

Version valid from 28 April 2015

REPUBLIC OF LITHUANIA
LAW
ON THE LEGAL STATUS OF ALIENS

29 April 2004 No IX-2206

Vilnius

CHAPTER I
GENERAL PROVISIONS

Article 1. Purpose and Scope of the Law

1. This Law shall establish the procedure of entry and departure, stay and residence, granting of asylum and temporary protection in the Republic of Lithuania, the procedure of integration and lodging of appeals against the decisions concerning 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.

2¹. Citizens of the Member States of the European Union and of the European Free Trade Association shall be subject to the provisions of Chapters I, II, V, VI, VII, IX, X and XI of this Law, whereas their family members and other persons who enjoy the right of free movement under legal acts of the European Union shall be subject also to the provisions of Section I of Chapter III of 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 relationships regulated by this Law to the extent they are not regulated by this Law, apart from the exception specified in paragraph 5 of this Article.

5. The provisions of this Law regulating work permits and residence permits in the Republic of Lithuania shall apply to the relationships related to the implementation of the project of a new nuclear power plant to the extent they are not regulated by the Law of the Republic of Lithuania on the Nuclear Power Plant.

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 fraud 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 state but holding a document which entitles to reside in the Republic of Lithuania, granting the right to leave and return to the Republic of Lithuania for the period of validity of the document.

3. **Higher professional qualifications** means qualifications attested by evidence of a higher-education diploma or, where it is provided for in legal acts of the Republic of Lithuania, attested by at least five years of professional experience of a level comparable to higher education qualifications and which is relevant in the profession or sector specified in the employment contract or written undertaking.

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*1. Repealed as of 1 January 2013.*

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

6. **Fictitious enterprise** means a private legal person entered on the Register of Legal Entities, which was established or acquired not with the aim of pursuing in the Republic of Lithuania the activities specified in the instruments of incorporation of such legal person, but with the aim of obtaining a residence permit in the Republic of Lithuania by an alien – participant of such legal person as defined in the Civil Code of the Republic

of Lithuania (hereinafter: a 'participant'), manager, member of a collegial management or supervisory body.

6¹. **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 in the Republic of Lithuania and not seeking to create other legal consequences of a registered partnership established by legal acts of the Republic of Lithuania.

6². **Marriage of convenience** means a marriage contracted 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 legal acts of the Republic of Lithuania.

6³. **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 in the Republic of Lithuania and not seeking to create other legal consequences of adoption established by legal acts of the Republic of Lithuania.

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

7¹. **Humanitarian reasons** means an illness, other acute health impairment or condition, personal reasons which an alien could not foresee and avoid, *force majeure* due to which the alien is unable to leave the Republic of Lithuania.

8. **Expulsion from the Republic of Lithuania** means a compulsory transportation or removal of an alien from the territory of the Republic of Lithuania in accordance with the procedure laid down in legal acts.

9. **Obligation to leave the Republic of Lithuania** means a decision taken in accordance with the procedure laid down in legal acts obliging an alien to leave voluntarily within the set time limit for an EU Member State or a Member State of the European Free Trade Association in which he is entitled to stay or reside.

10. **Travel document** means the passport of a national of a foreign state or an equivalent document intended for travelling to a foreign state and recognised in the Republic of Lithuania.

11. **Country of origin** means the country of citizenship of an alien 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.

11¹. **Any other person who enjoys the right of free movement under legal acts of the European Union** means a person who is not a family member of a citizen of an EU Member State but is a cohabiting partner with whom the citizen of the EU Member State has durable, duly attested relationship during the past three years, as well as a person who is a dependant or a member of the household of the citizen of the EU Member State, or where serious health grounds strictly require his personal care by the citizen of the EU Member State, if duly attested.

11². **Letter of invitation** means a document confirming the undertaking of a natural or legal person of the Republic of Lithuania to ensure that an alien entering 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 state to which he has the right to leave are covered.

12. **Temporary territorial asylum** means the right granted to an alien in accordance with the procedure laid down in this Law to stay in the Republic of Lithuania pending the examination of his application for asylum.

12¹. **Temporary protection** means immediate and temporary protection granted to an alien in accordance with the procedure laid down by this Law in the event of a mass influx to the European Union of aliens who are unable to return to their country of origin or in the event of an imminent mass influx.

13. **Work permit in the Republic of Lithuania** (hereinafter: '**work permit**') 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: '**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 Union** (hereinafter: '**permanent residence permit**') means a document

granting an alien the right to reside in the Republic of Lithuania and certifying the alien's permanent resident status.

16. **Unaccompanied minor alien** means an alien below the age of 18 who arrives on the territory of the Republic of Lithuania unaccompanied by parents or other legal representatives or who, after he has entered the territory of the Republic of Lithuania, is left unaccompanied until effectively taken into the care of the above-mentioned persons.

16¹. **Minor alien** means an alien below the age of 18.

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 leave 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 refugee status in the Republic of Lithuania in accordance with the procedure laid down in this Law.

18¹. **Vulnerable persons** means persons with special needs (such as minors, disabled people, people over the age of 75, pregnant women, single parents with minor children, persons suffering from mental disorders, victims of trafficking in human beings, or persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence).

