



# The Organisation of Asylum and Migration Policies

## Factsheet: Lithuania

### 1. Introduction

This factsheet provides an overview of how asylum and migration policies are organised in **Lithuania**, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals (TCNs) coming for the purpose of legal immigration or for international protection. It is based on information provided in the Lithuania's National Report of the EMN Study *The Organisation of Asylum and Migration Policies in EU Member States*<sup>1</sup>, as at **July 2012**. The Report was based on desk research: key sources were Lithuanian legal acts in the field of migration and asylum, websites of state institutions and migration yearbooks prepared by the Migration Department under the Ministry of Interior. No primary research was undertaken.

### 2. Overview of organisation of political, legislative and institutional framework

#### 2.1 The political system and institutional context

The Ministry of the Interior (MoI) is the main institution responsible for formation and supervision of the implementation of migration policy. The Migration Department (MD) under the MoI is the main institution implementing state policy in the area of migration in close cooperation with migration services which fall under the responsibility of the Police Department (PD). State Border Guard Service (SBGS) is responsible for protection of borders and entry procedures (including asylum) at the border. In general, SBGS is responsible for legal entry and PD for legal stay of aliens. Foreigners' Registration Centre (FRC) provides reception facilities for asylum seekers and irregular migrants. The Refugee Reception Centre hosts aliens who received international protection in Lithuania. Other actors include the Ministries of Foreign Affairs (visas), and of Social Security and Labour (integration of refugees), the Lithuanian Labour Exchange (work permits), the State Labour Inspectorate (illegal work). Active NGO's include the International Organization for Migration (Vilnius office), UNCHR and the Lithuanian Red Cross.

#### 2.2 The legal framework

The main legal act regulating the issues related to the legal status of aliens in Lithuania is the Law on the Legal Status of Aliens (LLSA). The LLSA stipulates the conditions of entry and exit of aliens, their stay and residence, asylum, integration, detention and return of aliens and regulates other related issues.

### 3. Development of migration and international protection systems

**Emigration:** Emigration of Lithuanian residents is the most critical issue in migration management. Due to emigration Lithuania started to experience labour shortages as of 2006. In 2006 the Government adopted the *Economic migration regulation strategy* aimed at mitigating the negative consequences of emigration. In 2011 Lithuania approved the *Global Lithuania Strategy* which seeks to engage Lithuanian diasporas to participate in state life and encourage return migration.

**Immigration:** Lithuania takes a cautious approach towards immigration and in most cases new developments in the immigration field are due to transposition of EU Council Directives. In 2008 the Government adopted the *Immigration policy guidelines* which define Lithuania's approach to immigration management. The Guidelines describe immigration as a secondary and temporary measure to address imbalances in the labour market giving priority to return migration. In recent years, the arrival of TCN workers and students was facilitated and (for students) encouraged: two state programmes on *Internationalization of Lithuanian Higher Education* have been implemented.

**Asylum:** Since 2000, Lithuania applies a unified asylum granting procedure, in the course of which a refugee status or subsidiary protection can be granted. Lithuania uses a wider list of reasons for subsidiary protection than defined in Directive 2004/83/EC. Besides reasons mentioned in the Directive, Lithuania may grant subsidiary protection if there is danger that rights and basic freedoms of asylum seeker would be infringed.

<sup>1</sup> Available on the EMN website

## 4. Organisation of policy

### 4.1 Overview of migration and international protection policy

**Admission conditions:** In general, Admission conditions depend on the category of a TCN.

**Family reunification:** as a general rule a family member may join a legally residing TCN (sponsor) only after the sponsor has lived in Lithuania for the last 2 years, holds a temporary residence permit (TRP) valid for at least one year and has reasonable prospects of remaining in Lithuania permanently. The Law foresees exceptions (e.g. highly qualified workers may bring their family members immediately). A decision on the issuance of a TRP is made by the MD not later than within 6 months. Having resided uninterruptedly for the last five years, a family member may obtain a permanent residence permit (PRP).

