EU Member State, the right of residence in the Republic of Lithuania.

5. **“Citizen of an EU Member State”** means an alien holding citizenship of an EU Member State.

6. **“Marriage of convenience”** means a marriage concluded between a citizen of the Republic of Lithuania or an alien lawfully residing in the Republic of Lithuania and an alien who is not a citizen of an EU Member State with the aim of obtaining a residence permit to reside in the Republic of Lithuania and not seeking to create other legal consequences of marriage established by the legal acts of the Republic of Lithuania.

6<sup>(1)</sup>. **“Fake adoption”** means the adoption procedure carried out by a citizen of the Republic of Lithuania or an alien lawfully residing in the Republic of Lithuania and an alien who is not a citizen of an EU Member State with the aim of obtaining a residence permit to reside in the Republic of Lithuania and not seeking to create other legal consequences of adoption established by the legal acts of the Republic of Lithuania.

6<sup>(2)</sup>. **“Registered partnership of convenience”** means a registered partnership contracted by a citizen of the Republic of Lithuania or an alien lawfully residing in the Republic of Lithuania and an alien who is not a citizen of an EU Member State when it is contracted with the aim of obtaining a residence permit to reside in the Republic of Lithuania and not seeking to create other legal consequences of a registered partnership established by the legal acts of the Republic of Lithuania.

7. **“Return to a foreign country”** means transfer of an alien to his country of origin or a foreign country to which he has the right to depart in accordance with the procedure established by legal acts and upon the decision agreed with that country.

**Version of paragraph 7 as of 1 February 2012:**

7. **“Return to a foreign country”** means the procedure whereby an alien voluntarily complies with an obligation to depart from the Republic of Lithuania or is expelled to a country which is not a Member State of the European Union or the European Free Trade Association.

7<sup>1</sup>. **“Humanitarian reasons”** mean reasons as they are defined in subparagraphs 1 – 4 of paragraph 1 of Article 18 of this Law.

8. **“Expulsion from the Republic of Lithuania”** means compulsory transportation or removal of an alien from the territory of the Republic of Lithuania in accordance with the procedure established by legal acts.

9. **“Obligation to depart from the Republic of Lithuania”** means a decision made in accordance with the procedure established by legal acts obliging an alien to depart independently from the territory of the Republic of Lithuania within a specified period of time.

**Version of paragraph 9 as of 1 February 2012:**

9. **“Obligation to depart from the Republic of Lithuania”** means a decision made in accordance with the procedure established by legal acts obliging an alien to depart voluntarily to a Member State of the European Union or the European Free Trade Association in which he is entitled to stay or reside.

10. **“Travel document”** means the passport of a foreign citizen or an equivalent document intended for travelling to a foreign country and recognised in the Republic of Lithuania.

11. **“Country of origin”** means the country whose citizenship the alien holds or, where it is impossible to establish the citizenship of the alien or where the alien is a stateless person, the country where he has his permanent place of residence.

11<sup>1</sup>. **“Letter of invitation”** means a document confirming the commitment of a natural or legal person of the Republic of Lithuania to ensure that an alien arriving in the Republic of Lithuania is properly accommodated throughout the period of his stay in the Republic of Lithuania under a visa and that, where necessary, the costs of the alien’s return to his country of origin or a foreign country to which he has the right to depart are covered.

12. **“Temporary territorial asylum”** means the right granted to an alien in accordance with the procedure established by this Law to stay in the Republic of Lithuania pending the examination of his asylum application.

13. **“Work permit in the Republic of Lithuania”** means a document granting an alien the right to work in the Republic of Lithuania for a period specified therein.

14. **“Temporary residence permit in the Republic of Lithuania”** (hereinafter – a **“temporary residence permit”**) means a document granting an alien the right for temporary residence in the Republic of Lithuania for a period specified therein.

15. **“Permit of a long-term resident of the Republic of Lithuania to reside in the European Community”** (hereinafter – a **“permanent residence permit”**) means a document entitling an alien to reside in the Republic of Lithuania and certifying the alien’s permanent resident status.

16. **“Unaccompanied minor alien”** means an alien under the age of 18 who enters the Republic of Lithuania unaccompanied by parents or other lawful representatives or accompanied by the above-mentioned persons, however is left unattended in the Republic of Lithuania.

17. **“Refugee’s travel document”** means a travel document issued to a refugee in accordance with the provisions of the 1951 Convention relating to the Status of Refugees, granting the refugee the right to depart from and return to the territory of the Republic of Lithuania for the period of validity of the document.

18. **“Refugee”** means an alien who has been granted the status of a refugee in the Republic of Lithuania in accordance with the procedure established by this Law.

**As of 1 February 2012, Article 2 shall be supplemented with paragraph 18<sup>1</sup>:**

18<sup>1</sup>. **“Vulnerable person”** means a minor, a disabled person or a person who is over 75 years of age, a pregnant woman, a single father or mother raising minor children or a person who has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

19. **“Examination of an asylum application as to substance”** means an investigation for the purpose of establishing whether or not the applicant should be accorded the status of a refugee or subsidiary protection and whether or not there are grounds for refusing to grant the status of a refugee or subsidiary protection.

20. **“Asylum applicant”** means an alien who has lodged an asylum application in accordance with the procedure established in this Law.

21. **“Temporary accommodation of an asylum applicant”** means accommodation of the asylum applicant in an appropriate place without restricting his freedom of movement.

22. **“Family members of an asylum applicant”** mean the spouse of the asylum applicant or the person with whom a registered partnership has been contracted, the children of the couple or one of them (adopted children irrespective of whether they have been adopted according to the legal acts of the Republic of Lithuania) (hereinafter – children) under the age of 18, on condition that they are not married, as well as the father (adoptive father), mother (adoptive mother) (hereinafter – father, mother) or a guardian (custodian) of the minor asylum applicant, where the family already existed in the country of origin and the family members are present in the territory of the Republic of Lithuania during the examination of the asylum application.

23. **“Asylum in the Republic of Lithuania”** means granting of the status of refugee, subsidiary protection or temporary protection to an alien on the grounds and following the procedure established by this Law.

24. **“Safe country of origin”** means the alien’s country of origin in which, on account of the legal situation, the application of the law and the general political circumstances, it can be safely assumed that neither persecution on the grounds of race, religion, citizenship, belonging to a certain social group or due to political convictions nor torture, cruel, inhuman or degrading treatment as punishment or violation of the human rights and fundamental freedoms are being practised; there is no threat of chaotic violent actions, which may arise in the course of an international or domestic armed conflict, or, by the Council Decision, the alien’s country of origin has been entered in the minimum common list of safe countries of origin or the alien’s country of origin has been entered in the national list of safe third countries, which have not been entered in the minimum common list of safe countries of origin, approved by the Minister of the Interior.

25. **“Safe third country”** means a country which is not the alien’s country of origin but is a state party to the 1951 Convention relating to the Status of Refugees and/or the 1967 Protocol relating to Refugee Status as well as the 1950 European Convention for the Protection of Human Rights and Fundamental Freedoms and/or the 1966 International Covenant on Civil and Political Rights, implementing the provisions of the above-mentioned instruments and providing a feasible possibility under national laws to apply for and be granted asylum according to the established procedure.

26. **“Family members”** means the spouse or the person with whom a registered partnership has been contracted, children (adopted children) (hereinafter – children) under the age of 18, including the children under the age of 18 of the spouse or the person with whom a

registered partnership has been contracted, on condition that they are not married and are dependent, as well as direct relatives in the ascending line who have been dependent for at least one year and are unable to use the support of other family members resident in a foreign country.

27. **“Family reunification”** means the entry into and residence in the Republic of Lithuania of family members of an alien, who is not a citizen of the European Union but is residing lawfully in the Republic of Lithuania, in order to preserve the family, irrespective of whether the family relationship arose before or after the alien’s arrival.

27<sup>1</sup>. **“The Schengen *acquis*”** means the totality of legal acts consisting of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, the Schengen Convention, protocols and agreements of Member States on the accession to the Convention implementing the Schengen Agreement, the decisions and declarations of the Schengen executive committee, other legal acts adopted on the basis of the Schengen Agreement and the Schengen Convention.

27<sup>2</sup>. **“The Schengen Convention”** means the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on gradual implementation of abolition of checks at their common borders.

27<sup>3</sup>. **“The Schengen State”** means the state that has acceded to the Schengen Convention or the state in which the complete Schengen *acquis* is applied.

27<sup>4</sup>. **“The Schengen visa”** means the visa valid in the Schengen States and issued in accordance with the Schengen *acquis*.

28. **“Lawful representative”** means the parents or other persons who, under the laws of the country whose citizen or permanent resident a minor alien is, are responsible for the minor staying in the Republic of Lithuania.

29. **“Alien’s passport”** means a document issued to a foreign citizen, having the right of residence in the Republic of Lithuania but for objective reasons unable to obtain travel documents from his country of origin, granting him the right to depart from and return to the Republic of Lithuania for the period of validity of the document.

30. **“Alien’s registration certificate”** means a document certifying the status of the asylum applicant or, in the cases where the identity of the asylum applicant has been established in the manner laid down by the Minister of the Interior, his identity and his right to temporary refuge in the territory of the Republic of Lithuania.

31. **“Alien’s detention”** means temporary accommodation of an alien in the Aliens Registration Centre, where the alien’s freedom of movement is restricted on the grounds and for the period specified by this Law.

32. **“Alien”** means any person other than a citizen of the Republic of Lithuania irrespective of whether he is a foreign citizen or a stateless person.

33. **“Visa”** means an authorisation in the form of a sticker affixed in the alien’s travel document entitling to enter, stay in or transit through the Republic of Lithuania.

### **Article 3. Rights and Duties of Aliens in the Republic of Lithuania**

1. Aliens in the Republic of Lithuania shall enjoy the rights and freedoms provided for by the Constitution of the Republic of Lithuania, international treaties, laws of the Republic of Lithuania and legal acts of the European Union.

2. Aliens in the Republic of Lithuania shall be equal before the law, irrespective of their sex, race, citizenship, language, origin, social status, religion, convictions or views.

3. Aliens in the Republic of Lithuania must observe the Constitution of the Republic of Lithuania, laws and other legal acts of the Republic of Lithuania.

4. At the request of police or other law enforcement institution officers, aliens must produce documents confirming their identity (travel document, residence permit or any other document) as well as other documents specifying the purpose and conditions of their presence in the country and attesting to the lawfulness of the alien’s stay in the Republic of Lithuania.

### **Article 4. Control of Lawful Stay and Residence of Aliens in the Republic of Lithuania**

The lawful stay and residence of aliens in the Republic of Lithuania shall be controlled by the police, the Migration Department under the Ministry of the Interior (hereinafter – Migration Department), the State Border Guard Service under the Ministry of the Interior (hereinafter – State Border Guard Service) in association with state and municipal institutions and agencies of the Republic of Lithuania.

## **CHAPTER II**

### **ENTRY OF ALIENS INTO THE REPUBLIC OF LITHUANIA**

#### **Article 5. Entry of Aliens into the Republic of Lithuania**

1. Aliens who enter the Republic of Lithuania or depart from it shall be subject to the provisions of Regulation (EC) No 562/2006 of the European Parliament and of the Council of

15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code).

2. The presence of aliens in the transit zones of international airports of the Republic of Lithuania shall not be considered as entry into the territory of the Republic of Lithuania.

3. Where an alien lodges an asylum application in the Republic of Lithuania, the decision on the alien's admission or refusal of admission into the Republic of Lithuania shall be made by the Migration Department.

#### **Article 6. Obligation to Have a Valid Travel Document**

1. In order to enter the territory of the Republic of Lithuania and stay therein, an alien must have a valid travel document unless otherwise established by the international treaties of the Republic of Lithuania, legal acts of the European Union and the Government of the Republic of Lithuania.

2. An alien must produce a valid travel document at the border crossing points.

3. The procedure regulating the recognition of valid travel documents of aliens, entitling the aliens to come to the Republic of Lithuania, and the list of such documents shall be established and approved by the Minister of Foreign Affairs together with the Minister of the Interior.

**Article 7.** Repealed as of the entry into force of the Schengen Convention in the Republic of Lithuania.

#### **Article 8. Grounds for Refusing an Alien Admission into the Republic of Lithuania**

1. The conditions of refusing an alien admission into the Republic of Lithuania shall be established in compliance with the Schengen Borders Code.

2. The decision to refuse an alien admission into the Republic of Lithuania shall be made by the State Border Guard Service, except for the case specified in paragraph 3 of Article 5 of this Law.

3. (Repealed).

#### **Article 9. Control of Aliens Entering the Republic of Lithuania**

1. The crossing of the state border of the Republic of Lithuania by aliens shall be controlled by the State Border Guard Service in the manner established by the laws of the Republic of Lithuania.



2. When admitting an alien into the Republic of Lithuania, the State Border Guard Service officers must establish whether he meets the conditions set in this Law and whether there are reasons specified in this Law precluding the alien's admission into the Republic of Lithuania.

3. When exercising control over the arriving aliens, the State Border Guard Service shall cooperate with the relevant state institutions and agencies of the Republic of Lithuania, foreign country institutions and international organisations in compliance with the international treaties that have come into effect in respect of the Republic of Lithuania and other legal acts.

### **Article 10. Unlawful Entry into the Republic of Lithuania**

The entry of an alien into the Republic of Lithuania shall be considered unlawful if the alien:

1) enters the Republic of Lithuania despite having been entered in the national list of aliens prohibited from entering the Republic of Lithuania or for whom an alert has been issued in the Central Schengen Information System for the purposes of refusing entry, except for the cases specified in the Schengen Borders Code;

2) enters the Republic of Lithuania crossing an external border of the European Union, as defined in Article 2 (2) of the Schengen Borders Code, not through the border crossing points;

3) when entering the Republic of Lithuania produces another person's document or a forged travel document;

4) enters the Republic of Lithuania without a valid travel document and without an appropriate document entitling him to enter the Republic of Lithuania;

5) enters the Republic of Lithuania possessing a visa issued upon producing false data or forged documents.

## **CHAPTER III**

### **STAY AND RESIDENCE OF ALIENS IN THE REPUBLIC OF LITHUANIA**

#### **SECTION ONE**

#### **VISAS**

### **Article 11. Visa-free Travel Regime and Requirement to Be in Possession of a Visa**

1. The entry into and stay in the Republic of Lithuania of an alien who is not a citizen of an EU Member State shall be subject to the provisions of Council Regulation (EC) No 539/2001 of 15 March 2001 with all the subsequent amendments, listing the third countries whose nationals must be in possession of visas when crossing the external borders and those third countries whose nationals are exempt from that requirement (hereinafter – Visa Regime Regulation). In the cases established by the Visa Regime Regulation, the Government of the Republic of Lithuania may grant exemptions from the visa requirement.

2. The alien to whom visa-free travel regime is applied shall be entitled to enter the Republic of Lithuania and stay in it without a visa for up to three months within each half a year starting from the first day of entry into the Republic of Lithuania or any other Schengen State.

3. The alien in possession of a valid Schengen visa shall be entitled to enter the Republic of Lithuania and stay in it for the time period specified in the visa, but not longer than for up to three months within each half a year starting from the first day of entry into the Republic of Lithuania or any other Schengen State.

4. A member of the family of a citizen of an EU Member State, who is not a citizen of an EU Member State, but is in possession of a residence permit indicated in the Corrigendum to 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 612/68 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, shall be entitled to enter the Republic of Lithuania and stay in it without a visa for up to three months within each half a year.

5. The alien who is not specified in paragraph 4 of this Article but is in possession of a residence permit issued by another Schengen State shall, during the period of validity of the residence permit, be entitled to enter the Republic of Lithuania and stay in it without a visa for up to three months within each half year starting from the first day of entry into the Republic of Lithuania or any Schengen State other than the State which issued the said residence permit.

6. The possession of a visa shall not automatically entitle to enter the Republic of Lithuania.

7. Crew members of ships that call at the ports of the Republic of Lithuania and sailors who come to ships within the period of validity of the visa and who are entered in the list of crew members shall be entitled to go ashore in the Republic of Lithuania and stay in the area of the municipality into which their ships call, but no longer than for three months.

## **Article 12. Types of Visas**

There shall be the following types of visas:

- 1) the Schengen visa;
- 2) the national visa.

### **Article 12<sup>1</sup> Schengen Visa**

1. The Schengen visa shall be issued to an alien in possession of a valid travel document, when its period of validity is not less than three months longer than the period of validity of the visa applied for. This provision may be omitted due to humanitarian reasons, national interests or international obligations if the period of validity of the alien's travel document is longer than the period of validity of the visa and the alien complies with the conditions for issuing visas established by the Schengen *acquis*. This paragraph of the Article shall be implemented in accordance with the procedure laid down in paragraph 8 of Article 21 of this Law.

2. An alien in possession of a valid Schengen visa may enter the Republic of Lithuania and stay in it for the time period specified in the visa if the conditions of entry into the Schengen State, established in the Schengen Borders Code, are complied with.

3. The Schengen visas may be single entry, double entry or multiple entry.
4. A group of aliens may be issued a group visa.
5. An alien may be issued a visa with limited territorial validity.

### **Article 12<sup>2</sup> Types of Schengen Visas**

There shall be the following types of Schengen visas:

- 1) airport transit visa (A);
- 2) transit visa (B);
- 3) short stay visa (C).

### **Article 13. Airport Transit Visa (A)**

1. An airport transit visa entitles aliens to stay in the transit area of an international airport of the Republic of Lithuania, intended for reaching another state, during a stopover or change of aircraft.

2. Citizens of the states specified in the list of paragraph 1 of Annex 3 to the Common Consular Instructions of 22 December 2005 on visas for the diplomatic missions and consular posts of the contracting parties to the Schengen Convention (2005/C 326/01) (hereinafter – Common Consular Instructions) or persons who are not citizens of these states but are in

possession of travel documents issued by the competent institutions of these states shall be required to possess the airport transit visa.

3. Citizens of the states provided for in the national list approved by the Minister of the Interior together with the Minister of Foreign Affairs or persons who are not citizens of these states but are in possession of travel documents issued by the competent institutions of these states shall also be required to possess the airport transit visa.

#### **Article 14. Transit Visa (B)**

An alien possessing a transit visa may pass in transit through the Republic of Lithuania each time staying in the Republic of Lithuania for not longer than five days starting from the first day of entry into the Republic of Lithuania or any other Schengen State.

#### **Article 15. Short Stay Visa (C)**

An alien in possession of a short stay visa shall be entitled to enter the Republic of Lithuania and stay in it for not longer than three months within each half a year starting from the first day of entry into the Republic of Lithuania or any other Schengen State.

#### **Article 16. Group Visa and Visa with Limited Territorial Validity**

1. A group visa, being a transit visa or a short stay visa, shall be issued for a maximum period of 30 days to a group of aliens from 5 to 50 people, organized in advance for the purpose of travelling to the Republic of Lithuania, provided that the members of the group enter the territory of the Republic of Lithuania, stay therein and depart as a group. A group visa shall be affixed to the group passport.