18². **Application for asylum** means a request made in any form by an alien with regard to granting of asylum in the Republic of Lithuania.

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

20. **Asylum applicant** means an alien who has lodged in accordance with the procedure laid down in this Law an application for asylum in respect of which a final decision has not yet been taken.

21. *Repealed as of 1 March 2015.*

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') where such children are minors and unmarried, as well as the father/adoptive father, mother/adoptive mother (hereinafter: 'father, mother') or a guardian/curator of the

minor and unmarried asylum applicant, where the family already existed in the country of origin and the family members are present on the territory of the Republic of Lithuania pending the examination of the application for asylum.

23. **Asylum in the Republic of Lithuania** means refugee status or subsidiary protection granted to an alien in the Republic of Lithuania on the grounds and in accordance with the procedure laid down 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 may 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 is being practised; there is no threat by reason of indiscriminate violence in situations of international or internal armed conflict, or, by the Decision of the Council of the European Union, 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, which is approved by the Minister of the Interior, of safe third countries which have not been entered in the minimum common list of safe countries of origin.

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.

25¹. **Residence card of a family member of a Union citizen** (hereinafter: an '**EU residence card**') means a document attesting the right to reside temporarily or permanently in the Republic of Lithuania by a family member of a citizen of an EU Member State or any other person who enjoys the right of free movement of persons under legal acts of the European Union, where such persons are not citizens of the EU Member State.

26. **Family members** mean the spouse or the person with whom a registered partnership has been contracted, minor children/adopted children (hereinafter: 'children'), including the minor children 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 residing in a foreign state.

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

27¹. **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.

27². **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.

27³. **Schengen State** means the state that has acceded to the Schengen Convention or the state in which the complete Schengen *acquis* is applied.

27⁴. **Schengen visa** means a Schengen visa issued in compliance with the provisions of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (hereinafter: the 'Visa Code') and the Schengen *acquis*.

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

28¹. **Suitable residential premises** means residential premises which meet construction, hygiene and fire safety requirements.

29. **Alien's passport** means a document issued to a national of a foreign state who has the right to reside in the Republic of Lithuania but for objective reasons is unable to obtain travel documents from his country of origin, where such document grants him the

right to leave 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 accordance with the procedure laid down by the Minister of the Interior, his identity and his right to temporary territorial asylum in the Republic of Lithuania.

31. **Alien's detention** means temporary accommodation of an alien in the Foreigners' 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 national of a foreign state or a stateless person.

33. **Visa** means an authorisation in the form of a sticker affixed to an 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, nationality, 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 officers of the police or any other law enforcement institution, 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 stay in the country and attesting to the lawfulness of an alien's stay in the Republic of Lithuania.

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

1. The 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: the 'Migration Department'), the State Border Guard Service under the Ministry of the Interior

(hereinafter: the 'state Border Guard Service') in association with state and municipal institutions and agencies of the Republic of Lithuania.

2. Assessment of a threat posed by an alien to national security shall be carried out by the State Security Department of the Republic of Lithuania (hereinafter: the 'state Security Department'), while assessment of a threat to public policy or the community shall be carried out by the Police Department under the Ministry of the Interior of the Republic of Lithuania or the State Border Guard Service.

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 leave 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 (hereafter: the '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 application for asylum in the Republic of Lithuania, the decision on the alien's admission or refusal of admission into the Republic of Lithuania shall be taken by the Migration Department.

Article 6. Obligation to be in Possession of a Valid Travel Document

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

2. When crossing the external borders of the European Union or the internal borders of the European Union during temporary reintroduction of border control at such borders, an alien must produce a valid travel document at the border crossing point.

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 on the day of 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. A decision to refuse an alien admission into the Republic of Lithuania shall be taken by the State Border Guard Service, except for the case specified in Article 5(3) of this Law.

3. Repealed.

Article 9. Control of Aliens Entering the Republic of Lithuania

1. The State Border Guard Service shall, in accordance with the procedure laid down by legal acts of the Republic of Lithuania, control the entry of aliens into the Republic of Lithuania across the external borders of the European Union as well as across the internal borders of the European Union during temporary reintroduction of border control.

2. When admitting an alien into the Republic of Lithuania, officers of the State Border Guard Service must establish whether he fulfils the conditions set out in the Schengen Borders Code and whether there are grounds specified in the Schengen Borders Code precluding the alien's entry into the Republic of Lithuania.

3. When exercising control of the entry of aliens, the State Border Guard Service shall cooperate with the relevant state institutions and agencies of the Republic of Lithuania, institutions of foreign states 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 enters by violating the Schengen Borders Code.

CHAPTER III
STAY AND RESIDENCE OF ALIENS
IN THE REPUBLIC OF LITHUANIA

SECTION I
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 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: the '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. An alien to whom a visa-free regime is applied shall have the right to enter the Republic of Lithuania and stay in the Republic of Lithuania without a visa; however, he may stay in the Republic of Lithuania and any other Schengen State for a maximum of 90 days in a 180-day period.

3. An alien who is in possession of a valid Schengen visa may enter the Republic of Lithuania and stay in the Republic of Lithuania for a period specified in the visa; however, he may stay in the Republic of Lithuania and any other Schengen State for a maximum of 90 days in a 180-day period.