**Work:** as a general rule, a TCN wishing to work in Lithuania needs two documents – a work permit (some categories are exempt from this requirement, e.g. heads of companies) and a TRP or a multiple-entry national visa. Employment process of TCNs in Lithuania is employer-led and a market test is used in order to evaluate the existing shortage, i.e. an employer wishing to recruit a TCN registers a vacancy in a territorial labour exchange one month before the submission of the application to issue a work permit. A work permit is issued for a maximum of 2 years period. At the same time a TCN may apply to a consular post abroad for the issuance of a TRP or alternatively a TCN can apply for a multiple-entry national visa after s(he) received a work permit.

**Study:** firstly, a TCN student must be enrolled into a higher education institution in Lithuania and only then apply to a consular post abroad for the issuance of the multiple-entry national visa or TRP. National visa allows a student to stay for up to one year. To prolong stay, a student needs to apply for the TRP while legally residing in the country.

**Asylum seekers:** an application for asylum can be lodged at a border crossing point, the FRC, at a territorial migration service. These institutions interview the alien, take his/her documents and travel tickets, biometric data and forward all documents to the MD to take a decision. During examination of an application for asylum, an alien usually is provided with accommodation at the FRC. The application for asylum is examined within 3 months or extended up to 6 months.

**Legal residence:** If a TCN wishes to reside in Lithuania (s)he needs to apply for a TRP. The grounds and conditions for the issuance of a TRP are specified by the LLSA. A TRP must be replaced yearly (exemptions apply for refugees, persons of Lithuania descent or persons who retained the right to the Lithuanian citizenship – they receive a PRP for 5 years). After uninterrupted residence for the last five years, a TCN may be issued a PRP for a period of 5 years. A TCN applying for the PRP needs to pass an examination in the state language and in the basic principles of the Constitution (some groups are exempt from this requirement).

**Integration:** Lithuania does not have a comprehensive programme for the integration of aliens (except persons who received international protection). There is no institution responsible for coordination of integration measures. Integration measures are provided by non-governmental sector. These measures are as a rule financed by funds of the European Integration Fund; yet, they are isolated, short-term, and not systemic measures.

**Citizenship:** Lithuanian citizenship is acquired by birth (e. g. if one of the parents is a Lithuanian national or both parents are stateless and legally permanently reside Lithuania), on being granted citizenship under the simplified procedure (for persons of Lithuanian descent), through naturalisation, by way of exception, on having citizenship restored or on the grounds established by international treaties to which Lithuania is a party. The Constitution prohibits dual citizenship with the exception of individual cases provided for by law.

**Access to Labour market:** Access to labour market for TCNs is regulated and restricted. Only certain categories of TCNs can access the labour market. *Workers* can work for the period indicated in the work permit but cannot change employer. *Students* can work from the second year of studies for no more than 20 hours per week, but need to obtain a work permit. *Family members* of a TCN with a TRP can access the labour market with no restrictions. Refugees can also access the labour market with no restrictions. Asylum seekers have no right to access the labour market.

**Return:** Lithuania transposed the Return Directive in the end of 2011. New amendments set limits to the detention period (6 months with the possibility of extension for up to 12 months) and prioritise voluntary return over expulsion.

### 4.2 Links with other policies

Migration policy in Lithuania is a sensitive issue. Immigration is mainly viewed as a tool to meet the needs of the labour market. As a result, links with other policy areas, e.g., in the social, economic area, are not well established. Priority and attention is paid to emigration, return migration of Lithuanian residents.

## 5. Analysis of asylum and migration systems

One emerging issue is that Lithuania does not have a coordinating institution responsible for the integration of TCNs (except for persons under international protection).

There were extensive discussions on the migration institutional framework and on division of tasks in 2011. Recent reforms introduced rearrangement of functions between key migration institutions: issuance of passports and IDs (MD function) was delegated to migration services.

# Structure of Management of Migration Processes in the Republic of Lithuania