2. A visa with limited territorial validity shall be valid only in the Republic of Lithuania and/or in several other Schengen States and may be issued when one of the following grounds is present:

- 1) the alien's travel document is not recognised by one or several Schengen States;
- 2) the conditions for entering, established in the Schengen Borders Code, are not fully complied with, but it is necessary for the alien to enter due to humanitarian reasons, national interests or international obligations. A visa shall not be issued if the alien's presence in the Republic of Lithuania would constitute a threat to national security, public policy, public health or international relations;
- 3) it is an urgent case (due to humanitarian reasons, national interests or international obligations) and no other Schengen State/States is/are consulted or when the consultations on the issue of visas fail;

4) the alien has already used a visa valid for three months within the period of six months. In this case, a visa shall be issued for the same period of six months only in the cases specified in subparagraphs 1 to 4 of paragraph 1 of Article 18 of this Law.

#### **Article 17. National Visa (D)**

1. An alien in possession of a national visa may enter the Republic of Lithuania and stay in it for a period longer than three months.

2. A national visa may be single entry and multiple entry. The national visa shall be issued to an alien upon submitting a document evidencing health insurance coverage.

3. A single entry national visa shall be issued to an alien who has been granted a temporary or permanent residence permit in the Republic of Lithuania.

4. A multiple entry national visa shall be issued to an alien whose purpose of entry into the Republic of Lithuania is long term stay in the Republic of Lithuania.

5. An alien who periodically comes to the Republic of Lithuania to work or engage in any other lawful activity and whose main place of residence is in a foreign country shall be issued a multiple entry national visa.

#### **Article 18. Grounds for Extending the Stay in the Republic of Lithuania under the Schengen Visa**

1. The duration of the stay in the Republic of Lithuania of an alien in possession of a visa whose Schengen visa issued to him has expired may be extended for one of the following reasons that emerged following the issue of the visa:

1) an illness, other acute health impairment or condition due to which the alien is unable to depart from the Republic of Lithuania;

2) professional activity;

3) personal reasons which the alien could not foresee and the emergence of which he could not avoid during his stay in the Republic of Lithuania being in possession of the visa;

4) *force majeure*.

2. The alien's stay in the Republic of Lithuania in possession of the Schengen visa which has been extended may not exceed three months within each half a year starting from the first day of entry into the Republic of Lithuania or any other Schengen State.

#### **Article 19. Grounds for Refusing to Issue a Visa**

An alien shall be refused a visa if:

1) he does not comply with the conditions of entry established in the Schengen Borders Code, except for the grounds specified in subparagraph 2 of paragraph 2 of Article 16 of this Law;

2) applying for a visa, the alien refused to provide the required information about the purpose and conditions of the journey, the available means of subsistence during the period of his stay in the Republic of Lithuania or made statements of substantive fact which are untrue;

3) applying for a visa, the alien presented documents with elements of forgery;

4) there are serious grounds to believe that the alien may engage in illegal activities in the Republic of Lithuania which incur liability under the laws of the Republic of Lithuania;

5) he is entered in the national list of aliens prohibited from entering the Republic of Lithuania;

6) it has been decided to oblige him to depart from or to expel him from the Schengen State;

**Version of subparagraph 6 as of 1 February 2012:**

6) it has been decided to oblige him to depart from, return him to or expel from the Schengen State;

7) he has humiliated by an action, word of mouth or in writing the visa issuing officers and civil servants regarding their activities or the State of the Republic of Lithuania;

8) where there are serious grounds to believe that he has committed a crime against humanity or a war crime or committed genocide within the meaning defined in the laws of the Republic of Lithuania, international treaties or other sources of international law;

9) he has not submitted documents evidencing health insurance coverage, when such documents are required during the journey.

**Article 20. Grounds for Annulling a Visa**

1. A visa issued to an alien shall be annulled if:

1) applying for a visa, the alien made statements of substantive fact which are untrue;

2) upon issuing the visa, the grounds for refusing its issue to the alien transpire.

2. Upon the annulment of a visa, the alien must depart from the Republic of Lithuania.

**Article 21. Issue of a Visa, Refusal to Issue a Visa, Performance of Consultations, Extension of the Period of Stay of an Alien in Possession of a Visa, Annulment of a Visa**

1. An alien shall submit the documents for the issue of a visa to the diplomatic mission or consular post of the Republic of Lithuania and, in the absence of such, the documents for the

issue of the Schengen visa shall be submitted to the diplomatic mission or consular post of the Schengen State representing the Republic of Lithuania. In the cases established by the Minister of the Interior together with the Minister of Foreign Affairs, the alien may also submit documents for the issue of a visa at the border crossing point, at the institution authorised by the Minister of the Interior or the Ministry of Foreign Affairs of the Republic of Lithuania.

2. The Republic of Lithuania may represent another/other Schengen State/States or be represented by another/other Schengen State/States on the issues relating to the issue of Schengen visas.

3. Decisions on the issue or refusal to issue the visa or on its annulment shall be made:

1) by the Consular Department of the Ministry of Foreign Affairs of the Republic of Lithuania on issuing short stay and national visas or refusing to issue them, on annulling all types of visas;

2) by the diplomatic missions or consular posts of the Republic of Lithuania on issuing all types of visas or refusing to issue them, on annulling all types of visas;

3) by the State Border Guard Service on issuing short stay visas and transit visas or refusing to issue them, on annulling all types of visas;

4) by the Migration Department on issuing short stay visas and national visas or refusing to issue them, on annulling all types of visas;

4. In the cases provided for by the Schengen *acquis*, the Schengen visa shall be issued to an alien and the period of stay in the Republic of Lithuania being in possession of a visa shall be extended only following the consultations of the Migration Department with other Schengen States.

5. The decision to extend the period of stay in the Republic of Lithuania being in possession of the Schengen visa or to refuse extending shall be made by the institutions authorised by the Minister of the Interior in accordance with the procedure established by the Minister of the Interior.

6. The list of state institutions and agencies which issue visas to aliens shall be approved by the Minister of the Interior together with the Minister of Foreign Affairs.

7. The alien may be issued the Schengen visa at the border crossing point in compliance with the provision of Council Regulation (EC). No 415/2003 of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit.

8. An alien may apply for a visa in person, through an authorized representative as well as tour operators or travel agencies accredited in compliance with the requirements of the Common Consular Instructions.

9. The Common Consular Instructions and the procedure established by the Minister of the Interior together with the Minister of Foreign Affairs shall apply to the procedure for validation of the letter of invitation, submission of documents for the receipt of the visa and the issue of the visa as well the procedure for accreditation of tour operators and travel agencies, the issue of visas at border crossing points and visa annulment, to the extent the procedure does not contradict the Common Consular Instructions.

#### **Article 22. Invalid Visa**

A visa shall be invalid:

- 1) upon the expiry of the period of its validity;
- 2) if it is lost;
- 3) if it is annulled;
- 4) if it contains elements of forgery;
- 5) upon the issue of a new visa;
- 6) upon the issue of a residence permit;
- 7) if it is damaged due to technical or other reasons and therefore is not fit for use;
- 8) if the travel document to which it was affixed becomes invalid.

#### **Article 23. Unlawful Stay in the Republic of Lithuania**

An alien's stay in the Republic of Lithuania shall be considered unlawful if the alien:

- 1) has stayed in the Republic of Lithuania for a period exceeding the period of a visa-free stay established for aliens in paragraphs 2, 4 and 5 of Article 11 of this Law;
- 2) stays in the Republic of Lithuania after the expiry of his visa;
- 3) stays in the Republic of Lithuania holding an annulled visa;
- 4) holds a forged travel document;
- 5) holds a forged visa;
- 6) stays in the Republic of Lithuania without a visa where it is necessary to possess a visa;
- 7) stays in the Republic of Lithuania without a valid travel document, except for asylum applicants;
- 8) has unlawfully entered the Republic of Lithuania.

## **SECTION TWO**

### **RESIDENCE OF ALIENS IN THE REPUBLIC OF LITHUANIA**



#### **Article 24. Residence Permit in the Republic of Lithuania**

A residence permit in the Republic of Lithuania (hereinafter – residence permit) shall grant an alien the right of residence in the Republic of Lithuania, to choose a place of residence in the Republic of Lithuania, to change the place of residence, to depart from and return to the Republic of Lithuania during the period of validity of the residence permit.

#### **Article 25. Types of Residence Permits**

Aliens shall be issued the following residence permits:

- 1) a temporary residence permit;
- 2) a permanent residence permit;

#### **Article 26. Conditions of Issue or Replacement of a Residence Permit**

1. A residence permit may be issued or replaced to an alien if the alien:

- 1) meets the conditions of entry set in the Schengen Borders Code;
- 2) has a valid document evidencing health insurance coverage when, in the cases established by the laws of the Republic of Lithuania, he is not covered by compulsory health insurance, or, in the cases and in accordance with the procedure established by the Government of the Republic of Lithuania, he has a confirmed commitment of a citizen of the Republic of Lithuania or an alien residing in the Republic of Lithuania to cover the costs of the health care services provided to him during the period of his residence in the Republic of Lithuania;

3) has adequate means of subsistence and/or receives regular income which is sufficient for his stay in the Republic of Lithuania;

4) owns residential premises in the Republic of Lithuania or uses the residential premises under the lease or loan for use contract, provided that the duration of the relevant contract is not shorter than the period of validity of the temporary residence permit and has been registered in accordance with the established procedure, or presents an undertaking of a natural or legal person to provide him with accommodation for the period of validity of the temporary residence permit, approved in the manner established by legal acts;

5) where necessary, produces a list of his visits and stays in foreign countries.

2. The alien who has been put under guardianship/custody, who has been granted a residence permit in the Republic of Lithuania as he is or has been a victim of human trafficking and cooperates with the pre-trial investigation body or the court in combating human trafficking or offences linked to human trafficking or for reasons of state security may be exempted from the conditions set in subparagraphs 2 to 5 of paragraph 1 of this Article in accordance with the procedure established by legal acts.

3. The alien who has been granted refugee status in the Republic of Lithuania, subsidiary protection or temporary protection in the Republic of Lithuania may be exempted from the conditions set in accordance to the procedure established by legal acts from the conditions set in subparagraphs 2 to 5 of paragraph 1 of this Article in accordance with the procedure established by legal acts. The family members of the alien granted the refugee status in the Republic of Lithuania, who have applied for the issue of the residence permit in case of family reunification within three months after the granting of the refugee status in the Republic of Lithuania, shall be exempted from the conditions set in subparagraphs 2 to 5 of paragraph 1 of this Article.

4. (Repealed).

5. The provisions of paragraph 1 of this Article, except for the obligation of an alien to be in possession of a valid travel document provided for in paragraph 1 of Article 6 of this Law, shall not apply in case of replacement of the permanent residence permit.

6. 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 only be issued for humanitarian reasons or due to international obligations.

7. The Migration Department shall consult other Schengen States about issuing the residence permit to an alien for whom an alert has been issued for the purposes of refusing entry by the Republic of Lithuania. If, after consultations with the Republic of Lithuania, another Schengen State issues the alien a residence permit or if he is already in possession of a valid residence permit issued by one of the Contracting States, the alert entered in the Central Schengen Information System for the purposes of refusing entry shall be withdrawn, however the data about such an alien must be transferred into the national list of aliens prohibited from entering the Republic of Lithuania.

#### **Article 27. Alien's Adequate Means of Subsistence for Being Issued a Residence Permit**

The means of subsistence that may be considered adequate for an alien applying for a residence permit in the Republic of Lithuania shall be established by the Minister of Social Security and Labour.

#### **Article 28. Issue of a Residence Permit**

1. When issuing an alien a residence permit for the first time, the alien shall usually be issued a temporary residence permit, except for the cases established by this Law.

2. An alien who applies for the issue of a residence permit for the first time must lodge an application for the issue of a residence permit with a diplomatic mission or consular post of the Republic of Lithuania abroad.

3. An alien who is lawfully staying in the territory of the Republic of Lithuania may lodge an application to issue a residence permit, including one lodged for the first time, with the institution authorised by the Minister of the Interior, however the lodging of such an application shall not entitle the alien to stay in the territory of the Republic of Lithuania before the alien's application has been examined and a decision on the issue has been made.

#### **Article 29. Replacement of a Residence Permit**

1. A residence permit issued to an alien shall be replaced on the grounds specified by this Law.

2. An alien must lodge an application for the replacement of a residence permit with the institution authorised by the Minister of the Interior.

**Article 30.** Repealed as of 16 December 2006.

#### **Article 31. Issue of a Residence Permit to the Alien's Child Born in the Republic of Lithuania**

1. An alien who holds a residence permit to whom a child is born during the period of his residence in the Republic of Lithuania must, within three months from the date of the birth of the child, apply to the institution authorised by the Minister of the Interior for the issue of a residence permit to a child.

2. A child born during the period of the alien's residence in the Republic of Lithuania shall be issued the same type of a residence permit as the one held by both or one of its parents. The permit shall be valid for the period of validity of the permit of one of the child's parents.

#### **Article 32. Unaccompanied Minor Aliens**

1. Unaccompanied minor aliens, regardless of the lawfulness of their stay in the territory of the Republic of Lithuania, must be taken into temporary guardianship/custody for the period of the child's stay in the Republic of Lithuania. The temporary guardian/custodian of an unaccompanied minor alien shall represent the interests of the unaccompanied minor alien.

2. Unaccompanied minor aliens, regardless of the lawfulness of their stay in the territory of the Republic of Lithuania, shall have the following rights:

1) to be provided with free accommodation and be supported in the manner established by the Minister of Social Security and Labour of the Republic of Lithuania;

2) to study at general education and vocational schools in accordance with the procedure laid down by the Minister of Education and Science;

3) to be provided with free basic medical aid in the manner prescribed by the Minister of Health;

4) to be provided with free social services in the manner prescribed by the Minister of Social Security and Labour;

5) to receive State-guaranteed legal aid unless the laws of the Republic of Lithuania provide otherwise;

6) to contact the representatives of non-governmental or international organisations of the Republic of Lithuania.

3. Having received information about an unaccompanied minor alien, the Migration Department must, together with the organisations indicated in subparagraph 6 of paragraph 2 of this Article and the temporary guardian/custodian of the minor alien, immediately organise search for the minor's family members.

4. The issue of the legal status of the unaccompanied minor alien in the Republic of Lithuania shall be addressed when conducting the search for his family members.

### **Article 33. Time Limits for the Examination of an Application for the Issue or Replacement of a Residence Permit**

1. An alien's application for the issue or replacement of a residence permit must be examined:

1) regarding the issue of a temporary residence permit, when the alien holds a long-term residence permit issued by an EU Member State – not later than within four months from the day of lodging an application with the relevant institution;

2) regarding the issue of a temporary residence permit, except for the case specified in subparagraph 1 of paragraph 1 of this Article - not later than within six months from the day of lodging an application with the relevant institution;

3) regarding the issue of a permanent residence permit – not later than within six months from the day of lodging an application with the relevant institution;

4) regarding the replacement of a temporary residence permit – not later than within two months from the day of lodging an application with the relevant institution;

2. The terms of examination of the applications specified in subparagraphs 1 to 3 of paragraph 1 of this Article may be extended for a period not longer than three months if this is necessary due to the complexity of the examination of the application.

3. The alien's permanent residence permit shall be replaced not later than within one month from the day of lodging an application with the relevant institution.

#### **Article 34. Validity of the Decision to Issue or Replace an Alien's Residence Permit**

1. The decision to issue or replace a temporary residence permit to an alien shall be valid for three months from the date of making the decision, whereas the decision to issue a permanent residence permit to an alien – for six months from the date of making of the decision.

2. During the period of validity of the decision to issue or replace an alien's residence permit the alien may apply for the execution of the residence permit.

3. In case of an illness or other serious reasons beyond the alien's control, about the presence of which the alien must give written notification to an institution authorised by the Minister of the Interior, the period of validity of the decision referred to in paragraph 1 of this Article may be extended, but for not longer than up to three months.

#### **Article 35. Grounds for Refusing to Issue or Replace an Alien's Residence Permit**

1. The alien shall be refused the issue or replacement of a residence permit if:

1) his residence in the Republic of Lithuania may constitute a threat to national security, public policy or public health;

2) the data which he submitted in order to receive a residence permit are implausible or the submitted documents have been unlawfully obtained or forged or there are serious grounds to believe that a marriage of convenience, a registered partnership of convenience or a fake adoption have been concluded;

3) an alert has been issued for him in the Central Schengen Information System by another Schengen State for the purposes of refusing entry and there are no grounds for issuing a residence permit due to humanitarian reasons or international obligations or he has been entered in the national list of aliens prohibited from entering the Republic of Lithuania;

4) (Repealed as of 23 February 2008);

5) he does not possess adequate means of subsistence and/or does not receive regular income to stay in the Republic of Lithuania. In the case provided for in subparagraph 1 of paragraph 1 of Article 46 of this Law, it shall also be refused to issue or replace the alien's

residence permit if the alien does not possess adequate means to cover the costs of studies and return to his country;

6) he does not own residential premises in the Republic of Lithuania or he does not use the residential premises under the lease or loan for use contract or does not present an undertaking of a natural or legal person, confirmed in accordance with the procedure established by law, to provide him with accommodation for the period of validity of the residence permit;

7) he does not have a valid document evidencing health insurance coverage when, in the cases established by the laws of the Republic of Lithuania, he is not covered by compulsory health insurance, or, in the cases and in accordance with the procedure established by the Government of the Republic of Lithuania, he has no confirmed commitment of a citizen of the Republic of Lithuania or an alien residing in the Republic of Lithuania to cover the costs of the health care services provided to him during the period of his residence in the Republic of Lithuania;

8) there are serious grounds to believe that he has committed a crime against humanity or a war crime or committed genocide within the meaning defined in the laws of the Republic of Lithuania, international treaties or other sources of international law;

9) he has, within an established time period, repeatedly failed to meet the obligations specified in paragraph 1 of Article 36 of this Law;

10) the alien and his family member who has come to reside in the Republic of Lithuania for family reunification no longer live maintaining a real marital or family relationship.

2. An alien who has been refused the issue or replacement of a residence permit may lodge an application for the issue of a residence permit not earlier than after one year from the decision to refuse the issue or replacement of a residence permit and after the disappearance of the reasons for which the issue or replacement of the residence permit was refused.

3. (Repealed).

4. The provisions of paragraphs 1 and 2 of this Article shall not apply in the case of replacement of a permanent residence permit.

### **Article 36. Data Notification**

1. An alien who holds a residence permit must, not later than within seven days, notify an institution authorised by the Minister of the Interior in the event of a change of:

- 1) documents confirming the alien's identity or citizenship;
- 2) the alien's marital status;

3) the alien's place of residence.

2. The state institution or agency or the employer must notify the institution authorised by the Minister of the Interior about an alien:

1) the employer – about termination of a contract of employment with the alien in possession of a temporary residence permit;

2) the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania – about the alien in possession of a temporary residence permit who has terminated economic and commercial activities or any other declared activity in the Republic of Lithuania;

3) the education establishment – about expulsion of the alien in possession of a temporary residence permit or his discontinuation of studies at the education establishment;

4) the police or any other law enforcement institution – about the alien who has been detained for a period of up to 48 hours or has been imposed a penalty for an administrative offence;

5) the court – about the alien who has been detained or convicted of a committed criminal act or has been imposed a penalty for an administrative offence;

6) the Prison Department under the Ministry of Justice of the Republic of Lithuania – about the alien detained for the pre-trial investigation period or serving a sentence imposed by the court.