4. An alien who is not a citizen of an EU Member State but who is in possession of an EU residence card issued by one of the EU Member States may enter the Republic of Lithuania and stay in the Republic of Lithuania without a visa for a maximum of 90 days in a 180-day period.

5. An alien who is not specified in paragraph 4 of this Article but who is in possession of a residence permit or a national visa issued by any other Schengen State shall have the right during the validity of the residence permit or the national visa to enter

the Republic of Lithuania and stay in the Republic of Lithuania without a visa for a maximum of 90 days in a 180-day period.

6. The possession of a visa shall automatically give the right to enter the Republic of Lithuania.

7. Civilian crew members of ships that call at the ports of the Republic of Lithuania who are in possession of seafarer's identity documents issued in compliance with the following conventions of the International Labour Organization: Convention No. 108 Concerning Seafarers' Identity Documents adopted on 13 May 1958 or Convention No. 185 Revising the Convention Concerning Seafarers' Identity Documents adopted on 16 June 2003, or the Convention of International Maritime Organization on Facilitation of International Maritime Traffic adopted on 9 April 1965, as well as civilian seafarers who come to ships within the period of validity of the visa, who appear on the crew list and who are in possession of seafarers' identity documents referred to in this paragraph shall be permitted to go ashore in the Republic of Lithuania without a visa and stay within the area of the municipality, where their ships call, during the ship's stay in the port, but no longer than for six months.

Article 12. Types of Visas

There shall be the following types of visas:

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

Article 12¹. Schengen Visa

1. The procedures and conditions set out in the Visa Code shall apply to the issue of the Schengen visa.

2. The biometric identifiers (the facial image and ten fingerprints) shall be collected from an alien applying for a Schengen visa and entered on the Register of Aliens in order to verify his identity, with the exception of the cases provided for in the Visa Code.

Article 12². *Repealed as of 1 January 2013.*

Article 13. *Repealed as of 1 January 2013.*

Article 14. *Repealed as of 1 January 2013.*

Article 15. *Repealed as of 1 January 2013.*

Article 16. *Repealed as of 1 January 2013.*

Article 17. National Visa (D)

1. An alien in possession of a national visa may enter the Republic of Lithuania and stay in the Republic of Lithuania for a period specified in the visa. This period may last up to 12 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 state shall be issued a multiple-entry national visa.

6. The biometric identifiers (the facial image and ten fingerprints) shall be collected from an alien applying for a national visa and entered on the Register of Aliens in order to verify his identity, with the exception of the cases where such requirement is not applied to the issue of visas in compliance with the Visa Code.

Article 18. *Repealed as of 1 January 2013.*

Article 19. Grounds for Refusing to Issue a National Visa and for Annulment of a Visa

An alien shall be refused a national visa and the issued national visa shall be annulled if:

- 1) he does not fulfil the conditions of entry set out in the Schengen Borders Code;
- 2) in order to be issued a visa, the alien has not provided the required information about the purpose and conditions of the journey, about 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) in order to be issued a visa, the alien has presented documents containing signs of counterfeiting;

4) there are serious grounds for believing that the alien may engage in unlawful activities in the Republic of Lithuania which incur liability under the laws of the Republic of Lithuania;

5) he is on the national no-entry list;

6) it has been decided to obligate him to leave, to return or to expel him from a 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) there are serious grounds for believing that he has committed a crime against peace, a crime against humanity or a war crime within the meaning defined in laws of the Republic of Lithuania, international treaties or other sources of international law, or that he has instigated or otherwise participated in committing such crimes;

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

10) there are serious grounds for believing that a risk of illegal immigration of the alien may emerge.

Article 20. *Repealed as of 1 January 2013.*

Article 21. Issue of a Visa, Refusal of a Visa, Holding of Consultations, Annulment of a Visa and Revocation of a Schengen Visa

1. An alien shall submit supporting documents to a 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 a 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 supporting documents at a border crossing point, at the institution authorised by the Minister of the Interior or at 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 and in accordance with the agreements concluded with another/other Schengen State/States.

3. Decisions to issue or refuse to issue a visa, to annul it or to revoke a Schengen visa shall be taken:

1) on the issue, refusal or annulment of all types of visas, or revocation of Schengen visas - by the Consular Department of the Ministry of Foreign Affairs of the Republic of Lithuania;

2) on the issue, refusal or annulment of all types of visas, or revocation of Schengen visas - by the diplomatic missions and consular posts of the Republic of Lithuania;

3) on the issue or refusal of Schengen visas at a border crossing point, annulment of all types of visas or revocation of Schengen visas - by the State Border Guard Service;

4) on the issue or refusal of all types of visas, annulment of all types of visas or revocation of Schengen visas - by the Migration Department;

5) on the issue or refusal of Schengen visas, annulment and revocation of Schengen visas - by the competent authorities of a Schengen State representing the Republic of Lithuania under an agreement on representation with regard to matters of the issue of a Schengen visa.

4. In the cases provided for in the Visa Code, a Schengen visa shall be issued to an alien only after consultation of the Migration Department with other Schengen States.

5. In the cases and in accordance with the procedure laid down in paragraph 9 of this Article, a Schengen visa and a national visa shall be issued to an alien only after consultation of the Migration Department with other institutions.

6. A decision to extend a Schengen visa or to refuse to extend it or a decision to verify a letter of invitation shall be taken by the institutions authorised by the Minister of the Interior.

7. 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.

8. An alien may also submit supporting documents through a commercial intermediary accredited by a diplomatic mission or a consular post of the Republic of Lithuania, an authorised honorary consul or a chosen external service provider.

9. The Minister of the Interior together with the Minister of Foreign Affairs shall lay down a procedure for verifying a letter of invitation, submitting supporting documents, holding consultations, issuing a visa or refusing to issue it, extending, or refusing to extend a visa, annulling a visa and revoking a Schengen visa, accrediting commercial intermediaries and selecting external service providers. This procedure shall apply in so far as the Visa Code does not regulate the said issues.

Article 22. Invalid Visa

1. 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 signs of counterfeiting;
- 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) where the travel document to which the visa sticker is affixed becomes invalid,

with the exception of the cases referred to in paragraph 2 of this Article.

2. Where a valid visa sticker is affixed to the invalid travel document in which all pages have been used for visas or entry and/or exit stamps, it shall be recognised as valid if an alien also produces any other valid travel document.

Article 23. Illegal Stay in the Republic of Lithuania

The stay of an alien in the Republic of Lithuania shall be considered illegal if the alien:

- 1) has stayed in the Republic of Lithuania for a period exceeding the period of stay established for aliens in Article 11(2) to (5) and (7) of this Law;
- 2) stays in the Republic of Lithuania after the expiry of the period of validity of his visa;
- 3) stays in the Republic of Lithuania holding an annulled visa;
- 4) is in possession of a counterfeit travel document;
- 5) is in possession of a counterfeit 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 II

RESIDENCE OF ALIENS IN THE REPUBLIC OF LITHUANIA

Article 24. Residence Permit in the Republic of Lithuania

1. A residence permit in the Republic of Lithuania (hereinafter: a 'residence permit') shall grant an alien the right to reside in the Republic of Lithuania, to choose a place of residence in the Republic of Lithuania, to change the place of residence, to leave and return to the Republic of Lithuania during the period of validity of the residence permit.

2. Biometric identifiers (the facial image and two fingerprints) of an alien shall be electronically incorporated into a residence permit to confirm the alien's identity, with the exception of the cases provided for in Regulation (EC) No 1030/2002. The Minister of the Interior shall set out the format of a residence permit pursuant to Regulation (EC) No 1030/2002.

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 Renewal of a Residence Permit

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

- 1) fulfils the conditions of entry set out in the Schengen Borders Code;
- 2) is in possession of a valid document evidencing health insurance coverage when, in the cases established by laws of the Republic of Lithuania, he is not covered by compulsory health insurance or, in the cases and in accordance with the procedure laid down by the Government of the Republic of Lithuania, he holds a verified letter of 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 sufficient means of subsistence and/or receives regular income which is sufficient for his stay in the Republic of Lithuania;

4) possesses by the right of ownership the suitable residential premises in the Republic of Lithuania in which he intends to declare his place of residence, provided that the residential area per each adult person who has declared the place of residence at it would not be less than seven square metres, or uses the said residential premises under a 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 a letter of commitment of a natural or legal person, verified in accordance with the procedure laid down in legal acts, to provide him with suitable residential premises at which he will declare his place of residence and which will meet the requirements for residential area per person for the period of validity of the temporary residence permit,

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

2. The conditions specified in points 2 to 5 of paragraph 1 of this Article shall not apply to an alien who has been taken into guardianship/curatorship is established, an alien who is allowed to stay in the Republic of Lithuania because he is or was a victim of trafficking in human beings or illegal employment and cooperates with pre-trial investigation bodies or the court in combating trafficking in human beings or crimes related to trafficking in human beings or illegal employment, in the cases of particularly exploitative employment conditions or the employment of a minor or in the interests of national security, as well as to an alien who, according to the Law of the Republic of Lithuania on Citizenship, has the right to restore the citizenship of the Republic of Lithuania or is of Lithuanian descent.

3. The conditions set out in points 2 to 5 of paragraph 1 of this Article shall not apply to an alien who has been granted temporary protection or asylum in the Republic of Lithuania or the family members of an alien who has been granted asylum in the Republic of Lithuania, who have, within three months after the granting of asylum in the Republic of Lithuania, applied for the issue of a residence permit by virtue of family reunification.

3¹. When a temporary residence permit is issued to an alien who intends to learn or study, or where a temporary residence permit is renewed for such alien, the residential area of the suitable residential premises per person intending to declare his place of residence at the said residential premises (including the persons who have already declared the place of residence at that premises) must be not less than four square metres.

3². The requirement of the residential area of the suitable residential premises, as set in point 4 of paragraph 1 of this Article, shall not apply to an alien to whom a temporary residence permit has been issued or renewed on the grounds laid down in Article 40(1)(4), where the employer has recruited him under an employment contract to do the work related to regular travelling on international routes or where the employer posts him to perform work in any other EU Member State or a Member State of the European Free Trade Association under a contract for provision of services or performance of works in that Member State, during the period of work of the said alien in that State.