### **Article 37. Alien's Passport**

A foreign citizen, who is entitled to temporary or permanent residence in the Republic of Lithuania but does not possess a valid passport of a foreign citizen or an equivalent travel document or it has been lost or destroyed and the foreign citizen cannot receive it from the competent institutions of his country of origin for objective reasons, may be issued an alien's passport in accordance with the procedure established by the Minister of the Interior.

### **Article 38. Travel Document of a Stateless Person**

A stateless person who is entitled to temporary or permanent residence in the Republic of Lithuania but does not possess a travel document valid in a foreign country may be issued a travel document of a stateless person provided for in the 1954 Convention relating to the Status of Stateless Persons in accordance with the procedure established by the Minister of the Interior.

### **Article 39. Unlawful Residence in the Republic of Lithuania**

An alien's residence in the Republic of Lithuania shall be considered unlawful if the alien:

- 1) resides in the Republic of Lithuania without a residence permit, except in the cases where the alien has been granted temporary territorial asylum in accordance with the procedure laid down in this Law;
- 2) resides in the Republic of Lithuania holding an invalid residence permit;
- 3) resides in the Republic of Lithuania holding a withdrawn residence permit;
- 4) holds a forged residence permit;
- 5) holds a forged travel document.

### **SECTION THREE**

#### **TEMPORARY RESIDENCE OF ALIENS**

#### **IN THE REPUBLIC OF LITHUANIA**

#### **Article 40. Grounds for the Issue or Replacement of a Temporary Residence Permit**

1. A temporary residence permit may be issued or replaced to an alien if:
  - 1) the alien has retained the right to citizenship of the Republic of Lithuania in accordance with the procedure laid down by the Law on Citizenship;
  - 2) the alien is a person of Lithuanian descent;
  - 3) it is a case of family reunification;
  - 4) the alien intends to work in the Republic of Lithuania;
  - 5) the alien intends to engage in lawful activities in the Republic of Lithuania;
  - 6) the alien intends to acquire education, study at an education establishment, take part in an internship programme, improve qualification or take part in vocational training;
  - 7) the alien has been put under guardianship/custody or has been appointed guardian/custodian;
  - 8) the alien may not be expelled from the Republic of Lithuania in accordance with the procedure established by this Law or his expulsion from the Republic of Lithuania has been postponed in accordance with the procedure laid down in Article 132 of this Law;
  - 9) the alien has been granted subsidiary protection in the Republic of Lithuania in accordance with the procedure prescribed by this Law;
  - 10) the alien has been granted temporary protection in the Republic of Lithuania in accordance with the procedure prescribed by this Law;



11) the alien is unable to depart due to a dangerous health condition and requires urgent basic medical aid. The list of such health conditions shall be established by the Minister of Health;

12) the alien is allowed to remain residing in the Republic of Lithuania as he is or has been a victim of human trafficking and cooperates with the pre-trial investigation body or with the court in the fight against trafficking in human beings or in combating the offences linked to trafficking in human beings. This provision shall only apply to adult aliens;

13) the alien intends to carry out scientific research and/or experimental development works as a researcher under an employment contract concluded with a research agency registered in the Republic of Lithuania.

2. A temporary residence permit may also be replaced at the alien's request if:

- 1) the alien has changed his personal data;
- 2) the temporary residence permit has become unfit for use;
- 3) the temporary residence permit has expired;
- 4) the temporary residence permit contains inaccurate entries;
- 5) the temporary residence permit has been lost.

3. An alien who, on the grounds specified in paragraph 1 of this Article, is issued a temporary residence permit or has his temporary residence permit replaced, must meet the conditions set in paragraph 1 of Article 26 of this Law.

4. A temporary residence permit shall be executed after the alien produces a valid travel document, the validity of which must exceed the period of validity of the temporary residence permit applied for by three months.

5. An alien in possession of a temporary residence permit must, following the change of the circumstances due to which the permit was issued, obtain a new temporary residence permit.

6. Family members entering the Republic of Lithuania for residence together with the alien who has been issued a temporary residence permit on the grounds specified in subparagraphs 1 to 5, 9, 10 and 13 of paragraph 1 of this Article may be issued a temporary residence permit for the same period as this alien.

#### **Article 41. Issue of a Temporary Residence Permit to an Alien Who Has Retained the Right to Citizenship of the Republic of Lithuania**

1. An alien who has retained the right to citizenship of the Republic of Lithuania may be issued a temporary residence permit provided that he produces documents confirming retention of the right to citizenship of the Republic of Lithuania.

2. An alien who has retained the right to citizenship of the Republic of Lithuania shall be issued a temporary residence permit for five years.

**Article 42. Issue of a Temporary Residence Permit to an Alien of Lithuanian Descent**

1. An alien of Lithuanian descent may be issued a temporary residence permit if he produces a document confirming his Lithuanian descent.

2. A temporary residence permit shall be issued to an alien of Lithuanian descent for a period of five years.

**Article 43. Issue of a Temporary Residence Permit to an Alien in the Event of Family Reunification**

1. A temporary residence permit may be issued to an alien in the event of family reunification if:

1) the alien's parents or one of them, who are citizens of the Republic of Lithuania, reside in the Republic of Lithuania;

2) the parents of the minor alien or one of them or the spouse of one of them, who is a citizen of the Republic of Lithuania or is in possession of a residence permit and in whose guardianship the minor alien is, reside in the Republic of Lithuania;

3) the alien's child, who is a citizen of the Republic of Lithuania, reside in the Republic of Lithuania;

4) the alien's child, who has been granted refugee status and has been issued a permanent residence permit, resides in the Republic of Lithuania;

5) the alien's spouse or the person with whom a registered partnership has been contracted and who is a citizen of the Republic of Lithuania or an alien in possession of a residence permit resides in the Republic of Lithuania;

6) the alien is a first-degree relative in the direct ascending line of an alien in possession of a residence permit;

7) the alien's parents, who are incapable to work due to the pension age or disability and are in possession of a permanent residence permit, reside in the Republic of Lithuania;

8) particularly difficult circumstances related to divorce or dissolution of a registered partnership or death of a family member, regulated in accordance with the procedure laid down in paragraph 5 of Article 51 of this Law, emerge. In this case, the application to issue a temporary residence permit must be lodged before the divorce or dissolution of the registered partnership or the day of death of the family member, where the alien has not yet been granted

a temporary residence permit for family reunification or not later than within six months after the divorce or dissolution of the registered partnership or the day of death of the family member, where the alien held a temporary residence permit issued for family reunification before the divorce or dissolution of the registered partnership or the day of death of the family member. Under this paragraph, a temporary residence permit may be granted for one year.

2. An application to issue a temporary residence permit may be lodged by an alien whose family members enter for family reunification or by one of the adult family members.

3. In the cases provided for in subparagraphs 2 and 4 to 7 of paragraph 1 of this Article, the family member of the alien may be issued or replaced a temporary residence permit if he meets the conditions laid down in subparagraphs 2 to 4 of paragraph 1 of Article 26 of this Law or the person whom he is joining for family reunification ensures that his family member meets the said conditions in accordance with the procedure laid down by laws.

4. If a temporary residence permit is issued to an alien in accordance with subparagraph 5 of paragraph 1 of this Article, it must be established in accordance with the procedure laid down by the Minister of the Interior whether the concluded marriage or registered partnership are not marriage or partnership of convenience.

5. In the event of family reunification an alien shall be issued a temporary residence permit for the same period as the alien whom he comes to join.

6. The alien specified in subparagraphs 2, 5 and 6 of paragraph 1 of this Article, whose family members enter for family reunification, must have resided in the Republic of Lithuania for the last two years, hold a temporary residence permit valid for at least one year and have reasonable prospects of obtaining the right to permanently reside in the Republic of Lithuania, regulated in accordance with the procedure provided for in paragraph 5 of Article 51 of this Law. This provision shall not apply when the family members join the alien:

- 1) who has been granted the refugee status in the Republic of Lithuania;
- 2) who has a temporary residence permit issued on the grounds established in subparagraph 13 of paragraph 1 of Article 40 of this Law;
- 3) who performs a job requiring high professional skills for which, during the period of validity of the temporary residence permit, a monthly salary received is not less than three most recently announced monthly average salaries of the national economy;
- 4) who has arrived to teach or take part in internship programmes at institutions of education and science in the Republic of Lithuania under international treaties of the Republic of Lithuania or under the European Union academic exchange programmes with third countries;

5) who, being directly involved in projects of importance to the State, has invested in the Republic of Lithuania any property owned, borrowed or managed and used by the right of trust.

7. The provisions of subparagraph 5 of paragraph 1 of this Article regarding family unification shall apply when both of the alien spouses or aliens who have contracted a registered partnership are not younger than 21 years.

8. The right to family reunification shall not be granted to the aliens who have lodged asylum applications in the Republic of Lithuania until their application has not been finally decided upon as well as the aliens who have been granted subsidiary or temporary protection in the Republic of Lithuania.

#### **Article 44. Issue of a Temporary Residence Permit to an Alien Who Intends to Work**

1. A temporary residence permit may be issued to an alien who intends to work in the Republic of Lithuania, provided that the alien:

1) holds a work permit, or

2) in the cases established in paragraph 2 of Article 58 of this Law, has been exempted from the obligation to obtain a work permit.

2. An alien who intends to work shall be issued a temporary residence permit for one year.

3. An alien's application for the issue of a temporary residence permit may be examined in conjunction with the application for the issue of a work permit.

4. Upon the expiry of a work permit, an alien must depart from the Republic of Lithuania.

#### **Article 45. Issue of a Temporary Residence Permit to an Alien Who Intends to Engage in Lawful Activities**

1. A temporary residence permit may be issued to an alien who intends to engage in lawful activities in the Republic of Lithuania, provided that the alien:

1) registers an enterprise, agency or organisation in the Republic of Lithuania as the owner or co-owner, in which the nominal value of his proportion of the authorised capital held in the enterprise must comprise not less than LTL 50 000, and his stay in the Republic of Lithuania is necessary seeking to attain the aims of the enterprise, agency, or organisation and carrying out the activities;

2) is the head or an authorised representative of an enterprise, agency or organisation registered in the Republic of Lithuania, if the principal goal of his entry is work at the enterprise, agency or organisation;

3) intends to engage in lawful activities in the Republic of Lithuania, for which no work permit or permit to engage in certain activities is required.

2. An alien who intends to engage in lawful activities in the Republic of Lithuania shall be issued a temporary residence permit for one year.

3. Upon terminating lawful activities in the Republic of Lithuania, an alien must depart from the Republic of Lithuania.

#### **Article 46. Issue of a Temporary Residence Permit to an Alien Who Intends to Study**

1. A temporary residence permit may be issued to an alien who intends to study, train, take part in an internship programme, undergo in-service training or vocational training in the Republic of Lithuania, provided that the alien:

- 1) has been enrolled as a full-time student at a higher education establishment;
- 2) has been enrolled as a secondary school pupil;
- 3) has been invited to take part in an internship programme;
- 4) has been invited to undergo in-service training;
- 5) has been invited to undergo vocational training;

2. The alien indicated in paragraph 1 of this Article shall be issued a temporary residence permit for the period of duration of the studies, training, an internship programme, in-service training or vocational training, but for not longer than one year. A temporary residence permit may be replaced, provided that the alien meets the conditions set in paragraph 1 of Article 26 of this Law and submits documents confirming that he has not been removed from the lists of students, pupils, participants in internship programmes, in-service or vocational training or that, when studying, he complies with the restrictions laid down in paragraph 4 of this Article.

3. Upon the termination of the study period or discontinuation of studies, an alien must depart from the Republic of Lithuania.

4. An alien who receives a work permit for the period of studies shall have the right to work during part-time studies not more than 20 hours per week and only beginning from the second year of studies.

5. Repealed as of 16 December 2006.

**Article 47. Issue of a Temporary Residence Permit in Case an Alien Has Been Put under Guardianship/Custody**

1. A temporary residence permit may be issued to an alien if, in the manner prescribed by the laws of the Republic of Lithuania:

1) he has been appointed the guardian/custodian of a person who is a citizen of the Republic of Lithuania;

2) he has been put under guardianship/custody of a citizen of the Republic of Lithuania.

2. In the cases specified in paragraph 1 of this Article, an alien shall be issued a temporary residence permit for a period of one year.

**Article 48. Issue of a Temporary Residence Permit to an Alien upon Granting Him Subsidiary Protection in the Republic of Lithuania**

1. An alien shall be issued a temporary residence permit provided that he has been granted subsidiary protection in the Republic of Lithuania upon having lodged an asylum application in accordance with the procedure established by this Law.

2. An alien who has been granted subsidiary protection in the Republic of Lithuania shall be issued a temporary residence permit for a period of one year.

**Article 49. Issue of a Temporary Residence Permit to an Alien upon Granting Him Temporary Protection in the Republic of Lithuania**

1. An alien shall be issued a temporary residence permit provided that he has been granted temporary protection in the Republic of Lithuania in accordance with the procedure established by this Law.

2. A temporary residence permit shall be issued to an alien for the period set by the Government of the Republic of Lithuania for which temporary protection in the Republic of Lithuania has been granted.

**Article 49<sup>(4)</sup>. Issue of a Temporary Residence Permit to an Alien Who Cooperates With the Pre-trial Investigation Body or the Court, Combating Trafficking in Human Beings or Crimes Linked to Trafficking in Human Beings**

1. A temporary residence permit may be issued to an adult alien who is or has been a victim of human trafficking and cooperates with the pre-trial investigation body or the court combating trafficking in human beings or crimes linked to human trafficking, provided that the pre-trial investigation body or the court mediates in issuing the temporary residence permit to such an alien.

2. An alien, for whom the pre-trial investigation body or the court mediates in issuing the temporary residence permit, shall be issued a temporary residence permit for six months.

3. The temporary residence permit indicated in paragraph 2 of this Article may be replaced to an alien if the pre-trial investigation body or the court mediates in issuing it.

4. After the alien specified in paragraph 1 of this Article has been issued a temporary residence permit, the alien shall, on the decision of the mediating institution or the court, be permitted to reside in the place of his choice or the place specified by the said institution.

5. The alien who has been issued a temporary residence permit on the grounds provided for in subparagraph 12 of paragraph 1 of Article 40 of this Law and who is not in possession of sufficient means of subsistence shall be entitled to receive basic medical aid and social services in accordance with the procedure established by the legal acts of Republic of Lithuania.

6. An alien, issued a temporary residence permit on the grounds provided for in subparagraph 12 of paragraph 1 of Article 40 of this Law, having received a work permit, shall be entitled to work during the period of validity of the temporary residence permit.

**Article 49<sup>(2)</sup>. Issue of a Temporary Residence Permit Works to an Alien Who Intends to Carry Out Scientific Research and/or Experimental Development Works as a Researcher**

1. A temporary residence permit may be issued to an alien who intends to carry out scientific research and/or experimental development works as a researcher under an employment contract concluded with a research agency. He must also present a written commitment of this agency valid for six more months from the end of the employment contract, so that, should the alien unlawfully stay in the Republic of Lithuania, the institution would reimburse the expenses connected with the alien's stay and return, where these expenses are paid from state funds.

2. An application to issue a temporary residence permit may be submitted by an alien or a research agency.

3. The alien who intends to carry out scientific research and/or experimental development works as a researcher under an employment contract concluded with a scientific research establishment shall be issued a temporary residence permit for a period of one year or, if the duration of the scientific research and/or experimental development works is shorter than one year, for the period of carrying out of the scientific research and/or experimental development works.

4. During the period of scientific research and/or experimental development works, the alien shall be entitled to perform teaching work at a higher education establishment in accordance with the procedure established by the laws of the Republic of Lithuania.

5. After an alien discontinues carrying out scientific research and/or experimental development works or upon termination of the alien's employment contract concluded with a scientific research establishment, he must depart from the Republic of Lithuania.

#### **Article 50. Grounds for Withdrawal of a Temporary Residence Permit**

1. A temporary residence permit of an alien shall be withdrawn if:

- 1) the permit has been obtained by fraud;
- 2) there are grounds provided for in paragraph 1 of Article 35 of this Law;
- 3) there are serious grounds to believe that a marriage of convenience, registered partnership of convenience or fake adoption have been concluded;
- 4) a marriage has been dissolved;
- 5) an alien's work permit in the Republic of Lithuania has been withdrawn;
- 6) an employment contract with the alien has been terminated;
- 7) it is established that the enterprise, agency or organisation whose owner or co-owner the alien is does not perform the declared activities and/or the alien's stay in the Republic of Lithuania is not necessary for the pursuit of the aims and carrying out of the activities of the enterprise, agency or organisation;
- 8) the alien's lawful activities in the Republic of Lithuania have been terminated or completed;
- 9) the alien has been removed from the lists of students or pupils, his internship programme is discontinued or is completed before schedule, he is removed from the lists of participants in in-service or vocational training or, when studying, he does not comply with the restrictions laid down in paragraph 4 of Article 46 of this Law;
- 10) the alien has been exempted from the duties of the guardian/custodian in accordance with the procedure established by the laws of the Republic of Lithuania or guardianship/custody has expired;
- 11) the possibility emerged to expel the alien from the Republic of Lithuania where a temporary residence permit has been issued under subparagraph 8 of paragraph 1 of Article 40 of this Law;
- 12) the subsidiary or temporary protection granted to the alien has been withdrawn in the manner prescribed by this Law;



13) the alien departs to reside or has been residing in a foreign country for a period longer than six months;

14) the alien's residence in the Republic of Lithuania constitutes a threat to national security, public policy or public health;

15) the alien has repeatedly failed to fulfil, within the set time period, the obligations provided for in paragraph 1 of Article 36 of this Law;

16) on the recommendation of the pre-trial investigation body or the court, it is noted that the grounds on which the adult alien, who has been a victim of human trafficking and cooperated with the pre-trial investigation body or the court in combating human trafficking or crimes linked to human trafficking, has been issued a temporary residence permit, have disappeared;

17) scientific research and/or experimental development works are discontinued or the alien's contract of employment concluded with the research institution is terminated.

2. A temporary residence permit shall be withdrawn on the grounds specified in subparagraphs 4 to 12, 16 and 17 of paragraph 1 of this Article if this constituted grounds for receiving a temporary residence permit.

3. If an alien's temporary residence permit is withdrawn, temporary residence permits of the alien's family members living together with him shall also be withdrawn, except in cases where they are entitled to reside in the Republic of Lithuania on other grounds set by this Law.

#### **Article 51. Issue, Replacement and Withdrawal of a Temporary Residence Permit**

1. An alien shall submit documents for the issue or replacement of a temporary residence permit to the institution authorised by the Minister of the Interior.

2. The decision on the issue of a temporary residence permit to an alien shall be made by the Migration Department, a temporary residence permit shall be issued to the alien by the institutions authorised by the Minister of the Interior.

3. The decision on the replacement of a temporary residence permit to an alien shall be made and the temporary residence permits shall be replaced to aliens by the institutions authorised by the Minister of the Interior.