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 Article 6(1) of this Law, shall not apply in case of renewal of a permanent residence permit.

6. If, when issuing or renewing a residence permit, 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, the Migration Department must consult this Schengen State and take account of its interests. The residence permit may only be issued or renewed on humanitarian grounds or because of international obligations.

7. The Migration Department shall consult other Schengen States on issuing a 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 on such an alien must be transferred to the national no-entry list.

Article 27. Alien's Means of Subsistence for Obtaining a Residence Permit

The amount of means of subsistence that may be considered sufficient 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 legally staying in the territory of the Republic of Lithuania may lodge an application for the issue of 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 is examined and a decision is taken.

4. In the cases laid down by this Law, an application for the issue of a temporary residence permit to an alien may be lodged with the institution authorised by the Minister of the Interior not only by the alien himself, but also by the entities referred to in Article 43(2), Article 44(4), Article 44¹(2) or Article 49²(2) of this Law.

Article 29. Renewal of a Residence Permit

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

2. An alien must lodge an application for the renewal 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 an 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 the child.

2. A child born during the period of an 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 the child's 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 legitimacy of their stay in the territory of the Republic of Lithuania, must be taken into temporary guardianship/curatorship in accordance with the procedure laid down by legal acts of the Republic of Lithuania for the period of a child's stay in the Republic of Lithuania. The temporary guardian/curator of an unaccompanied minor alien shall represent the interests of the unaccompanied minor alien.

2. Unaccompanied minor aliens, regardless of the legitimacy 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 accordance with the procedure laid down by the Minister of Social Security and Labour of the Republic of Lithuania;

2) to study according to a general education programme/programmes or a vocational training programme/programmes in accordance with the procedure established by the Minister of Education and Science;

3) to receive free basic medical aid in accordance with the procedure established by the Minister of Health;

4) to be provided with free social services in accordance with the procedure established 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 point 6 of paragraph 2 of this Article and the temporary guardian/curator of the unaccompanied minor alien, immediately organise search for the minor's family members.

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

Article 33. Time Limits for Examining an Application for the Issue or Renewal of a Residence Permit

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

1) regarding the issue of a temporary residence permit, except for the case specified in points 2 and 2¹ of this paragraph - not later than within four months from the lodging an application with the relevant institution;

2) regarding the issue of a temporary residence permit for the purpose of highly qualified employment of the alien, where the employer undertakes to recruit the alien under the employment contract and to pay him a monthly wage not less than two and not more than three amounts of average gross monthly earnings in the whole economy most recently published by the Department of Statistics of Lithuania, as well as regarding the issue of a temporary residence permit to the alien on the grounds laid down in Article 45(1)(1) of this Law when the alien meets the requirements set out in Article 45(3) of this Law and to a member of the alien's family – not later than within two months of the lodging of an application with the appropriate institution;

2¹) regarding the issue of a temporary residence permit for the purpose of highly qualified employment of the alien, where the employer undertakes to recruit the alien under the employment contract and to pay him a monthly wage not less than three amounts of average gross monthly earnings in the whole economy most recently published by the Department of Statistics of Lithuania – not later than within one month of the lodging of an application with the appropriate institution;

3) regarding the issue of a permanent residence permit - not later than within four months of the lodging of an application with the appropriate institution;

4) regarding the renewal of a temporary residence permit - not later than within two months of the lodging of an application with the appropriate institution.

2. The time limits for examining applications specified in points 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 an application.

3. An alien's application regarding the renewal of a permanent residence permit must be examined and such permit must be personalised not later than within one month of the lodging of the application with the appropriate institution.

4. In the absence of sufficient data and/or documents substantiating an application for the issue or renewal of a residence permit, an institution authorised to take a decision to issue or renew a residence permit shall, not later than within one month of the lodging of the application for the issue or renewal of the residence permit in the cases specified in paragraph 1 of this Article and not later than within ten working days in the cases specified in paragraph 3 of this Article, notify in writing the person who lodged the said

application and set a reasonable time limit for lodging the necessary data and/or documents. The time limit for examining an application for the issue or renewal of the residence permit shall be suspended of the communication of the said notification and renewed of the receipt at that institution of the data and/or documents necessary to take a decision to issue or renew the residence permit.

Article 34. Validity of a Decision to Issue or Renew an Alien's Residence Permit

1. A decision to issue or renew a temporary residence permit to an alien shall be valid for three months from the taking of the decision, whereas a decision to issue a permanent residence permit to an alien – for six months from the taking of the decision.

2. During the period of validity of a decision to issue or renew an alien's residence permit, the alien may apply for the residence permit to be personalised. With the exception of the case set out in Article 33(3) of this Law, the residence permit shall be personalised not later than within ten working days of the lodging with the appropriate institution of an application for the residence permit to be personalised.

3. In case of an illness or other serious reasons beyond an alien's control about the presence of which the alien must give a 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 for up to three months.

Article 35. Grounds for Refusing to Issue or Renew an Alien's Residence Permit

1. An alien shall be refused the issue or renewal of a residence permit if:

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

2) the data which he has submitted in order to obtain the residence permit are not accurate or the submitted documents have been obtained fraudulently or are counterfeit or there are serious grounds for believing that a marriage of convenience or a partnership of convenience has been contracted or a fake adoption has been effected or that the alien is a participant, manager or member of a collegial management or supervisory body of a fictitious enterprise;

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 on humanitarian grounds or because of international obligations or he has been entered on the national no-entry list;

4) *repealed as of 23 February 2008;*

5) he does not possess sufficient means of subsistence and/or does not receive regular income to stay in the Republic of Lithuania. In the case provided for in Article 46(1)(1) of this Law, the alien shall also be refused the issue or renewal of the residence permit if he does not possess sufficient means to cover the costs of studies and return to his country;

6) he does not possess by the right of ownership suitable residential premises in the Republic of Lithuania which meet the requirement of residential area per person or does not use such residential premises under a lease or loan for use contract, or does not present a letter of commitment of a natural or legal person, verified in accordance with the procedure laid down in legal acts, to provide him with suitable residential premises which meet the requirement of residential area per person for the period of validity of the temporary residence permit;

7) he is not in possession of a valid document evidencing health insurance coverage when, in the cases established by 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 holds no verified letter of 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 for believing that he has committed a crime against peace, a crime against humanity or a war crime within the meaning defined in the laws of the Republic of Lithuania, international treaties or other sources of international law or that he has instigated or otherwise participated in committing such crimes;

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

10) the alien and his family member who has entered the Republic of Lithuania for residence by virtue of family reunification no longer live in a real marital or family relationship;

11) he has arrears in the amount of more than one base social benefit to the state budget of the Republic of Lithuania, municipal budgets or funds, where the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania administrates the taxes paid to the said budgets or funds, or to the State Social Insurance Fund (unless the payment of taxes, default interest or fines has been postponed for an alien in accordance with the procedure laid down by legal acts of the Republic of Lithuania or tax disputes are pending with regard to such taxes, default interest or fines); he fails to fulfil obligations to the customs or has failed to pay the fine/fines imposed in accordance with the procedure laid down by laws of the Republic of Lithuania where the amount/sum total of such fine/fines is higher than one base social benefit;

12) there are serious grounds for believing that a risk of illegal immigration of the alien may emerge;

13) data and/or the documents substantiating an application for the issue and renewal of a residence permit have not been submitted within the time limit specified in the case referred to in Article 33(4) of this Law, where such data and/or documents are necessary for taking a decision to issue or renew a residence permit;

14) he does not fulfil the conditions set out to obtain a residence permit on the specific grounds laid down in this Law.

2. An alien who has been refused the issue or renewal 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 to issue or renew the residence permit and after the disappearance of the reasons on which the issue or renewal 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 renewal 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:

1) change of documents confirming the alien's identity or citizenship;

2) change of his family situation;

3) change of his place of residence;

4) change of the registered office address of a private legal person entered on the Register of Legal Entities (hereinafter: an 'enterprise') where the temporary residence

permit has been issued to him on the grounds laid down in Article 45(1)(1) or (2) of this Law.

2. The following must notify about an alien the institution authorised by the Minister of the Interior not later than within seven days:

1) the employer – about termination of an employment contract with an alien in possession of a temporary residence permit or about salary reduction of an alien recruited for highly qualified employment, if the amount of his salary becomes lower than the amount fixed in Article 44¹(1)(1) or (3) of this Law;

2) entities authorised to exercise activities of operators – about an alien in respect of whom a fine in the amount higher than one base social benefit has been imposed for the violation provided for in laws of the Republic of Lithuania and the said fine has not been paid longer than one month after the expiration of the set time for its payment;

3) educational establishments, higher education and research institutions – about the termination of studies, traineeship or up-skilling by an alien in possession of a temporary residence permit,

4) the police or any other law enforcement institution authorised to hold in detention or to investigate cases of administrative offences - about an 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 an alien who is subject to arrest or under an effective court decision found guilty of committing a criminal act or under an effective court judgment or ruling found guilty of committing an administrative offence;

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

Article 37. Alien's Passport

1. A foreign national who is entitled to temporary or permanent residence in the Republic of Lithuania but is not in possession of a valid passport of a foreign national or an equivalent travel document or it has been lost or destroyed and the foreign national cannot receive it from the competent authorities 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.

2. Biometric identifiers (the facial image and two fingerprints) of an alien shall be electronically incorporated into the alien's passport to confirm his identity, with the exception of the cases provided for in Regulation (EC) No 2252/2004.

Article 38. Travel Document of a Stateless Person

1. A stateless person who is entitled to temporary or permanent residence in the Republic of Lithuania but is not in possession of a travel document valid in a foreign state 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.

2. Biometric identifiers (the facial image and two fingerprints) of a stateless person shall be electronically incorporated into the stateless person's travel document to confirm his identity, with the exception of the cases provided for in Regulation (EC) No 2252/2004.

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 counterfeit residence permit;
- 5) holds a counterfeit travel document.