4. The decision on the withdrawal of an alien's temporary residence permit shall be made by the Migration Department.

5. The procedure regulating the submission of documents for the issue of a temporary residence permit and the issue, replacement and withdrawal of temporary residence permits as well as the procedure for assessment whether a marriage of convenience has been entered into or a registered partnership of convenience has been contracted or a fake adoption has been

carried out seeking that the alien be issued a temporary residence permit shall be established by the Minister of the Interior upon co-ordination with the Minister of Foreign Affairs.

**Article 52. Invalid Temporary Residence Permit**

A temporary residence permit shall be invalid:

- 1) upon the expiry of validity of the temporary residence permit;
- 2) upon the death of the alien;
- 3) if the temporary residence permit contains elements of forgery;
- 4) if the permit has been withdrawn;
- 5) if the permit has been lost;
- 6) if the permit has been replaced on the grounds specified in paragraph 2 of Article 40 of this Law;
- 7) if the alien has received a permanent residence permit;
- 8) if the alien has acquired citizenship of the Republic of Lithuania.

**SECTION FOUR**  
**PERMANENT RESIDENCE OF ALIENS**  
**IN THE REPUBLIC OF LITHUANIA**

**Article 53. Grounds for the Issue and Replacement of a Permanent Residence Permit**

1. An alien may be issued a permanent residence permit if:

- 1) the alien has retained the right to citizenship of the Republic of Lithuania according to the procedure established by the Republic of Lithuania Law on Citizenship;
- 2) the alien is a person of Lithuanian descent;
- 3) the alien has entered the Republic of Lithuania for residence together with a citizen of the Republic of Lithuania as his family member;
- 4) the alien has lost citizenship of the Republic of Lithuania but resides in the Republic of Lithuania;
- 5) the alien is a child under the age of 18, born in the Republic of Lithuania and his parents or one of the parents are citizens of the Republic of Lithuania whose place of residence has been declared in the Republic of Lithuania or who hold a permanent residence permit;
- 6) the alien is a child under the age of 18, born outside the Republic of Lithuania and his parents or one of the parents are citizens of the Republic of Lithuania whose place of

residence has been declared in the Republic of Lithuania or who holds a permanent residence permit;

7) the alien has been granted refugee status in the Republic of Lithuania;

8) the alien has been residing in the Republic of Lithuania uninterruptedly for the last five years holding a temporary residence permit;

9) in the case provided for in Article 2 of the Law on the Implementation of the Republic of Lithuania Law on the Legal Status of Aliens.

2. A permanent residence permit may be replaced at the alien's request if:

1) the alien changes his personal data;

2) the permanent residence permit has become not fit for use;

3) the validity of the permanent residence permit has expired;

4) there are inaccurate entries in the permanent residence permit;

5) the permanent residence permit has been lost.

3. An alien who is issued a permanent residence permit must meet the conditions specified in subparagraphs 1 to 3 of paragraph 1 of Article 26 of this Law. Where the permanent residence permit is issued to the alien on the grounds specified in subparagraph 8 of paragraph 1 of this Article, the period of residence shall be calculated according to the procedure established by the Minister of the Interior.

4. A permanent residence permit shall be executed for an alien for a period of five years and shall be replaced after the expiry of this period.

5. An alien who has been issued a temporary residence permit under the provisions of paragraph 1 of Article 43 of this Law may be issued a permanent residence permit provided that the alien, being in possession of a temporary residence permit, has been residing in the Republic of Lithuania together with his family uninterruptedly for the last five years.

6. The permanent residence permit, issued on grounds set in subparagraph 8 of paragraph 1 and paragraph 5 of this Article, may be issued if the alien has passed an examination in the state language and an examination in the basic principles of the Constitution of the Republic of Lithuania. The procedure for the examination in the state language and in the basic principles of the Constitution of the Republic of Lithuania as well as the procedure for the issue of the relevant certificates shall be established by the Government the Republic of Lithuania.

7. Family members entering to join the alien referred to in subparagraphs 1 and 2 of paragraph 1 of this Article and residing together with him shall be issued permanent residence permits.

8. Persons who have reached the age of 75, persons whose capacity for work has been rated at 0 – 25% (until 30 June 2007– the disabled in Group I) and persons for whom the level of special needs has been established in accordance with the procedure laid down by legal acts as well as persons with serious chronic mental disorders shall be exempt from the requirements laid down in paragraph 6 of Article 53 of this Law.

#### **Article 54. Grounds for Withdrawal of a Permanent Residence Permit**

1. An alien's permanent residence permit shall be withdrawn if:

- 1) the permit has been obtained by fraud;
- 2) the alien's residence in the Republic of Lithuania may constitute a threat to national security or public policy;
- 3) the alien has been residing in a non EU Member State for a period exceeding 12 consecutive months.

2. (Repealed as of 16 December 2006)

3. If an alien's permanent residence permit is withdrawn, permanent residence permits of the alien's family members residing together with him shall also be withdrawn, except for the cases where they are entitled to reside in the Republic of Lithuania on other grounds set by this Law.

4. The alien's right to permanent residence in the Republic of Lithuania shall not be affected only because the period of validity of the residence permit held by him has expired.

#### **Article 55. Issue, Replacement and Withdrawal of a Permanent Residence Permit**

1. An alien shall submit documents for the issue or replacement of a permanent residence permit to the institution authorised by the Minister of the Interior.

2. The decision on the issue of a permanent residence permit to an alien shall be made by the Migration Department, the permanent residence permit shall be issued to the alien by the institutions authorised by the Minister of the Interior.

3. The permanent residence permit shall be replaced by the institutions authorised by the Minister of the Interior.

4. The decision on the withdrawal of a permanent residence permit shall be made by the Migration Department on the grounds established in subparagraphs 1 and 3 of paragraph 1 of Article 54 of this Law.

5. The decision on the withdrawal of a permanent residence permit on the grounds established in subparagraph 2 of paragraph 1 of Article 54 of this Law shall be made by Vilnius Regional Administrative Court.

6. The procedure regulating the submission of documents for the issue of a permanent residence permit and the issue, replacement and withdrawal of permanent residence permits to aliens as well as the assessment of entry into a marriage of convenience, contraction of a registered partnership of convenience or carrying out a fake adoption shall be established by the Minister of the Interior.

#### **Article 56. Invalid Permanent Residence Permit**

A permanent residence permit shall be invalid:

- 1) upon the expiry of validity of the permanent residence permit;
- 2) if an alien acquires citizenship of the Republic of Lithuania;
- 3) upon the alien's death;
- 4) if the permanent residence permit contains elements of forgery;
- 5) if the permit has been withdrawn;
- 6) (Repealed as of 16 December 2006);
- 7) if the permit has been lost;
- 8) if the alien is issued a permit to reside in another EU Member State;
- 9) the alien has declared that he has departed from the Republic of Lithuania in accordance with the procedure established in the Law on the Declaration of the Place of Residence.

### **SECTION V**

#### **ALIENS' WORK IN THE REPUBLIC OF LITHUANIA**

#### **Article 57. An Alien's Obligation to Obtain a Work Permit in the Republic of Lithuania**

1. An alien who intends to work in the Republic of Lithuania must obtain a work permit in the Republic of Lithuania (hereinafter – a work permit), except in the cases provided for in Article 58 of this Law where the alien is exempted from the obligation to obtain a work permit.

2. An alien must obtain a work permit before entering the Republic of Lithuania.

3. A work permit may be issued to an alien if there is no specialist in Lithuania meeting the employer's qualification requirements.

4. The Minister of Social Security and Labour together with the Minister of the Interior shall set the conditions and procedure for when an alien may be issued a work permit during his stay in the Republic of Lithuania.

5. The conditions and procedure for the issue of work permits to aliens shall be established by the Minister of Social Security and Labour.

6. A work permit shall be issued to an alien and withdrawn by the Labour Exchange of Lithuania under the Ministry of Social Security and Labour of the Republic of Lithuania (hereinafter – Lithuanian Labour Exchange).

#### **Article 58. Exempting an Alien from an Obligation to Obtain a Work Permit**

1. An alien shall be exempt from an obligation to obtain a work permit if:

1) the alien holds a temporary residence permit in the Republic of Lithuania issued under subparagraphs 1 to 3, 7, 9 and 10 of paragraph 1 of Article 40 of this Law;

2) the alien holds a permanent residence permit.

2. The Minister of Social Security and Labour shall set the conditions under which an alien shall be exempt from obtaining a work permit.

#### **Article 59. Grounds for the Issue of a Work Permit**

A work permit shall be issued to an alien taking into account the needs of the labour market of the Republic of Lithuania.

#### **Article 60. Time Limits for the Examination of Applications to Issue a Work Permit**

An alien's application to issue a work permit in the Republic of Lithuania must be examined within two months from the date of receipt of the application at the Lithuanian Labour Exchange.

#### **Article 61. Validity of a Work Permit**

1. A work permit shall be issued to an alien for a period of up to two years, specifying the job (position) and the enterprise, agency or organisation at which the alien will be employed.

2. An alien who enters the Republic of Lithuania to take up seasonal employment shall be issued a work permit for a period of up to six months in a year starting from the first day of entry into the Republic of Lithuania.

3. An alien who enters the Republic of Lithuania for employment as an intern or trainee shall be issued a work permit for a period of one year and its period of validity may be extended on an exceptional basis, when the period of internship or traineeship is longer than one year and the extension is necessary for acquiring qualification in an appropriate area.

### **Article 62. Taking Up Employment by Aliens**

1. An alien may take up employment in the Republic of Lithuania under a contract of employment or, if the alien's permanent place of employment is abroad, the alien may be sent for temporary employment in the Republic of Lithuania.

2. An employer may conclude a contract of employment only with an alien in possession of a work permit, except for the cases specified in Article 58 of this Law. The contract of employment must be concluded and a copy thereof, approved in the manner established by legal acts, must be submitted by the employer to the local labour exchange office for registration within two months from the day of issue of the work permit.

3. An alien's pay may not be less than that paid to a resident of the Republic of Lithuania for performing the same work.

4. An alien's employment relations shall be regulated by the Labour Code of the Republic of Lithuania, this Law and legal acts of the European Union.

### **Article 63. Grounds for Withdrawal of a Work Permit in the Republic of Lithuania**

An alien's work permit shall be withdrawn:

- 1) if the permit has been obtained by fraud;
- 2) upon termination of the alien's contract of employment;
- 3) in case of termination of employment relations with the foreign employer who had sent the alien for temporary employment in the Republic of Lithuania;
- 4) the alien's temporary residence permit is withdrawn;
- 5) the alien's contract of employment has not been registered within the time limit specified in paragraph 2 of Article 62 of this Law;
- 6) where it has been established that the alien does not meet the necessary conditions for the issue of work permits.

### **Article 64. Unlawful Work or Unlawful Engagement in Other Activities in the Republic of Lithuania**

An alien's work or engagement in other activities in the Republic of Lithuania shall be considered unlawful, regardless of whether remuneration is received or not, if the alien:

- 1) works without a work permit and/or contract of employment and a temporary residence permit or visa, where the possession thereof is required;

2) is engaged in other activities for which he has no permit, where such permit is required, and is not in possession of a temporary residence permit or a visa;

3) studies at an education establishment, takes part in an internship programme, undergoes in-service training or takes part in vocational training without a temporary residence permit or a visa, except for the cases specified in subparagraph 2 of paragraph 2 of Article 32 and paragraph 2 of Article 71 of this Law.

## **CHAPTER IV GRANTING OF ASYLUM IN THE REPUBLIC OF LITHUANIA**

### **SECTION ONE LODGING AN ASYLUM APPLICATION**

#### **Article 65. An Alien's Right to Apply for and Be Granted Asylum in the Republic of Lithuania**

An alien shall have the right to apply for and be granted asylum in the Republic of Lithuania in accordance with the procedure established by this Law.

#### **Article 66. Forms of Asylum**

The forms of asylum granted in the Republic of Lithuania in accordance with the procedure established by this Law and other legal acts shall be:

- 1) refugee status;
- 2) subsidiary protection;
- 3) temporary protection.

#### **Article 67. Lodging an Application for Refugee Status or Subsidiary Protection in the Republic of Lithuania**

1. An alien's application for refugee status or subsidiary protection in the Republic of Lithuania (hereinafter – asylum application) may be lodged:

- 1) at the Republic of Lithuania border crossing points or in the territory of the Republic of Lithuania, where the legal regime of the frontier has been established, to the State Border Guard Service;
- 2) at the territorial police agency;
- 3) at the Foreigners' Registration Centre.



2. An alien shall be entitled to personally lodge an asylum application. The application on behalf of the minor family members may be submitted by any adult family member.

3. Having submitted an asylum application, an unaccompanied minor alien shall be taken into temporary guardianship according to the procedure established by the laws of the Republic of Lithuania.

4. The procedure regulating the examination of the aliens' asylum applications, taking of decisions and their implementation shall be established by the Minister of the Interior.

#### **Article 68. Non-disclosure of Information**

1. Information relating to the filing of applications for asylum and examination of the applications shall be classified in the manner prescribed by law, except in cases specified in paragraph 1 of Article 73 and Article 91 of this Law or cases where the asylum applicant gives his written consent to the disclosure of such information.

2. Information provided in the alien's application for asylum as well as information received while the application is being examined shall not be furnished to the country of origin.

#### **Article 69. Actions of the Institution Following the Receipt of an Asylum Application**

1. A civil servant authorised by the state institution or agency which has received an alien's asylum application shall:

1) indicate in the asylum application or in the application record, if the application has not been submitted in writing, the date, time and place of submitting thereof;

2) collect all the documents and travel tickets held by the asylum applicant;

3) carry out inspection of the asylum applicant and his personal belongings according to the procedure established by the laws of the Republic of Lithuania;

4) interview the asylum applicant;

5) take the fingerprints of the asylum applicant;

6) take pictures of the asylum applicant.

2. The documents confirming the asylum applicant's identity shall be kept in his personal file pending the examination of his asylum application.

3. Having performed the actions specified in paragraph 1 of this Article, the civil servant authorised by the state institution or agency to which the asylum application has been submitted shall forthwith forward the asylum application or, where the application was not submitted in writing, the record thereof, copies of the documents and travel tickets collected from the asylum applicant and the record of the interview to the Migration Department via

means of electronic communication, whereas the taken fingerprints shall be forwarded to the institution authorised by the Minister of the Interior.

4. The institution authorised by the Minister of the Interior shall ensure the protection of the refugee's fingerprint data.

5. Actions specified in paragraphs 1 and 3 of this Article shall be performed within 24 hours from the moment of submission of the asylum application.

#### **Article 70. Exemption from Liability for Unlawful Entry and Stay in the Republic of Lithuania**

Asylum applicants who have unlawfully entered the territory of the Republic of Lithuania from a country where their life or freedom was threatened shall be exempt from liability for unlawful entry into and stay in the Republic of Lithuania, provided they present themselves without delay to competent institutions or agencies of the Republic of Lithuania and provide an exhaustive explanation of the reasons of their unlawful entry into or stay in the territory of the Republic of Lithuania.

#### **Article 71. Rights and Duties of an Asylum Applicant in the Republic of Lithuania While His Asylum Application is Being Examined**

1. In the course of examination of an application for asylum in the Republic of Lithuania, the asylum applicant shall have the following rights:

- 1) to be accommodated at the Foreigners' Registration Centre or Refugee Reception Centre and to use the services provided therein;
- 2) to handle and have documents relating to the examination of the asylum application notarised;
- 3) to make use of State-guaranteed legal aid unless the laws of the Republic of Lithuania provide otherwise;
- 4) to receive compensation for the use of means of public transport where such use of the means of public transport is linked to the examination of the asylum application;
- 5) to make use of services of an interpreter free of charge;
- 6) to receive basic medical aid and social services free of charge at the Foreigners' Registration Centre or Refugee Reception Centre;
- 7) to receive a monthly allowance in the manner prescribed by the Minister of Social Security and Labour;
- 8) to apply to and meet with representatives of the Office of the United Nations High Commissioner for Refugees;

9) other rights guaranteed under international treaties, laws and other legal acts of the Republic of Lithuania.

2. Minor asylum applicants shall be entitled to study at general education schools and vocational schools.

3. Duties of an asylum applicant:

1) to observe the Constitution, laws and other legal acts of the Republic of Lithuania;

2) to perform the duties prescribed for the asylum applicant by the decisions of the Migration Department and the court;

3) to allow the performance of health screening;

4) during the examination of the asylum application, to provide all the available documents and a full explanation of the motives for the asylum application corresponding to reality, the asylum applicant's personality as well as the circumstances of his entry and stay in the Republic of Lithuania;

5) to declare to the Foreigners' Registration Centre, Refugee Reception Centre or territorial police agency in writing in free format the resources and assets held in the Republic of Lithuania within three days from the granting of temporary territorial asylum and the funds received pending the examination of the asylum application in the Republic of Lithuania within one day from the receipt thereof.

4. State funds of the Republic of Lithuania shall be allocated for the implementation of the rights of the asylum applicants laid down in paragraphs 1 and 2 of this Article, also resources from international organisations, EU structural funds as well as resources from humanitarian aid funds established by natural and legal persons of the Republic of Lithuania and non-governmental organisations may be used to the extent the asylum applicant is unable to guarantee them with the resources and assets subject to declaration.

5. If it transpires that the asylum applicant had sufficient resources for the implementation of the rights established in paragraph 1 of this Article at the time when his basic needs were covered for him, he must refund the expenses incurred by the State.

## **SECTION TWO**

### **DETERMINING EU MEMBER STATES RESPONSIBLE FOR EXAMINING AN ASYLUM APPLICATION**

**Article 72. Making a Decision on Determining the State Responsible for  
Examining an Asylum Application**

1. Having examined the documents and evidence submitted to it, the Migration Department shall make a decision regarding the determination of the state responsible for examining the asylum application within 48 hours from the moment of lodging the asylum application.

2. If an EU Member State so requests and if the asylum applicant so desires, the Republic of Lithuania may, on humanitarian grounds, agree to examine the asylum applicant's application even if it is not responsible for examining the asylum application.

3. Upon deciding that the Republic of Lithuania is responsible for examining the asylum application, the application shall be examined as to the substance.

### **Article 73. Actions Related to Determining the State Responsible for Examining the Asylum Application and Transferring the Asylum Applicant to the EU Member State**

1. The Migration Department shall carry out an inquiry with a view to determining the state responsible for examining the asylum application. While carrying out the inquiry, the Migration Department shall cooperate with the competent institutions of the EU Member States and, where necessary, provide them with the required information.

2. Upon taking a decision determining that the EU Member State is responsible for the examination of the asylum application, the asylum applicant's asylum application shall not be examined as to substance, the asylum applicant shall be granted temporary territorial asylum, in the case specified in Article 78 of this Law the asylum applicant shall be issued an alien registration certificate and according to the provisions of Article 79 of this Law he shall be provided with accommodation in the Republic of Lithuania for the period for which he has been granted temporary territorial asylum. Such asylum applicant shall be granted temporary territorial asylum pending his transfer to the EU Member State responsible for examining his asylum application.

3. Having made a decision determining that the EU Member State is responsible for the examination of the asylum application, the Migration Department shall cooperate with the competent institutions of this EU Member State with a view to transferring the asylum applicant to it.