SECTION III

TEMPORARY RESIDENCE OF ALIENS IN THE REPUBLIC OF LITHUANIA

Article 40. Grounds for the Issue or Renewal of a Temporary Residence Permit

1. A temporary residence permit may be issued or renewed to an alien if:

1) the alien has retained the right to citizenship of the Republic of Lithuania according to the procedure laid down in the Law of the Republic of Lithuania on Citizenship;

2) the alien is a person of Lithuanian descent;

3) it is a case of family reunification;

4) the alien intends to take up employment in the Republic of Lithuania pursuant to provisions of Article 44 of this Law;

4¹) the alien intends to take up highly qualified employment in the Republic of Lithuania pursuant to provisions of Article 44¹ of this Law;

5) the alien engages and intends to engage in lawful activities in the Republic of Lithuania pursuant to provisions of Article 45 of this Law;

6) the alien intends to study in the Republic of Lithuania pursuant to provisions of Article 46 of this Law;

7) the alien has been taken into guardianship/curatorship or has been appointed guardian/curator;

8) an unaccompanied minor alien is not returned to a foreign state, an alien cannot be returned to a foreign state or expelled from the Republic of Lithuania in the cases specified in Article 130(1), (2) and (4) or the expulsion of the alien from the Republic of Lithuania is suspended because of the circumstances specified in Article 132(1) of this Law;

9) the alien has been granted subsidiary protection in the Republic of Lithuania in accordance with the procedure laid down by this Law;

10) the alien has been granted temporary protection in the Republic of Lithuania in the accordance with the procedure laid down in this Law;

11) the alien is unable to leave 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 stay in the Republic of Lithuania because he is or was a victim of trafficking in human beings or illegal employment and cooperates with pre-trial investigation bodies or the court in combating trafficking in human beings or crimes related to trafficking in human beings or illegal employment, in the cases of particularly exploitative employment conditions or the employment of a minor;

13) the alien intends to take up employment as a teacher and/or conduct research and/or experimental (social, cultural) development as a researcher under the employment

contract concluded with a higher education and research institution registered in the Republic of Lithuania;

14) the alien has acquired the long-term resident status in another EU Member State and is in possession of the residence permit issued by that state.

2. At the request of an alien, a residence permit shall be re-personalised if:

1) the alien changes his personal data;

2) the temporary residence permit has become unfit for use;

3) in the case specified in paragraph 4 of this Article, the period of validity for which the temporary residence permit was issued expires;

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 renewed must fulfil the conditions set out in Article 26 of this Law.

4. A temporary residence permit shall be personalised after the alien produces a valid travel document, the validity of which must exceed by three months the period of validity of the temporary residence permit for which the permit is issued or renewed. If the validity of the travel document produced by the alien does not exceed the period of validity of the temporary residence permit issued or renewed for him or exceeds it by less than three months, the temporary residence permit shall be personalised for the period of validity which is by three months shorter than the period of validity of the travel document and, after the alien produces a new valid travel document, may be re-personalised for the remaining period of validity of the temporary residence permit.

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

6. A family member who enters the Republic of Lithuania for residence together with an alien who applies for a temporary residence permit on the grounds specified in point 4¹ or 13 of paragraph 1 of this Article or on the grounds specified in point 14 of paragraph 1 of this Article and fulfils the condition set out in Article 43(6)(3) of this Law or who applies for such permit on the grounds specified in Article 45(1)(1) of this Law and meets the requirements set out in Article 45(3) of this Law or who comes together with an alien referred to in Article 43(6)(4), (5) or (7) of this Law may apply for a

temporary residence permit together with the said alien and a temporary residence permit shall be issued to him for the same period as to the alien.

Article 41. Issue of a Temporary Residence Permit to an Alien Who Enjoys the Right to Restore Citizenship of the Republic of Lithuania

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

2. An alien who enjoys the right to restore 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. An alien of Lithuanian descent shall be issued a temporary residence permit for a period of five years.

Article 43. Issue of a Temporary Residence Permit to an Alien by Virtue of Family Reunification

1. A temporary residence permit may be issued to an alien by virtue 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) both or one of the parents of a minor alien, or a spouse of one of them, taking care of the minor alien, where such a spouse is a citizen of the Republic of Lithuania or holds a residence permit, reside/resides in the Republic of Lithuania;

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

4) the alien's child, who has been granted asylum in the Republic of Lithuania and has been issued a 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 have incapacity for work due to the old-age retirement 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 Article 51(5) of this Law, emerge. In this case, the application for the issue of 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. In compliance with this point, a temporary residence permit may be granted for one year.

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

3. In the cases provided for in points 2 and 4 to 7 of paragraph 1 of this Article, an alien's family member may be issued or renewed a temporary residence permit if he fulfils the conditions laid down in Article 26(1)(2) to (4) of this Law (with the exception specified in paragraph 3 of this Article) or the person whom he joins by virtue of family reunification ensures that his family member fulfils the said conditions in accordance with the procedure laid down by legal acts.

4. If a temporary residence permit is issued to an alien in compliance with point 5 of paragraph 1 of this Article, it must be evaluated in accordance with the procedure laid down by the Minister of the Interior if there are any serious grounds for believing that a marriage of convenience or registered partnership of convenience has been contracted, and in the case of the adoption of a minor alien – if there are any serious grounds for believing that it is a case of fake adoption.