### **Article 74. Taking a Decision Regarding the Transfer of the Asylum Applicant to the EU Member State**

1. Having received consent of the EU Member State responsible for the examination of the asylum application to admit the asylum applicant, the Migration Department shall take a decision regarding the transfer of the asylum applicant to that EU Member State.

2. The decision specified in paragraph 1 of this Article shall be implemented by the institution authorised by the Minister of the Interior.

#### **Article 75. Issue of a Travel Document to an Asylum Applicant Who Is Being Transferred to the EU Member State**

1. An asylum applicant who is being transferred to the EU Member State responsible for examining his asylum application shall be issued a *laissez-passer* for one journey to the EU Member State.

2. The decision on the issue of a *laissez-passer* shall be made by the Migration Department.

### **SECTION THREE**

#### **PROCEDURE FOR GRANTING ASYLUM IN THE REPUBLIC OF LITHUANIA**

#### **Article 76. Admission of an Asylum Applicant into the Territory of the Republic of Lithuania and Granting Him Temporary Territorial Asylum**

1. Having examined the documents and evidence submitted to it and determined that no EU Member State is responsible for examining the asylum application and there are no reasons specified in Article 77 of this Law, the Migration Department shall take decisions in respect of granting (refusal to grant) temporary territorial asylum to the asylum applicant and accommodating him in the territory of the Republic of Lithuania pending the examination of his application as to substance and making the final decision.

2. Temporary territorial asylum shall also be granted to the asylum applicant who has been returned from an EU Member State to the Republic of Lithuania where the Republic of Lithuania is responsible for examining the asylum application.

3. The decision specified in paragraph 1 of this Article shall be made within 48 hours from the moment of lodging an asylum application or from the moment of the asylum applicant's transfer to the Republic of Lithuania from any of the EU Member States. This deadline may be further extended for 24 hours where it is sought to determine the reasons specified in paragraph 2 of Article 77 of this Law.

4. By decision of the Migration Department, the period of temporary territorial asylum shall be extended in case of failure, due to objective reasons, to transfer the asylum applicant to

any EU Member State within the set time limit. Such a decision shall be made within 48 hours from the moment it transpires that the asylum applicant will not be transferred to any EU Member State. The asylum application of such an asylum applicant shall be examined as to substance in the manner set by this Law.

**Article 77. Reasons for Refusing an Asylum Applicant Entry into the Territory of the Republic of Lithuania and Temporary Territorial Asylum**

1. By decision of the Migration Department, an asylum applicant shall be refused temporary territorial asylum and his asylum application shall not be examined as to substance where he enters the Republic of Lithuania from a safe third country. Such an asylum applicant shall be obliged to depart from the Republic of Lithuania to a safe third country; he shall be expelled or returned to it.

2. By decision of the Migration Department, an asylum applicant shall be refused refugee status and subsidiary protection and shall also be refused temporary territorial asylum should it transpire, after having examined his asylum application as to substance, that he has arrived from a safe country of origin or has submitted a manifestly unfounded application for asylum. Such an asylum applicant shall be obliged to depart from the Republic of Lithuania or shall be expelled from it.

3. Paragraphs 1 and 2 of this Article shall not apply to an unaccompanied minor asylum applicant. Paragraph 1 of this Article shall not apply also in cases when a EU Member State responsible for examining an asylum application has been determined.

**Version of Article 77 as of 1 February 2012:**

**Article 77. Reasons for Refusing an Asylum Applicant Entry into the Territory of the Republic of Lithuania and Temporary Territorial Asylum**

1. By decision of the Migration Department, an asylum applicant shall be refused temporary territorial asylum and his asylum application shall not be examined as to substance where he enters the Republic of Lithuania from a safe third country. Such an asylum applicant shall be returned or expelled to the safe third country.

2. By decision of the Migration Department, an asylum applicant shall be refused refugee status and subsidiary protection and shall also be refused temporary territorial asylum should it transpire, after having examined his asylum application as to substance, that he has arrived from a safe country of origin or has submitted a manifestly unfounded application for asylum. Such an asylum applicant shall be returned to the foreign country or expelled from the Republic of Lithuania.

3. Paragraphs 1 and 2 of this Article shall not apply to an unaccompanied minor asylum applicant. Paragraph 1 of this Article shall not apply also in cases when a EU Member State responsible for examining an asylum application has been determined.

#### **Article 78. Issue of an Alien's Registration Certificate**

1. The Migration Department shall, within 48 hours, issue the asylum applicant who has been granted temporary territorial asylum with an alien's registration certificate.

2. The alien's registration certificate shall be issued to an asylum applicant irrespective of his age.

#### **Article 79. Accommodation of an Asylum Applicant in the Republic of Lithuania**

1. The Migration Department shall take a decision on the accommodation of the asylum applicant, except in cases where the asylum applicant has been detained or a measure alternative to detention has been imposed against him according to the procedure established by the laws of the Republic of Lithuania.

2. Having lawfully entered the Republic of Lithuania, an asylum applicant who has been granted temporary territorial asylum shall be provided with accommodation at the Foreigners' Registration Centre on the decision of the Migration Department. On the decision of the Migration Department, such an asylum applicant may be permitted to reside in the place of his choice if the asylum applicant so desires.

3. An unaccompanied minor asylum applicant shall be provided with accommodation at the Refugee Reception Centre in accordance with the procedure established by the Minister of the Interior and Minister of Social Security and Labour, unless this is objected to by his temporary guardian /custodian or other lawful representative.

4. The Foreigners' Registration Centre is an institution intended for keeping aliens detained on the grounds specified in this Law and, on the decision of the court or the Migration Department, providing temporary accommodation to aliens, carrying out inquiries with regard to identity of the aliens, the circumstances of their entry into the Republic of Lithuania, keeping of records of aliens as well as carrying out the return and expulsion of aliens from the Republic of Lithuania. The conditions and procedure for temporary accommodation of aliens at the Foreigners' Registration Centre shall be established by the Minister of the Interior.

5. The Refugee Reception Centre is a budgetary institution providing social services, intended for accommodating aliens who have been granted asylum in the Republic of Lithuania and unaccompanied minor aliens as well as for implementing social integration of the aliens

who have been granted asylum. The Refugee Reception Centre shall be established, reorganised and liquidated by the Minister of Social Security and Labour.

### **Article 80. Examination of the Asylum Applicant's Asylum Application as to Substance**

The asylum application shall be examined as to substance by the Migration Department, conducting an inquiry with the aim of establishing whether or not the asylum applicant meets the criteria set in Articles 86 and 87 of this Law and whether or not there are reasons specified in Article 88 of this Law.

### **Article 81. Time Limits for Examining Asylum Applications as to Substance**

1. An asylum application must be examined as to substance within three months from the date of taking of the decision by the Migration Department on the granting of temporary territorial asylum or on the extension of temporary territorial asylum in the cases specified in paragraph 4 of Article 76 of this Law.

2. The deadline for examining an asylum application as to substance may be extended by decision of the Migration Department where objective reasons preclude examination of the asylum application by the set time limit, however the time limit of examination of the application as to substance may not exceed six months from the date of taking the decision by the Migration Department on the granting of temporary territorial asylum or on the extension of temporary territorial asylum in cases specified in paragraph 4 of Article 76 of this Law.

3. The time limits for examining an asylum application as to substance specified in paragraphs 1 and 2 of this Article shall not apply where the asylum application is examined as to substance according to the procedure set in paragraph 2 of Article 77 of this Law. Should it be established that the asylum application is manifestly unfounded, it must be examined within 48 hours. This time limit may be extended, but for no longer than seven days.

### **Article 82. Interview of Asylum Applicants and Notification of the Decisions**

1. When an asylum applicant's asylum application is examined as to substance, the asylum applicant's interview must be carried out in the absence of his family members. If the asylum applicant so desires, during his interview his right to State-guaranteed legal aid and the right to the services of an interpreter shall be ensured. A minor asylum applicant must be interviewed in the presence of his lawful representative or temporary guardian (custodian) and his right to State-guaranteed legal aid shall be safeguarded.



2. An asylum applicant must be notified of all decisions made in respect of him in the language known to him and be provided with copies thereof.

### **Article 83. Admissibility of Means of Proof**

1. Where, in the course of examining an asylum applicant's application, it is established that, despite the applicant's honest efforts, the data relevant to the determination of his status cannot be supported by written proof, such data shall be assessed in favour of the asylum applicant and the asylum application shall be considered as well-founded provided that the asylum applicant's explanations are consistent and non-contradictory in essence and are not contrary to universally known facts.

2. Paragraph 1 of this Article shall not apply and the data that cannot be confirmed by written proof shall be rejected if, in the course of examination of the asylum applicant's application, the asylum applicant misleads the investigation, delays it by his acts or omissions, tries to cheat or if contradictions are established between the facts specified by the asylum applicant that have a decisive effect on the granting of the asylum.

### **Article 84. Suspension and Resumption of Examination of Asylum Applications**

1. The examination of an asylum applicant's asylum application shall be suspended if the asylum applicant leaves the Foreigners' Registration Centre or Refugee Reception Centre without an authorisation or fails to return to these Centres for more than 24 hours.

2. The examination of an asylum application of the asylum applicant who has been permitted to reside in the place of his choice shall be suspended if there is no possibility to contact him for 72 hours.

3. The examination of the asylum application shall be resumed if the asylum applicant indicated in paragraph 1 of this Article has returned to the Foreigners' Registration Centre or the Refugee Reception Centre or a possibility of contacting the asylum applicant indicated in paragraph 2 of this Article has emerged and a month has not elapsed from the decision to suspend the examination of the asylum application.

4. If the examination of an asylum applicant's asylum application is suspended on the grounds specified in paragraphs 1 or 2 of this Article, the asylum applicant shall, without delay but not later than within 24 hours from the resumption of examination of the asylum application, submit a detailed written description of the motives of his acts or omissions.

5. The Foreigners' Registration Centre or the Refugee Reception Centre or the territorial police agency shall investigate the asylum applicant's acts or omissions and the validity of the circumstances specified in his written explanation concerning the emergence of

the consequences indicated in paragraphs 1 and 2 of this Article, where such explanation has been received, and, having established that by his acts or omissions the asylum applicant delays the examination of the asylum application, shall submit a conclusion to the Migration Department suggesting to recognise the asylum applicant's asylum application as manifestly unfounded.

6. The decision to suspend or to resume the examination of the asylum applicant's asylum application shall be made by the Migration Department.

7. Suspension of examination of an asylum application shall entail suspension of provision of services and assistance to the asylum applicant in implementing the rights indicated in paragraphs 1 and 2 of Article 71 of this Law. The provision of services and assistance shall be resumed after the disappearance of the circumstances on the grounds of which it was suspended.

8. The decisions to suspend and resume the provision of services and assistance to the asylum applicant in implementing the rights indicated in paragraphs 1 and 2 of Article 71 of this Law shall be made according to the procedure established by the Minister of Social Security and Labour.

#### **Article 85. Termination of Examination of Asylum Applications**

1. The examination of an asylum applicant's asylum application shall be terminated if:

1) the asylum applicant makes a written request to terminate the examination of the application;

2) a month has lapsed from the day of taking the decision to suspend the examination of the asylum applicant's asylum application;

3) the asylum applicant dies, except in cases where he has lodged an asylum application on behalf of his minor family members.

2. The decision to terminate the examination of an asylum application shall be made by the Migration Department.

3. If the examination of the asylum applicant's asylum application was terminated on the grounds specified in paragraph 1 of this Article, a new repeat application for granting asylum in the Republic of Lithuania may be examined provided that new circumstances are indicated in the newly lodged asylum application.

#### **Article 86. Granting Refugee Status**

1. Refugee status shall be granted to an asylum applicant who, owing to well-founded fear of being persecuted for reasons of race, religion, citizenship, membership of a particular

social group or political opinion, is outside the country of his citizenship and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country or who, not having a citizenship and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, unless there are reasons specified in Article 88 of this Law.

2. The decision on the granting or refusing to grant refugee status shall be made by the Migration Department.

### **Article 87. Granting Subsidiary Protection**

1. Subsidiary protection may be granted to an asylum applicant who is outside his country of origin and is unable to return to it owing to well-founded fear that:

- 1) he will be tortured, subjected to cruel, inhuman or degrading treatment or punishment;
- 2) there is a threat that his human rights and fundamental freedoms will be violated;
- 3) his life, health, safety or freedom is under threat as a result of indiscriminate violence which emerged during an armed conflict or which creates conditions for systematic human rights violations.

2. The decision on granting or refusing subsidiary protection to the asylum applicant shall be made by the Migration Department.

### **Article 88. Grounds for Refusing to Grant Refugee Status or Subsidiary Protection**

An asylum applicant who meets the criteria set in Articles 86 and 87 of this Law shall not be granted refugee status or subsidiary protection if:

- 1) the applicant receives assistance and protection from organs or agencies of the United Nations (other than the Office of the UNHCR);
- 2) the applicant's rights and obligations are recognised by the competent authorities of the country in which he resides as pertaining to the citizenship of that country;
- 3) there are serious grounds to believe that the applicant has committed a serious non-political crime prior to his arrival in the Republic of Lithuania or has been accused of the commission of acts contrary to the purpose and principles of the United Nations Organisation;
- 4) where there are serious grounds to believe that the applicant has committed a crime against peace, a crime against humanity or a war crime or committed genocide, within the meaning defined in the laws of the Republic of Lithuania, international treaties and other sources of international law;

5) there are serious grounds to believe that the applicant's presence in the Republic of Lithuania may constitute a threat to national security or public policy or he has been recognised by an effective court sentence guilty of commission of a serious or a grave crime, when the asylum applicant applies for refugee status;

6) the applicant's presence in the Republic of Lithuania may constitute a threat to national security or public policy or he has been recognised by an effective court sentence guilty of commission of a serious or a grave crime, when the asylum applicant applies for subsidiary protection.

#### **Article 89. Issue of Documents to Aliens Who Have Been Granted Asylum in the Republic of Lithuania**

1. An alien who has been granted refugee status in the Republic of Lithuania shall be issued a permanent residence permit in the Republic of Lithuania by the decision of the Migration Department.

2. An alien who has been granted subsidiary protection in the Republic of Lithuania shall be issued a temporary residence permit by the decision of the Migration Department.

3. For departure to a foreign country from the Republic of Lithuania, an alien who permanently resides in the Republic of Lithuania shall be issued refugee's travel documents in the manner prescribed by the Minister of the Interior.

#### **Article 90. Withdrawal of Refugee Status and Subsidiary Protection in the Republic of Lithuania**

1. Refugee status granted to an alien in the Republic of Lithuania shall be withdrawn if the alien:

1) has voluntarily re-availed himself of the protection of the country of his citizenship;

2) has voluntarily re-acquired his lost citizenship;

3) has acquired a new citizenship and enjoys the protection of the country of his new citizenship;

4) has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution;

5) can no longer continue to refuse to avail himself of the protection of the country of his citizenship because the circumstances in connection with which he has been recognised as a refugee in the Republic of Lithuania have ceased to exist;

6) being a stateless person he can return to the country of his former habitual residence because the circumstances in connection with which he has been recognised as a refugee in the Republic of Lithuania have ceased to exist;

7) acquired refugee status in the Republic of Lithuania by fraud, except where the information he submitted about himself did not have a decisive effect on the decision to grant him refugee status in the Republic of Lithuania;

8) residing in the Republic of Lithuania may constitute a threat to national security or public policy or he has been recognised by an effective court judgement guilty of commission of a serious or a grave crime;

9) has been granted refugee status in the Republic of Lithuania although the status should not have been granted or, upon granting him the refugee status, the circumstances specified in Article 88 of this Law transpired.

2. Subsidiary protection granted to an alien shall be withdrawn if the alien:

1) may return to his country of origin because the circumstances in connection with which he has been granted subsidiary protection in the Republic of Lithuania have ceased to exist;

2) departs for residence in a foreign country;

3) obtained subsidiary protection in the Republic of Lithuania by means of fraud, except where the information he submitted about himself did not have a decisive effect on making the decision to grant him asylum;

4) the alien's stay in the Republic of Lithuania constitutes a threat to national security or public policy or he has been recognised by an effective court sentence guilty of commission of a serious or a grave crime;

5) obtained subsidiary protection although it should not have been granted or, upon granting him subsidiary protection, the circumstances specified in Article 88 of this Law transpired.

3. The decision to withdraw refugee status or subsidiary protection in the Republic of Lithuania shall be made by the Migration Department, except on the grounds provided for in subparagraphs 5 and 6 of Article 88, subparagraph 8 of paragraph 1 and subparagraph 4 of paragraph 2 of Article 90 of this Law. The decision on these grounds shall be made by Vilnius Regional Administrative Court.

4. If refugee status or subsidiary protection in the Republic of Lithuania is withdrawn for an alien, he shall also be entitled to make use of State-guaranteed legal aid unless the laws of the Republic of Lithuania provide otherwise.

### **Article 91. Cooperation with International Organisations**

1. When addressing the problems of asylum applicants and aliens granted asylum, state institutions and agencies of the Republic of Lithuania shall cooperate with the Office of the UNHCR, provide conditions for the Office to fulfil the duties of supervising the application in the Republic of Lithuania of the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, furnish it with the necessary information and statistical data on asylum applicants and aliens who have been granted asylum, on the implementation of the Convention and the Protocol and the regulations on asylum which are effective or about to come into effect.

2. Representatives of the Office of the UNHCR shall be allowed to immediately contact the asylum applicants. The Office of the UNHCR shall be entitled to receive information connected with asylum applications.

3. Representatives of the Office of the UNHCR must be granted access to places of detention and transit zones of airports and sea ports where asylum applicants are kept.

4. In the course of examination of an asylum application, representatives of the Office of the UNHCR may submit their opinions on certain asylum applications to the competent institutions and agencies as well as courts of the Republic of Lithuania.

## **SECTION FOUR**

### **GRANTING TEMPORARY PROTECTION IN THE REPUBLIC OF LITHUANIA**

#### **Article 92. Taking a Decision on the Giving of Temporary Protection to Aliens in the Republic of Lithuania**

1. Where the EU Council takes a decision that there is a mass influx of aliens into the European Union, the Government of the Republic of Lithuania, on the recommendation of the Minister of the Interior, shall take a decision on granting of temporary protection to aliens.

2. If the Government of the Republic of Lithuania takes a decision on granting temporary protection, aliens shall be allowed to enter the territory of the Republic of Lithuania and shall be provided with accommodation within an area designated by the Government of the Republic of Lithuania, without restricting their freedom of movement.

3. Temporary protection shall be granted for a period of one year. The period of temporary protection may be extended but for no longer than one year.

4. Where an alien is entitled to be granted temporary protection in the Republic of Lithuania, but there are serious grounds to believe that there are reasons for refusing temporary

protection, the Migration Department shall conduct an investigation in connection with the determination of these reasons.

### **Article 93. Reasons for Refusing Temporary Protection in the Republic of Lithuania**

1. An alien shall be refused temporary protection in the Republic of Lithuania if:

1) there are serious grounds to believe that the alien has committed a crime against peace, a crime against humanity or a war crime, or committed genocide, within the meaning defined in the legal acts of the Republic of Lithuania, international treaties and other sources of international law;

2) there are serious grounds to believe that the alien has committed a serious non-political crime outside the Republic of Lithuania prior to his admission into the Republic of Lithuania as a person enjoying temporary protection;

3) there are serious grounds to believe that the alien has been accused of acts contrary to the purposes and principles of the United Nations;

4) the alien's presence in the Republic of Lithuania constitutes a threat to national security or public policy;

5) the alien has been convicted of a serious or a grave crime.

2. The decision to refuse an alien temporary protection in the Republic of Lithuania shall be made by the Migration Department. Such an alien shall be refused entry into the Republic of Lithuania or, in case he already is in the territory of the Republic of Lithuania, shall be expelled from the Republic of Lithuania.

### **Article 94. Rights and Duties of Aliens Granted Temporary Protection in the Republic of Lithuania**

1. Aliens who have been granted temporary protection in the Republic of Lithuania shall have the following rights during the temporary protection period:

1) to lodge asylum applications in the Republic of Lithuania in the manner prescribed by this Law;

2) to have access to free accommodation in the place designated by the Government of the Republic of Lithuania;

3) to be provided with all the necessary information regarding their legal status in the Republic of Lithuania in their native language or in a language which they understand;

4) to work in the Republic of Lithuania during the period of temporary protection;

5) to receive an allowance if they have no other income in the Republic of Lithuania;

6) to receive basic medical aid and social services;

7) other rights guaranteed by the international treaties, laws and other legal acts of the Republic of Lithuania.

2. Minor aliens who have been granted temporary protection in the Republic of Lithuania shall be entitled to study at general education and vocational schools in accordance with the procedure laid down by the Minister of Education and Science.

3. The right referred to in subparagraph 1 of paragraph 1 of this Article may also be implemented after the end of the period of temporary protection.

4. Family members of an alien who has been granted temporary protection in the Republic of Lithuania shall be entitled to temporary protection in the Republic of Lithuania. This right shall be implemented only if it is established that the family members were separated because of the events due to which the alien was granted temporary protection in the Republic of Lithuania.

5. Having been granted temporary protection in the Republic of Lithuania, aliens shall have the following duties:

1) to observe the Constitution, laws and other legal acts of the Republic of Lithuania;

2) to allow the performance of health screening;

3) to provide all the available documents and information corresponding to reality pertaining to the alien's person;

4) to declare to the Foreigners' Registration Centre, Refugee Reception Centre or territorial police agency in writing in free format the resources and assets held in the Republic of Lithuania within three days from the granting of temporary territorial asylum and the funds received pending the examination of the asylum application in the Republic of Lithuania within one day from the receipt thereof.

6. State funds of the Republic of Lithuania shall be allocated for the implementation of the rights of the asylum applicants laid down in paragraphs 1 and 2 of this Article; resources from international organisations, EU structural funds as well as resources from humanitarian aid funds established by natural and legal persons of the Republic of Lithuania and non-governmental organisations may also be used to the extent the asylum applicant is unable to guarantee them by the resources and assets subject to declaration.

7. If it transpires that the asylum applicant had sufficient resources for the implementation of the rights established in paragraphs 1 and 2 of this Article at the time when his basic needs were covered for him, he must refund the expenses incurred by the State.



## **Article 95. Issue of Personal Documents to Aliens Who Have Been Granted Temporary Protection in the Republic of Lithuania**

1. Aliens who have been granted temporary protection in the Republic of Lithuania shall be issued temporary residence permits by the Migration Department which shall be valid for the period of duration of temporary protection.

2. Aliens who have been granted temporary protection but are still in the territory of a foreign country shall be issued travel documents by the Migration Department to enable them to enter the Republic of Lithuania.

## **Article 96. Withdrawal of Temporary Protection in the Republic of Lithuania**

1. Temporary protection granted to an alien in the Republic of Lithuania shall be withdrawn if:

- 1) the alien may return to his country of origin;
- 2) the alien departs for residence in a foreign country;
- 3) the reasons specified in paragraph 1 of Article 93 of this Law transpire.

2. The decision to withdraw temporary protection in the Republic of Lithuania shall be made by the Migration Department.

## **CHAPTER V**

### **LEGAL STATUS OF CITIZENS OF EU MEMBER STATES IN THE REPUBLIC OF LITHUANIA**

## **Article 97. Entry into the Republic of Lithuania**

1. An alien who is a citizen of one of the Member States of the EU may enter the Republic of Lithuania and stay therein for a period not exceeding three months starting from the first day of entry into the Republic of Lithuania.

2. Family members of the citizen of an EU Member State may enter the Republic of Lithuania together with the citizen of the EU Member State or arrive to him and stay in the Republic of Lithuania for a period specified in paragraph 1 of this Article.

## **Article 98. Grounds for Refusing a Citizen of an EU Member State Entry into the Republic of Lithuania**

A citizen of an EU Member State shall be refused entry into the Republic of Lithuania if:

1) he is not in possession of a valid travel document unless otherwise established by the international treaty of the Republic of Lithuania, legal act of the European Union or the Government of the Republic of Lithuania;

2) his stay in the Republic of Lithuania would constitute a threat to national security, public policy or public health.

#### **Article 99. Residence in the Republic of Lithuania**

1. A citizen of an EU Member State who has entered the Republic of Lithuania for residence for a time period in excess of three months within half a year and who meets at least one of the grounds specified in paragraph 1 of Article 101 of this Law shall be issued a certificate, of the form established by the Minister of the Interior, confirming his right of residence in the Republic of Lithuania.

2. Family members of the citizen of an EU Member State who are not citizens of an EU Member State, upon arriving in the Republic of Lithuania for residence for a time period in excess of three months within half a year, together with the citizen of the EU Member State or coming to stay with him, must obtain an EU residence permit.

3. The procedure regulating the issue of a certificate to the citizen of an EU Member State confirming his right of residence in the Republic of Lithuania and the issue of an EU residence permit, extension and withdrawal of the EU residence permit to the family members of the citizen of the EU Member State shall be established by Minister of the Interior.

4. Decisions on the issue of a certificate to the citizen of an EU Member State confirming his right of residence in the Republic of Lithuania, the issue, extension and withdrawal of EU residence permits shall be made, the certificate confirming the right of residence in the Republic of Lithuania shall be issued to the citizen of the EU Member State, the EU residence permits shall be issued, extended and withdrawn by the institution authorised by the Minister of the Interior.

#### **Article 100. Time Limits for Examining an Application for the Issue or Extension of the EU Residence Permit**

An application for the issue or extension of the EU residence permit must be examined within one month from the date of filing of the application with the relevant institution.

#### **Article 101. Grounds for the Right of the Citizen of an EU Member State and His Family Member to Reside in the Republic of Lithuania**

1. A citizen of a Member State of the European Union shall have the right of residence in the Republic of Lithuania if he:

1) is an employee or a self-employed person;

2) is in possession of adequate means of subsistence for himself and for his family members, where the family members arrive together with him or join him, for residence in the Republic of Lithuania and has a valid document evidencing health insurance coverage;

3) is a student, pupil, intern, participant in in-service training or vocational training courses, is in possession of adequate means of subsistence for himself and for his family members, where the family members arrive together with him or join him, for residence in the Republic of Lithuania and has a valid document evidencing health insurance coverage;

4) is a family member of the citizen of the EU Member State who arrives together with him or joins him.

2. Family members of a citizen of the Republic of Lithuania who are not citizens of an EU Member State shall be entitled to be issued an EU residence permit when they enter the Republic of Lithuania to reside accompanying the citizen of the Republic of Lithuania, exercising the right to freedom of movement in the EU, or arrive to join him from the territory of another EU Member State.

3. Family members of a citizen of an EU Member State who are not citizens of an EU Member State shall be entitled to be issued an EU residence permit when they enter the Republic of Lithuania for residence for a time period in excess of three months within half a year accompanying the citizen of the EU Member State entitled to reside in the Republic of Lithuania under subparagraphs 1–3 of paragraph 1 of this Article or arrive to join him.

4. In the case specified in subparagraph 3 of paragraph 1 of this Article, only the spouse, the person with whom registered partnership has been contracted, the dependent children and the dependent relatives in the direct ascending line of the citizen of the EU Member State, his spouse or the person with whom (registered) partnership has been contracted shall be entitled to reside as family members of the citizen of the EU Member State who are not citizens of the EU Member State.

#### **Article 101<sup>(1)</sup>. Retention of the Right of Residence in the Republic of Lithuania by Family Members of Citizens of the EU Member States**

1. The right of residence in the Republic of Lithuania shall be retained by the family members of the citizen of the EU Member State in the following cases:

1) upon the death or departure from the Republic of Lithuania of the citizen of the EU Member State, when the family members have the citizenship of the EU Member State and meet the grounds specified in paragraph 1 of Article 101 of this Law;

2) upon the death of the citizen of the EU Member State, when the family members are not citizens of the EU Member State, if they resided in the Republic of Lithuania as family members for at least one year before the death of the citizen of the EU Member State;

3) upon the annulment of the marriage, divorce or dissolution of a registered partnership, when the family member has the citizenship of the EU Member State and meets the grounds specified in paragraph 1 of Article 101 of this Law;

4) upon the annulment of the marriage, divorce or dissolution of a registered partnership, when the family member is not a citizen of the EU Member State, if the marriage or registered partnership lasted for at least three years, one year from that period in the Republic of Lithuania, or if the children of the citizen of the EU Member State have been placed under guardianship/custody of the family member, or if the divorce occurred due to the fault of the other spouse (the citizen of the EU Member State);

5) upon the death or departure from the Republic of Lithuania of the citizen of the EU Member State- by his children, regardless of their citizenship, and by one of the parents under whose guardianship the children have been placed until the end of the relevant formal education programme started by the children.

2. When applying for the right of permanent residence in the Republic of Lithuania, the family members specified in subparagraphs 2 and 4 of paragraph 1 of this Article must submit documents confirming the presence of the grounds specified in subparagraphs 1 and 2 of paragraph 1 of Article 101 of this Law.

### **Article 102. Validity of the EU Residence Permit**

An EU residence permit shall be issued and extended for a period of five years or for the intended period of residence in the Republic of Lithuania of the citizen of the EU Member State, where such period is shorter than five years.

### **Article 103. Exempting from an Obligation to Obtain a Work Permit**

Citizens of an EU Member State and their family members intending to work in the Republic of Lithuania shall not be required to obtain a work permit.

### **Article 104. Grounds for Permanent Residence in the Republic of Lithuania**

1. The citizen of an EU Member State who has been lawfully residing in the Republic of Lithuania for the last five years or who has retained the right to citizenship of the Republic of Lithuania in accordance with the procedure established by the Law on Citizenship or who is a person of Lithuanian descent or entered the Republic of Lithuania for residence together with a citizen of the Republic of Lithuania as his family member shall acquire the right of permanent residence in the Republic of Lithuania.

2. The family members of the citizen of the EU Member State specified in paragraph 1 of this Article shall also acquire the right of permanent residence in the Republic of Lithuania if they have been lawfully residing in it with a citizen of the EU Member State for the last five years or if they have retained the right to residence in the Republic of Lithuania under paragraph 1 of Article 101<sup>(1)</sup> of this Article or if they are family members of the citizen of the EU Member State who has retained the right to citizenship of the Republic of Lithuania in accordance with the procedure established by the Law on Citizenship or are family members of the person of Lithuanian descent.

3. The Minister of the Interior shall establish exceptional cases when the right of permanent residence in the Republic of Lithuania is granted to a citizen of an EU Member State and his family members who have been lawfully residing in the Republic of Lithuania for less than five years.

4. The citizen of an EU Member State shall be issued a certificate of the form established by the Minister of the Interior confirming his right of permanent residence in the Republic of Lithuania.

5. A family member of the citizen of an EU Member State who is not a citizen of the EU Member State shall be issued an EU residence permit to certify his right of permanent residence in the Republic of Lithuania, which shall be executed for a period of 10 years and shall be extended after the expiry of that period.

6. Absence from the Republic of Lithuania for more than six months within a year may constitute grounds for refusing the right of permanent residence in the Republic of Lithuania, except in cases where absence from the Republic of Lithuania is linked with serious reasons (due to pregnancy, childbirth, acute illness, studies, professional training or assignment to a third country or in other cases established under paragraph 8 of this Article).

7. The acquired right of permanent residence in the Republic of Lithuania shall be lost upon departure from the Republic of Lithuania for a period exceeding two consecutive years.

8. The procedure regulating the issue of a certificate to the citizen of an EU Member State confirming his right of permanent residence in the Republic of Lithuania and the issue, extension and withdrawal of an EU residence permit to the family members of the citizen of

the EU who are not citizens of the EU Member State shall be established by the Minister of the Interior.

**Article 105.** Repealed as of 16 December 2006.

**Article 106. Withdrawal of the Right of Residence in the Republic of Lithuania**

1. The right of residence in the Republic of Lithuania of the citizen of an EU Member State and/or his family members may be withdrawn if the presence of this citizen and/or his family members in the Republic of Lithuania would constitute a threat to national security or public policy. The right of residence in the Republic of Lithuania of a minor citizen of an EU Member State, where it is in his best interests, or a citizen of an EU Member State who has uninterruptedly resided in the Republic of Lithuania for the last 10 years may be withdrawn only in the event of a threat to national security.

2. If the right of residence in the Republic of Lithuania is withdrawn from a citizen of an EU Member State, the right of residence of his family members shall also be withdrawn, except in cases where they are entitled to reside in the Republic of Lithuania on other grounds established by this Law.

3. The decision to withdraw the right of residence in the Republic of Lithuania on the grounds provided for in paragraph 1 of this Article shall be made by Vilnius Regional Administrative Court.

4. Upon withdrawal of the right of residence in the Republic of Lithuania, the citizen of an EU Member State and/or his family members must depart from the Republic of Lithuania or shall be expelled in accordance with the procedure established by this Law and other legal acts.

## **CHAPTER VI**

### **INTEGRATION AND NATURALISATION OF ALIENS**

**Article 107. Integration of Aliens**

1. The Republic of Lithuania shall provide conditions for aliens holding a residence permit to integrate into political, social, economic and cultural life of the State in accordance with the procedure established by laws.

2. State funds of the Republic of Lithuania shall be allocated for the implementation of the provisions of Lithuania's national policy in the sphere of alien integration; resources from international organisations, EU structural funds as well as resources from humanitarian aid

funds established by natural and legal persons of the Republic of Lithuania and non-governmental organisations may also be used.

#### **Article 108. Lithuanian State Support for Integration of Aliens**

1. Aliens who have been granted asylum in the Republic of Lithuania shall be provided with Lithuanian State support for integration according to the procedure established by the Minister of Social Security and Labour.

2. Aliens who wish to be provided with Lithuanian State support for integration must submit their income and property declaration.

#### **Article 109. Organising Integration of Aliens**

1. The implementation of the integration of aliens shall be coordinated by an institution authorised by the Government of the Republic of Lithuania in the manner prescribed by the Government of the Republic of Lithuania.

2. The provision of Lithuanian State support for the integration of aliens who have been granted asylum in the Republic of Lithuania shall be coordinated and supervised by the Ministry of Social Security and Labour.

3. An institution or agency authorised by the Ministry of Social Security and Labour together with municipalities and non-governmental organisations shall organise and implement the provision of Lithuanian State support for the integration of aliens.

4. Municipalities and other legal persons who have concluded contracts with the institution authorised by the Minister of Social Security and Labour shall be responsible for the administration of Lithuanian State support provided for the integration of aliens who have been granted asylum in the Republic of Lithuania.

#### **Article 110. Areas of Lithuanian State Support for the Integration of Aliens Who Have Been Granted Asylum in the Republic of Lithuania**

Areas of Lithuanian State support for the integration of aliens who have been granted asylum in the Republic of Lithuania, established by the laws and other legal acts:

- 1) state language teaching;
- 2) education;
- 3) employment;
- 4) provision of accommodation;
- 5) social protection;
- 6) health care;

7) provision of information to the public about the integration of aliens.

#### **Article 111. Naturalisation of Aliens**

An alien shall have the right to the citizenship of the Republic of Lithuania as established by the Republic of Lithuania Law on Citizenship.

### **CHAPTER VII FREEDOM OF MOVEMENT OF ALIENS IN THE REPUBLIC OF LITHUANIA**

#### **Article 112. Restriction of the Alien's Freedom of Movement in the Republic of Lithuania**

The alien's freedom of movement in the Republic of Lithuania may be restricted where it is necessary to ensure national security and public policy, to protect public health or morals, to prevent crime or to safeguard the rights and freedoms of other persons.

#### **Article 113. Grounds for Detention of an Alien**

An alien may be detained on the following grounds:

- 1) in order to prevent the alien from entering the Republic of Lithuania without a permit;
- 2) if the alien has unlawfully entered or stays in the Republic of Lithuania, except when he has lodged an application for asylum in the Republic of Lithuania;
- 3) when it is attempted to return the alien who has been refused entry into the Republic of Lithuania to the country from which he arrived;
- 4) when the alien is suspected of using forged documents;
- 5) when a decision is made to expel the alien from the Republic of Lithuania or another state to which the Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals applies;
- 6) in order to prevent the spread of dangerous and particularly dangerous contagious diseases;
- 7) when the alien's stay in the Republic of Lithuania constitutes a threat to national security, public policy or public health.

#### **Version of Article 113 as of 1 February 2012:**

#### **Article 113. Grounds for Detention of an Alien**

1. An alien may be detained on the following grounds:



- 1) in order to prevent the alien from entering the Republic of Lithuania without a permit;
- 2) if the alien has unlawfully entered or stays in the Republic of Lithuania, except when he has lodged an application for asylum in the Republic of Lithuania;
- 3) when it is attempted to return the alien who has been refused entry into the Republic of Lithuania to the country from which he arrived;
- 4) when the alien is suspected of using forged documents;
- 5) when a decision is made to expel the alien from the Republic of Lithuania or another state to which the Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals applies;
- 6) in order to prevent the spread of dangerous and particularly dangerous contagious diseases;
- 7) when the alien's stay in the Republic of Lithuania constitutes a threat to national security, public policy or public health.

2. Where the issues of the alien's return to the foreign country, his expulsion from the Republic of Lithuania or an obligation to depart from the Republic of Lithuania are dealt with, the alien may be detained only in the case where the detention is necessary for the adoption or implementation of the appropriate decision (where the alien hinders the adoption or implementation of the decision or may abscond to avoid expulsion, etc.).

#### **Article 114. Detention of an Alien**

1. An alien may be detained by the police or any other law enforcement institution officer for a period not exceeding 48 hours.
2. An alien shall be detained at the Foreigners' Registration Centre for a period exceeding 48 hours by decision of the court.
3. An alien under the age of 18 may be detained only in an extreme case, taking into consideration the alien's best interests.

#### **Version of Article 114 as of 1 February 2012:**

#### **Article 114. Detention of an Alien**

1. An alien may be detained by the police or any other law enforcement institution officer for a period not exceeding 48 hours.
2. An alien shall be detained at the Foreigners' Registration Centre for a period exceeding 48 hours by decision of the court.
3. Vulnerable persons and families with minor aliens may be detained only in an extreme case, taking into consideration the best interests of the child and vulnerable persons.

4. An alien may not be detained for a period exceeding six months, except for cases where he refuses to cooperate with a view to his expulsion from the Republic of Lithuania (refuses to provide data about himself, provides misleading information, etc.) or where the necessary documents to execute the expulsion of such an alien from the territory of the state are not received. In such cases, the detention period may be extended for a further period of up to 12 months.

#### **Article 115. Measures Alternative to Detention**

1. In view of the fact that the alien's identity has been established, he constitutes no threat to national security and public policy, provides assistance to the court in determining his legal status in the Republic of Lithuania as well as other circumstances, the court may take a decision not to detain the alien and to impose a measure alternative to detention.

2. Measures alternative to detention shall be as follows:

1) the alien is required to regularly at the fixed time appear at the appropriate territorial police agency;

2) the alien is required to, by means of communication, at the fixed time inform the appropriate territorial police agency about his whereabouts;

3) entrusting the guardianship of an unaccompanied minor alien to a relevant social agency;

4) entrusting the guardianship of an alien, pending the resolution of the issue of his detention, to a citizen of the Republic of Lithuania or an alien lawfully residing in the Republic of Lithuania who is related to the alien, provided that the person undertakes to take care of and support the alien;

5) accommodating the alien at the Foreigners' Registration Centre without restricting his freedom of movement.

3. If measures alternative to detention specified in paragraph 2 of this Article, imposed by decision of the court, are not implemented, the territorial police agency shall apply to the court for detention of the alien.

4. When taking a decision to impose a measure alternative to detention, the time limits for its application must be set.

5. The measure alternative to detention specified in subparagraph 5 of paragraph 2 of this Article may be imposed only against asylum applicants.

#### **Article 116. Applying to the Court with a Motion to Detain an Alien or to Impose a Measure Alternative to Detention**

1. If there are grounds for detaining an alien established by this Law, an officer of the police or any other law enforcement institution shall apply to the district court of the location of the alien's stay in the territory of the Republic of Lithuania with a motion to detain the alien for a period exceeding 48 hours or to impose against the alien a measure alternative to detention within 48 hours from the moment of detention of the alien. The alien's presence at the court hearing is mandatory. During the court hearing of the motion for detention of the alien or for imposing against him a measure alternative to detention the alien shall be entitled to State-guaranteed legal aid.

2. The court shall hear the motion specified in paragraph 1 of this Article in accordance with the procedure prescribed by the Law on Administrative Proceedings and this Law.

3. The court's decision to detain the alien or to impose against him a measure alternative to detention must be forthwith announced to the alien in a language which he understands, indicating the reasons for his detention or imposing measures alternative to detention. The court's decision to detain the alien or to impose against him a measure alternative to detention shall become effective from the moment of its announcement.

4. The court's decision to detain the alien must state the grounds for detention, the time period of detention with the exact calendar date indicated and the place of detention.

#### **Article 117. Appealing the Decision to Detain an Alien**

1. An alien shall be entitled to appeal to the Supreme Administrative Court of Lithuania, according to the procedure established by the Law on Administrative Proceedings, the decision of the court to detain him or to extend the detention period or to impose measures alternative to detention. The appeal may be submitted through the Foreigners' Registration Centre. The Foreigners' Registration Centre shall forward the alien's complaint to the Supreme Administrative Court of Lithuania.

2. The Supreme Administrative Court of Lithuania shall consider the alien's appeal according to the procedure established by the Law on Administrative Proceedings and pass a decision within 10 days from the date of acceptance of the appeal.

#### **Article 118. Review of the Decision to Detain an Alien**

1. Upon the disappearance of the grounds for the alien's detention, the alien shall be entitled to, whereas the institution which initiated the alien's detention must immediately apply to the local court of the location of the alien's residence with an application for review of the decision to detain the alien.

2. Upon receipt of the application for review of the decision to detain the alien, submitted by the alien or the institution which initiated the alien's detention, the court shall, within 10 days from the date of acceptance of the application, review the decision to detain the alien and shall pass one of the following decisions:

- 1) to uphold the decision to detain the alien;
- 2) to reverse the decision to detain the alien;
- 3) to quash the decision to detain the alien;

3. The decisions of the local court specified in paragraph 2 of this Article shall come into force on the day of their passing.

4. The court's decision may be appealed against according to the procedure set forth in paragraph 1 of Article 117 of this Law.

#### **Article 119. End of Detention**

1. Upon the disappearance of the grounds for the alien's detention, the alien shall be immediately released from detention based on the effective court's decision.

2. If the alien's detention period expires, he must be immediately released from the place of detention.

### **CHAPTER VIII**

#### **ESTABLISHING THE IDENTITY OF A PERSON**

##### **Article 120. Establishing the Identity of a Detained Alien**

1. For the purposes of establishing the identity of a detained alien, an officer of the police or any other law enforcement institution shall have the right to temporarily seize the alien's travel document, travel tickets, other documents (if the alien is in possession of any) until the identity of the alien and authenticity of his documents are established.

2. When establishing the identity of an alien, an officer of the police or any other law enforcement institution shall have the right to carry out his personal search and inspect his personal belongings in accordance with the procedure established by the laws of the Republic of Lithuania.

3. The data relating to the detained alien may be communicated to a foreign country with the purpose of establishing the person's identity in compliance with the laws of the Republic of Lithuania and international legal acts.

##### **Article 121. Photographing and Fingerprinting an Alien**

1. For the purpose of identification an alien shall be photographed and fingerprinted when he:

- 1) lodges an application for asylum in the Republic of Lithuania;
- 2) has been detained for unlawful entry into the Republic of Lithuania, stay, residence, transit through or departure from the Republic of Lithuania;
- 3) is expelled from the Republic of Lithuania or returned to a foreign country.

2. The aliens' fingerprints shall be registered by an institution authorised by the Minister of the Interior. The fingerprints shall be processed in compliance with the requirements of the Republic of Lithuania Law on Legal Protection of Personal Data.

### **Article 122. DNA Testing**

1. If an alien applies for the issue of a residence permit, seeking to reside with the family or to be granted asylum, the Migration Department may oblige the alien and the person related to the alien by kinship to perform a DNA test to confirm kinship.

2. The performance of a DNA test may be requested only in cases where the alien is not able to prove the kinship relationship otherwise.

3. The expenses related to the performance of the DNA test shall be covered by the alien, except for asylum applicants, whose DNA testing expenses shall be covered by the Republic of Lithuania.

### **Article 123. Age Determination Test**

1. If there are reasonable grounds to doubt the alien's age, the Migration Department may oblige the alien who is applying for the issue of a residence permit or granting of asylum to undergo an age determination test.

2. The age determination test must be performed with the consent of the alien whose age is to be determined. Where the age of a minor alien is determined, the test shall be performed only with the consent of the alien's parents, other legal representatives or temporary guardian (custodian).

3. If an alien refuses to undergo an age determination test, he shall be considered as not meeting the conditions set in paragraph 1 of Article 26 of this Law.

4. If an alien who applies for asylum in Republic of Lithuania refuses to undergo an age determination test for no justifiable reasons, other data that cannot be confirmed by written evidence shall be assessed in accordance with paragraph 2 of Article 83 of this Law.

5. The expenses related to the performance of an age determination test shall be covered by the alien, except for asylum applicants whose test expenses shall be covered by the Republic of Lithuania.

## **CHAPTER IX**

### **ALIENS' DEPARTURE FROM THE REPUBLIC OF LITHUANIA**

#### **Article 124. Departure from the Republic of Lithuania**

1. An alien must depart from the Republic of Lithuania before the expiry of a visa or temporary residence permit.

2. An alien must depart from the Republic of Lithuania before the end of his visa-free stay established for aliens in paragraphs 2, 4 and 5 of Article 11 of this Law, except in cases when he is issued a document confirming his right to stay or reside in the Republic of Lithuania.

3. An alien shall be prohibited from departing from the Republic of Lithuania in cases prescribed by laws.

#### **Article 125. Obligation to Depart from the Republic of Lithuania**

An alien shall be obliged to depart from the Republic of Lithuania if:

- 1) the alien's visa has been annulled;
- 2) the alien's temporary residence permit or permanent residence permit has been withdrawn;
- 3) the alien stays in the Republic of Lithuania after the expiry of his visa;
- 4) the alien stays in the Republic of Lithuania after the expiry of the temporary residence permit;
- 5) the alien entered the Republic of Lithuania lawfully, but stays in the Republic of Lithuania without possessing a temporary or permanent residence permit, where he is obliged to possess one;
- 6) the alien has been staying in the Republic of Lithuania for a period exceeding the period of visa-free stay set for aliens in paragraphs 2, 4 and 5 of Article 11 of this Law;
- 7) the alien entered the Republic of Lithuania being in possession of a visa issued by another Schengen State, which does not entitle him to stay in the territory of the Republic of Lithuania.

**Version of Article 125 as of 1 February 2012:**

### **Article 125. Obligation to Depart from the Republic of Lithuania**

1. A decision to return an alien to a foreign country shall be adopted if:

- 1) the alien's visa has been annulled;
- 2) the alien's temporary residence permit or permanent residence permit has been withdrawn;
- 3) the alien stays in the Republic of Lithuania after the expiry of his visa;
- 4) the alien stays in the Republic of Lithuania after the expiry of the temporary residence permit;
- 5) the alien entered the Republic of Lithuania lawfully, but stays in the Republic of Lithuania without possessing a temporary or permanent residence permit, where he is obliged to possess one;
- 6) the alien has been staying in the Republic of Lithuania for a period exceeding the period of visa-free stay set for aliens in paragraphs 2, 4, 5 and 7 of Article 11 of this Law.

2. In the case where there is at least one of the grounds listed in paragraph 1 of this Article for the return of an alien to a foreign country, but the alien is in possession of a valid document issued by another Member State of the European Union or the European Free Trade Association which entitles him to stay or reside therein, the alien shall be obliged to depart from the Republic of Lithuania.

### **Article 126. Grounds for Expulsion from the Republic of Lithuania**

1. An alien shall be expelled from the Republic of Lithuania if:

- 1) the alien has failed to comply with the obligation to depart from the Republic of Lithuania within a set time period;
- 2) the alien has entered or stays in the Republic of Lithuania unlawfully;
- 3) the alien's stay in the Republic of Lithuania constitutes a threat to national security or public policy;
- 4) a decision has been made to expel the alien from another state to which the Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals applies.

2. The provisions of paragraph 1 of this Article shall not apply to aliens who may be returned to the country of origin or a foreign country or to asylum applicants. Such aliens shall be returned in accordance with the provisions of Article 129 of this Law.

3. (Repealed as of the entry into force of the Schengen Convention in the Republic of Lithuania.)

**Version of Article 126 as of 1 February 2012:**

**Article 126. Expulsion from the Republic of Lithuania**

1. An alien shall be expelled from the Republic of Lithuania if:

1) the alien has failed to comply with the obligation to depart from the Republic of Lithuania within a set time period or has not voluntarily departed from the Republic of Lithuania within the time limit set in the decision to return him to a foreign country;

2) the alien has entered or stays in the Republic of Lithuania unlawfully and there are no grounds specified in Article 125 of this Law obligating the alien to depart from the Republic of Lithuania or a decision has been taken to return the alien to the foreign country;

3) the alien's stay in the Republic of Lithuania constitutes a threat to national security or public policy;

4) a decision has been made to expel the alien from another state to which the Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals applies.

2. Representatives of international and non-governmental organisations may observe the expulsion of an alien from the Republic of Lithuania.

**Article 127. Time Limits and Procedure for Implementing the Decisions Regarding the Obligation to Depart, Expulsion, Return and Transit through the Territory of the Republic of Lithuania**

1. The decision obliging an alien to depart from the Republic of Lithuania must be implemented within 15 days from the day of serving thereof on the alien. The decision obliging the citizen of an EU Member State and/or his family members to depart from the Republic of Lithuania must be implemented within one month from the day of serving of the decision.

2. The decision to expel an alien from the Republic of Lithuania must be implemented immediately, unless there are circumstances due to which the implementation of the decision may be postponed.

3. The decision obliging an alien to depart from the Republic of Lithuania shall be made and the implementation thereof shall be supervised by the police and State Border Guard Service according to their respective competence.

4. The decision on the expulsion of an alien on the grounds specified in subparagraphs 1 and 2 of paragraph 1 of Article 126 of this Law and the decision on the possibility of implementation on the grounds specified in subparagraph 4 of paragraph 1 of Article 126 of this Law shall be made by the Migration Department, the decision on the grounds specified in subparagraph 3 of paragraph 1 of Article 126 of this Law – by Vilnius Regional Administrative



Court, while the said decisions shall be implemented by the State Border Guard Service or the police. When implementing the decision on the grounds set in subparagraph 4 or paragraph 1 of Article 126 of this Law, the specified institutions shall hold consultations on the implementation of the decision with the state which passed the decision to expel the alien.

5. The decision on the return of an alien or his transit through the territory of the Republic of Lithuania shall be made by the Migration Department or the State Border Guard Service, whereas the decisions shall be implemented by the police or the State Border Guard Service.

6. The procedure regulating the making of decisions on the obligation of an alien to depart, the alien's expulsion, return or transit through the territory of the Republic of Lithuania and the implementation of the above-mentioned decisions shall be established by the Minister of the Interior.

**Version of Article 127 as of 1 February 2012:**

**Article 127. Time Limits and Procedure for Implementing the Decisions Regarding the Obligation to Depart, Expulsion, Return and Transit through the Territory of the Republic of Lithuania**

1. Upon evaluating the possibilities of the alien's prompt departure, a time limit between seven and thirty days shall be set in the decision on the return of the alien to a foreign country, calculating from the delivery of the decision to the alien. During that period the alien shall be obliged to voluntarily depart from the Republic of Lithuania. Where the alien is unable to voluntarily depart from the Republic of Lithuania within the set time limit for objective reasons beyond his control, the time limit may be extended.

2. The decision to expel an alien from the Republic of Lithuania must be implemented immediately, unless there are circumstances due to which the implementation of the decision may be postponed.

3. The obligation to depart from the Republic of Lithuania shall set a time limit not exceeding 30 days during which an alien must depart from the Republic of Lithuania.

4. The decision obliging an alien to depart from the Republic of Lithuania shall be made and the implementation thereof shall be supervised by the police and State Border Guard Service within the scope of their competence.

5. The decision on the expulsion of an alien on the grounds specified in subparagraphs 1 and 2 of paragraph 1 of Article 126 of this Law and the decision on the possibility of implementation on the grounds specified in subparagraph 4 of paragraph 1 of Article 126 of this Law shall be made by the Migration Department, whereas the decision on the grounds specified in subparagraph 3 of paragraph 1 of Article 126 of this Law – by Vilnius Regional

Administrative Court, while the said decisions shall be implemented by the State Border Guard Service or the police. When implementing the decision on the grounds set in subparagraph 4 of paragraph 1 of Article 126 of this Law, the aforementioned institutions shall hold consultations on the implementation of the decision with the state which adopted the decision to expel the alien.

6. The decision on the return of an alien or his transit through the territory of the Republic of Lithuania shall be made by the Migration Department, the police or the State Border Guard Service, and the decisions shall be implemented by the police or the State Border Guard Service.

7. The procedure regulating the making of decisions on the obligation of an alien to depart, the alien's expulsion, return or transit through the territory of the Republic of Lithuania and the implementation of the above-mentioned decisions shall be established by the Minister of the Interior.

**Article 128. Circumstances Taken into Account when Making a Decision to Expel an Alien or Due to Which the Implementation of the Decision to Expel an Alien from the Republic of Lithuania May Be Suspended**

**Version of the title of Article 128 as of 1 February 2012:**

**Article 128. Circumstances Taken into Account 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, or Due to which the Implementation of the Decision to Expel the Alien from the Republic of Lithuania Is Suspended**

1. When making a decision to expel an alien from the Republic of Lithuania, the following shall be taken into account:

- 1) the period of his lawful stay in the Republic of Lithuania;
- 2) his family relationship with persons residing in the Republic of Lithuania;
- 3) his existing social, economic and other connections with the Republic of Lithuania;
- 4) the nature and extent of dangerousness of the committed violation of law.

**Version of paragraph 1 as of 1 February 2012:**

1. 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 shall be taken into account:

- 1) the period of his lawful stay in the Republic of Lithuania;
- 2) his family relationship with persons residing in the Republic of Lithuania;

- 3) his existing social, economic and other connections with the Republic of Lithuania;
- 4) the nature and extent of dangerousness of the committed violation of law.

2. The implementation of the decision to expel an alien from the Republic of Lithuania shall be suspended if:

1) the decision regarding the expulsion of the alien from the Republic of Lithuania is appealed against in court, except in cases where the alien must be expelled due to a threat he constitutes to national security or public policy;

2) the foreign country to which the alien may be expelled refuses to accept him;

3) the alien is in need of basic medical aid, the necessity of which is confirmed by a consulting panel of a health care institution;

4) the alien cannot be expelled due to objective reasons (the alien is not in possession of a valid travel document, there are no possibilities to obtain travel tickets, etc.).

3. Upon the disappearance of the reasons indicated in paragraph 2 of this Article, the decision to expel an alien from the Republic of Lithuania must be implemented immediately.

#### **Article 129. Return**

1. Aliens, including minor aliens under the age of 18, who stay in the territory of the Republic of Lithuania unlawfully, may be returned voluntarily or by force to the country of origin or a foreign country to which they have the right to depart.

2. An unaccompanied minor alien shall be returned only provided that he is duly taken care of in the foreign country to which the unaccompanied minor alien is returned, taking into consideration his needs, age and level of independence.

3. In case an unaccompanied minor alien cannot be returned to the country of origin or any other country, he must be granted the right to reside in the Republic of Lithuania on the grounds set in subparagraph 8 of paragraph 1 of Article 40 of this Law.

4. The issue of the alien's return shall be dealt with in cooperation with foreign countries and international organisations according to the concluded international treaties.

#### **Version of Article 129 as of 1 February 2012:**

##### **Article 129. Return of Unaccompanied Minor Aliens to a Foreign Country**

1. An unaccompanied minor alien who unlawfully stays in the territory of the Republic of Lithuania or unlawfully resides therein shall be returned only provided that he is duly taken care of in the foreign country to which the unaccompanied minor alien is returned, taking into consideration his needs, age and level of independence.

2. In case an unaccompanied minor alien cannot be returned to the country of origin or any other country, he must be granted the right to reside in the Republic of Lithuania on the grounds set in subparagraph 8 of paragraph 1 of Article 40 of this Law.

3. The issue of return of an unaccompanied minor alien shall be dealt with in cooperation with foreign countries and international organisations according to the concluded treaties.

### **Article 130. Prohibition to Expel or Return an Alien**

1. It shall be prohibited to expel or return an alien to a country where his life or freedom is under threat or where he may be subjected to persecution on the grounds of race, religion, citizenship, membership of a certain social group or political opinion or to a country from whence he may later be expelled to such country.

2. An alien shall not be expelled from the Republic of Lithuania or returned to a country where there are serious grounds to believe that in that country the alien will be tortured, subjected to cruel, inhuman or degrading treatment or punishment.

3. The provisions of paragraph 1 of this Article shall not apply with respect to an alien who, for serious reasons, constitutes a threat to the security of the Republic of Lithuania or who has been convicted by an effective court judgement of a serious or grave crime and constitutes a threat to the public.

4. The alien shall not be expelled from the Republic of Lithuania or returned to a foreign country if he has been granted the reflection period in accordance with the procedure established by the Government of the Republic of Lithuania, during which he, as a present or former victim of offences linked to human trafficking, has to make a decision on cooperation with the pre-trial investigation body or the court.

### **Article 131. Resources for Expulsion or Return**

1. An alien shall be expelled from the Republic of Lithuania or returned to the country of origin or foreign country to which he has the right to depart:

- 1) at his own expense;
- 2) at the expense of the natural or legal persons who invited the alien to the Republic of Lithuania;
- 3) at the expense of the carriers in cases established by the laws of the Republic of Lithuania.

2. In the absence of resources specified in paragraph 1 of this Article, an alien shall be expelled from the Republic of Lithuania or returned at the expense of the State. The state

resources shall be recovered in the manner prescribed by legal acts from the natural or legal persons who invited the alien to the Republic of Lithuania or from the carriers who brought the alien to the Republic of Lithuania or another country which took a decision to expel the alien, to which the Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals applies according to 2004/191/EC Council Decision of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC, shall be addressed with a request to repay the funds.

**Article 132. Issue of a Temporary Residence Permit to an Alien Whose Expulsion from the Republic of Lithuania Has Been Suspended**

If an alien's expulsion from the Republic of Lithuania has been suspended due to the circumstances provided for in subparagraphs 2 to 4 of paragraph 2 of Article 128 of this Law and these circumstances have not disappeared within one year from the suspension of the implementation of the decision to expel the alien from the Republic of Lithuania, he shall be issued a temporary residence permit on the grounds set in subparagraph 8 of paragraph 1 of Article 40 of this Law.

**Version of Article 132 as of 1 February 2012:**

**Article 132. Issue of a Temporary Residence Permit to an Alien Whose Expulsion from the Republic of Lithuania Has Been Suspended**

If an alien's expulsion from the Republic of Lithuania has been suspended due to the circumstances provided for in subparagraphs 2, 3 and 4 of paragraph 2 of Article 128 of this Law, these circumstances have not disappeared within one year from the suspension of the implementation of the decision to expel the alien from the Republic of Lithuania and the alien has not been detained, he shall be issued a temporary residence permit on the grounds set in subparagraph 8 of paragraph 1 of Article 40 of this Law.

**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 been obliged to depart, has been expelled from the Republic of Lithuania or returned to the country of origin or a foreign country, who has attempted to unlawfully depart or has departed from the Republic of Lithuania, whose entry into and stay in the Republic of Lithuania would constitute a threat to national security or

public policy may be prohibited from entering the Republic of Lithuania for a fixed or an indefinite period of time.

2. The provisions of paragraph 1 of this Article shall not be mandatory in respect of an alien who gave voluntary consent and was returned to the country of origin or a foreign country to which he had the right to depart.

3. The national list of aliens prohibited from entering the Republic of Lithuania shall be drawn up and handled by the Migration Department who 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.

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

**Version of Article 133 as of 1 February 2012:**

**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 and who has been refused entry into the Republic of Lithuania, has been obliged to depart, has been returned to the country of origin or a foreign country, 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.

3. The national list of aliens prohibited from entering the Republic of Lithuania shall be drawn up and handled by the Migration Department who 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.

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

**Article 134. Alien's Transfer in Transit through the Territory of the Republic of Lithuania**

1. Under an international treaty of the Republic of Lithuania or an EU legal act, an alien may be transferred from one foreign country to another foreign country in transit through the territory of the Republic of Lithuania where proof is submitted that he has the right to travel to the foreign country as well as evidence of the necessity of transit through the territory of the Republic of Lithuania.

2. The transfer of an alien through the territory of the Republic of Lithuania shall be prohibited if:

1) the reasons specified in paragraphs 1 and 2 of Article 130 of this Law are established in the country of transfer;

2) the alien is a suspect, accused or convict in accordance with the laws of the Republic of Lithuania;

3) transit through other countries or admission into the state of destination is impossible;

4) it is necessary to transfer to another airport in the Republic of Lithuania;

5) the required assistance may be impossible at a certain moment due to practical reasons;

6) the transfer of the alien would constitute a threat to national security, public policy, public health or international relations of the Republic of Lithuania.

### **Article 135. Unlawful Departure from the Republic of Lithuania**

1. An alien's departure from the Republic of Lithuania shall be considered unlawful if the alien:

1) departs from the Republic of Lithuania otherwise than through the border crossing points;

2) when departing from the Republic of Lithuania, produces another person's documents or forged documents;

3) departs from the Republic of Lithuania despite the restrictions of freedom of movement in the Republic of Lithuania imposed on him;

4) attempts to depart from the Republic of Lithuania possessing no valid travel document.

2. An alien who has attempted to unlawfully depart or unlawfully departed from the Republic of Lithuania may be prohibited from entering the Republic of Lithuania for a fixed or an indefinite period of time.

**CHAPTER X**  
**APPEALING AGAINST THE DECISIONS ON THE LEGAL STATUS OF**  
**ALIENS AND FILING AN APPLICATION FOR A DECISION TO VILNIUS**  
**REGIONAL ADMINISTRATIVE COURT**

**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 the Law on Administrative Proceedings.

**Article 137. Lodging an Appeal**

1. An appeal against a decision made in accordance with this Law may be lodged with the appropriate administrative court in the manner and under the conditions established by the Law on Administrative Proceedings, except in cases provided for by this Law.

2. An appeal against a decision made in accordance with this Law, if the decision was made on the application submitted on behalf of the family according to paragraph 2 of Article 67 of this Law, may be lodged by an alien who submitted the application on behalf of the family or by any adult member of the family.

**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.

**Article 139. Suspension of Implementation of the Decision Appealed Against**

1. The implementation of the decision appealed against shall be suspended when:

- 1) the alien's residence permit is withdrawn;
- 2) the alien who has lodged an asylum application is not granted temporary territorial asylum in the Republic of Lithuania and is obliged to depart from the Republic of Lithuania or is expelled from it to a safe third country or the country of origin;
- 3) the alien is refused asylum and is obliged to depart from the Republic of Lithuania, is expelled from it or returned to a foreign country, the examination of his asylum application is terminated or the granted asylum is withdrawn;
- 4) the alien is expelled from the Republic of Lithuania.

**Version of paragraph 1 as of 1 February 2012:**



1. The implementation of the decision appealed against shall be suspended when:

- 1) the alien's residence permit is withdrawn;
- 2) the alien who has lodged an asylum application is not granted temporary territorial asylum in the Republic of Lithuania and he is returned to a foreign country or expelled from the Republic of Lithuania to a safe third country or the country of origin;
- 3) the alien is refused asylum, the examination of his asylum application is terminated or the granted asylum is withdrawn and he is expelled from the Republic of Lithuania or returned to the foreign country;
- 4) the alien is expelled from the Republic of Lithuania.

2. The provisions of subparagraphs 4 of paragraph 1 of this Article shall not apply in cases where the grounds for expulsion are related to a threat to national security or public policy constituted by the alien's stay in the Republic of Lithuania.

3. In the cases not specified in paragraph 1 of this Article, the implementation of the decision made shall be suspended following the passing of a ruling by the relevant administrative court.

**Article 140. Examination of Appeals and Requests to Adopt a Decision, Adoption of a Decision and Appealing Against It**

1. Courts shall hear appeals and requests to adopt a decision and shall adopt decisions in accordance with the procedure established by the Law on Administrative Proceedings and this Law.

2. The court must hear an appeal or request to adopt a decision within two months from the day the court passes the ruling on the admissibility of the appeal or request.

3. Upon examining the case, the court shall adopt one of the following decisions:

- 1) to reject the appeal or request as unjustified;
- 2) uphold the appeal or request.

4. The decision made may be appealed to the Supreme Administrative Court of Lithuania within 14 days from the announcement of the decision.

**Article 140<sup>(1)</sup>. Applying to Vilnius Regional Administrative Court with a Request to Adopt a Decision to Withdraw the Alien's Right of Residence in the Republic of Lithuania and/or to Expel the Alien from the Republic of Lithuania**

1. The State Security Department shall apply to Vilnius Regional Administrative Court with a request to adopt a decision to withdraw the alien's right of residence in the Republic of Lithuania and/or to expel the alien from the Republic of Lithuania on the grounds of constituting a threat to national security specified in subparagraph 2 of paragraph 1 of Article 54, subparagraph 8 of paragraph 1 and subparagraph 4 of paragraph 2 of Article 90, paragraph 1 of Article 106 and subparagraph 3 of paragraph 1 of Article 126 of this Law.

2. The Police Department under the Ministry of the Interior or, on the instruction of the Commissioner General of the police, the territorial police institution or the State Border Guard Service or, on the instruction of the head of the State Border Guard Service, the district of the State Border Guard Service shall apply to Vilnius Regional Administrative Court with a request to adopt a decision to withdraw the alien's right of residence in the Republic of Lithuania and/or to expel the alien from the Republic of Lithuania on the grounds of constituting a threat to public policy specified in subparagraph 2 of paragraph 1 of Article 54, subparagraph 8 of paragraph 1 and subparagraph 4 of paragraph 2 of Article 90, paragraph 1 of Article 106 and subparagraph 3 of paragraph 1 of Article 126 of this Law.

3. The application to adopt a decision must meet the requirements set in the Law on Administrative Proceedings. Administrative cases based on applications specified in paragraphs 1 and 2 of this Article may be examined using factual data which constitute a state or official secret and with the participation of the Migration Department. The provisions regarding declassification provided for in the Law on Administrative Proceedings shall not apply to such data.

## **CHAPTER XI**

### **FINAL PROVISIONS**

#### **Article 141. Right to Receive Information from State and Municipal Institutions and Agencies**

The Migration Department shall have the right to receive from state and municipal institutions and agencies of the Republic of Lithuania information relating to aliens required for the discharge of functions by the Migration Department in determining the aliens' legal status in the Republic of Lithuania.

#### **Article 141<sup>1</sup> Fees for Services Provided under this Law**

Save for the exceptions laid down in the Law on Fees and Charges, state fees, in the amount prescribed by the Government, shall be charged for:

- 1) validating a letter of invitation;
- 2) receiving and considering applications for the issue of a visa, taking decisions on the issue or refusal to issue a visa in the Republic of Lithuania;
- 3) extending the period of stay in the Republic of Lithuania under a visa;
- 4) processing documents relating to the issue or replacement of a temporary residence permit, permanent residence permit or EU residence permit;
- 5) processing documents relating to the issue of a work permit, issuing a work permit, extending the period of validity of a work permit and issuing a duplicate;
- 6) issuing and replacing a travel document to a stateless person or a refugee, an alien's passport, a temporary residence permit or permanent residence permit, issuing and extending an EU residence permit, extending the validity of an alien's passport;
- 7) issuing a certificate confirming the right of residence in the Republic of Lithuania of a citizen of an EU Member State and issuing a certificate confirming the right of permanent residence in the Republic of Lithuania of a citizen of an EU Member State.

#### **Article 142. Processing of Data Relating to Aliens**

1. The data relating to aliens whose legal status in the Republic of Lithuania is determined under this Law and other laws of the Republic of Lithuania shall be entered in the Register of Aliens.
2. The Register of Aliens shall be established and the regulations thereof approved by the Government of the Republic of Lithuania.
3. The data in the Register of Aliens shall be processed in compliance with this Law, the Law on Legal Protection of Personal Data and other legal acts as well as international treaties.

#### **Article 143. Liability of Aliens**

Aliens shall be held liable under the laws of the Republic of Lithuania unless otherwise established by the international treaties of the Republic of Lithuania, the EU legal acts or this Law.

#### **Article 144. Application of International Treaties**

If international treaties to which the Republic of Lithuania is a party provide otherwise than this Law, the provisions of the international treaties shall apply.

#### **Article 145. Application of More Favourable Provisions of the Law**

Provisions of Chapter V of this Law shall apply to citizens of the EFTA Member States and their family members who exercise the right to freedom of movement.

**Article 146. Implementation of the Law**

1. The procedure for implementing this Law shall be established by the Republic of Lithuania Law on the Implementation of the Law on the Legal Status of Aliens.

2. Upon the entry into force of this Law, the following laws shall be repealed:

1) the Republic of Lithuania Law on Refugee Status in the Republic of Lithuania (Official Gazette, No 63-1578, 1995);

2) Law Amending Article 15 of the Republic of Lithuania Law on Refugee Status in the Republic of Lithuania (Official Gazette, No 29-707, 1996);

3) Law Repealing Article 18 and Amending Article 19 of the Republic of Lithuania Law on Refugee Status in the Republic of Lithuania (Official Gazette, No 108-2734, 1997);

4) Law Amending Article 5 of the Republic of Lithuania Law on Refugee Status in the Republic of Lithuania (Official Gazette, No 65-1879, 1998);

5) the Republic of Lithuania Law on the Legal Status of Aliens (Official Gazette, No 115-3236, 1998);

6) Law Amending Articles 5, 7, 10 and 14 of the Republic of Lithuania Law on the Legal Status of Aliens (Official Gazette, No 89-2618, 1999);

7) Law Amending Articles 19 and 26 of the Republic of Lithuania Law on the Legal Status of Aliens (Official Gazette, No 5-125, 2000);

8) Law Amending the Republic of Lithuania Law on Refugee Status in the Republic of Lithuania (Official Gazette, No 56-1651, 2000);

9) Law Amending Article 7 of the Republic of Lithuania Law on the Legal Status of Aliens (Official Gazette, No 92-2865, 2000);

10) Law Amending the Republic of Lithuania Law on Refugee Status in the Republic of Lithuania (Official Gazette, No 56-1651, 2000);

11) Law Amending Articles 8, 9 and 11 of the Republic of Lithuania Law on Refugee Status in the Republic of Lithuania (Official Gazette, No 92-2859, 2000);

12) Law Amending the Republic of Lithuania Law on the Legal Status of Aliens (Official Gazette, No 55-1944, 2001);

13) Law Amending Articles 2, 4, 5, 6, 8, 9, 10, 11, 13, 14, 17, 18, 22 and 26 of the Republic of Lithuania Law on Refugee Status and Supplementing the Law with Articles 12<sup>1</sup>, 12<sup>2</sup>, 12<sup>3</sup>, 12<sup>4</sup>, 12<sup>5</sup> and 12<sup>6</sup> (Official Gazette, No 13-466, 2002);

14) Law Amending Articles 4 and 7 of the Republic of Lithuania Law on Refugee Status (Official Gazette, No 38-1688, 2003).

Annex to  
Republic of Lithuania  
Law on the Legal Status of Aliens

### **EU LEGAL ACTS IMPLEMENTED BY THIS LAW**

1. Council Directive 77/486/EEC of 25 July 1977 on the education of the children of migrant workers (OJ 2004 special edition, Chapter 5, Volume 1, p. 213).

2. The Schengen *acquis* - Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ 2004 special edition, Chapter 19, Volume 2, p.3).

3. The Schengen *acquis* – Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders (OJ 2004 special edition, Chapter 19, Volume 2, p. 9).

4. Council Resolution of 20 June 1994 on limitation on admission of third-country nationals to the territory of the Member States for employment.

5. Council Resolution of 30 November 1994 on the admission of third-country nationals to the territory of the Member States for study purposes.

6. Council Resolution of 30 November 1994 relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons.

7. 94/795/JHA: Council Decision of 30 November 1994 on a joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State (OJ 2004 special edition, Chapter 19, Volume 1, p. 3).

8. Council Resolution of 20 June 1995 on minimum guarantees for asylum Procedures.

9. Council Resolution of 25 September 1995 on burden- sharing with regard to the admission and residence of displaced persons on a temporary basis.

10. Council recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control.

11. 96/198/JHA: Council Decision of 4 March 1996 on an alert and emergency procedure for burden-sharing with regard to the admission and residence of displaced persons on a temporary basis (OJ 2004 special edition, Chapter 19, Volume 1, p. 29).

12. Joint Position of 4 March 1996 defined by the Council on the basis of Article K.3 of the Treaty on European Union on the harmonized application of the definition of the term 'refugee' in Article 1 of the Geneva Convention of 28 July 1951 relating to the Status of Refugees (OJ 2004 special edition, Chapter 19, Volume 1, p. 20).

13. Council Resolution of 4 March 1996 on the status of third-country nationals residing on a long-term basis in the territory of the Member States.

14. 96/197/JHA: Joint Action of 4 March 1996 adopted by the Council on the basis of Article K.3 of the Treaty on European Union on airport transit arrangements (OJ 2004 special edition, Chapter 19, Volume 1, p. 26).

15. Council Recommendation of 27 September 1996 on combating the illegal employment of third-country nationals.

16. Council Resolution of 26 June 1997 on unaccompanied minors who are citizens of third countries.

17. Council Resolution of 4 December 1997 on measures to be adopted on the combating of marriages of convenience.

18. Council Regulation (EC) No 2725/2000 of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention (OJ 2004 special edition, Chapter 19, Volume 4, p. 26).

19. Council Regulation (EC) No 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose citizens are exempt from that requirement (OJ 2004 special edition, Chapter 19, Volume 4, p. 65).

20. Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals (OJ 2004 special edition, Chapter 19, Volume 4, p. 107).

21. Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ 2004 special edition, Chapter 19, Volume 4, p. 162).

22. Council Regulation (EC) No 407/2002 of 28 February 2002 laying down certain rules to implement Regulation (EC) No 2725/2000 concerning the establishment of "Eurodac" for the comparison of fingerprints for the effective application of the Dublin Convention (OJ 2004 special edition, Chapter 19, Volume 4, p. 192).

23. Council Directive 2003/9/EC of 27 January 2003 laying down minimum standards for the reception of asylum applicants (OJ 2004 special edition, Chapter 19, Volume 6, p. 101).

24. Council Regulation (EC) No 415/2003 of 27 February 2003 on the issue of visas at the border, including the issue of such visas to seamen in transit (OJ 2004 special edition, Chapter 19, Volume 6, p. 119).

25. Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ 2004 special edition, Chapter 19, Volume 6, p. 224).

26. Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ 2004 special edition, Chapter 19, Volume 6, p. 272).

27. Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air (OJ 2004 special edition, Chapter 19, Volume 6, p. 233).

28. 2004/191/EC: Council Decision of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals (OJ 2004 special edition, Chapter 1, Volume 5, p. 25).

29. Corrigendum to 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 (OJ 2004 special edition, Chapter 19, Volume 5, p. 46).

30. Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (OJ 2004 special edition, Chapter 19, Volume 7, p. 69).

31. Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ 2004 special edition, Chapter 19, Volume 7, p. 96).

32. Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ 2004 L 375, p. 12).

33. Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ 2005 L 289, p. 15).

34. Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (OJ 2005 L 326, p. 13).

35. Common Consular Instructions of 22 December 2005 on visas for the diplomatic missions and consular posts of the contracting parties to the Schengen Convention (OJ 2005 C 326, p. 1).

36. Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ 2006 L 105, p. 1).

**As of 1 February 2012, the Annex shall be supplemented with item 37:**

37. 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 (OJ 2008 L 348, p.98).

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