5. In the case of family reunification, an alien shall be issued a temporary residence permit for the same period as the period for which the temporary residence permit has been issued to the alien who is joined by the said alien by virtue of family reunification. An alien, who by virtue of family reunification joins the alien in possession of a permanent residence permit or joins a citizen of the Republic of Lithuania shall be issued a temporary residence permit for a period of one year or renewed for a period of two years.

6. The alien specified in points 2, 5 and 6 of paragraph 1 of this Article, whose family members enter by virtue of 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 Article 51(5) of this Law. This provision shall not apply when the family members join the alien:

1) who has been granted asylum in the Republic of Lithuania;

2) who holds a temporary residence permit issued on the grounds established in Article 40(1)(4¹) or (13) of this Law;

3) who holds a temporary residence permit issued on the grounds established in 40(1)(14) of this Law. The alien may exercise this right if the family has already been concluded in the EU Member State in which the alien has acquired the long-term resident status;

4) who has arrived to participate in a traineeship at higher education and research institutions of 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.

6) who holds a temporary residence permit issued on the grounds set out in Article 45(1)(1) and meets the requirements laid down in Article 45(3) of this Law;

7) who has entered the Republic of Lithuania for a period not exceeding three years to take up employment at a representative office or branch of a foreign enterprise or at an enterprise which belongs to the same group of enterprises established in the Republic of Lithuania, where the alien is employed as the manager or as a professional, provided that before his entry into the Republic of Lithuania the alien was employed at that foreign enterprise not less than for the last one year, his expertise or high professional

qualification is necessary for activities of the enterprise, representative office or branch established in the Republic of Lithuania and during his employment in the Republic of Lithuania he is paid a wage not less than two amounts of average gross monthly earnings in the whole economy most recently published by the Department of Statistics of Lithuania.

7. The provisions of point 5 of paragraph 1 of this Article regarding family reunification shall apply where both aliens who have contracted the marriage or registered partnership agreement are not younger than 21 years of age, with the exception of the cases where the alien who is joined by the spouse or the person with whom he contracted the registered partnership agreement is in possession of the temporary residence permit issued on the grounds laid down in 40(1)(14) of this Law.

8. The following aliens shall not have the right to family reunification:

- 1) the aliens who have submitted applications for asylum in the Republic of Lithuania - until a final decision to grant asylum is taken;
- 2) aliens who have been granted temporary protection in the Republic of Lithuania;
- 3) aliens who have been granted asylum in the Republic of Lithuania, if their family members would not be granted asylum in the Republic of Lithuania pursuant to Article 88(2)(3) to (5) or Article 88(3) of this Law.

Article 44. Issue of a Temporary Residence Permit to an Alien Who Intends to Take Up Employment

1. A temporary residence permit may be issued to an alien who intends to take up employment in the Republic of Lithuania if he:

- 1) is in possession of a work permit pursuant to Article 57(1)(2) and (3) of this Law;
- 2) has been exempted from the obligation to obtain a work permit pursuant to points 5 and 6 of Article 58 of this Law;
- 3) fulfils the following conditions:
 - a) the alien presents the employer's written undertaking to recruit him under an employment contract for the period of not less than six months;
 - b) the alien presents the document attesting to the alien's qualification and at least one-year work experience in a qualification-related occupation over the last two years, with the exception of the case referred to in paragraph 2 of this Article;

c) the Lithuanian Labour Exchange under the Ministry of Social Security and Labour (hereinafter: the 'Lithuanian Labour Exchange') takes, in accordance with the procedure laid down by the Minister of Social Security and Labour, a decision that the alien's employment meets the needs of the labour market of the Republic of Lithuania.

2. The requirement of work experience as specified in point b of paragraph 1 of this Article shall not apply to the alien who has intends to take up employment in a qualification-related occupation after he finishes studies or completes a vocational training programme in the Republic of Lithuania.

3. A temporary residence permit may be renewed if an alien intends to continue employment in the Republic of Lithuania and fulfils the conditions set out in point 3 of paragraph 1 of this Article or he is exempted from the obligation to obtain a work permit as provided for in points 5 and 6 of Article 58 of this Law.

4. An alien or an employer who commits himself to recruit the alien may submit an application for the issue of a temporary residence permit in pursuance of point 3 of paragraph 1 of this Article.

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

6. An alien who intends to take up employment shall be issued a temporary residence permit for the period for which the work permit issued to him is valid, but for not longer than two years. If the alien is exempted from the obligation to obtain a work permit or he fulfils the conditions set out in point 3 of paragraph 1 of this Article, a temporary residence permit shall be issued or renewed for the period of his employment in the Republic of Lithuania, but for not longer than two years.

7. If a temporary residence permit is issued in pursuance of point 1 or 3 of paragraph 1 of this Article, an alien may be employed only with the employer who undertakes to recruit him in the Republic of Lithuania.

8. An employment contract with an alien who intends to take up employment in the Republic of Lithuania and fulfils the conditions set out in point 3 of paragraph 1 of this Law must be drawn up and its copy, approved in accordance with the procedure laid down by legal acts, must be submitted by the employer to a territorial labour exchange office for registration within two months from the issue of a temporary residence permit to the alien.

9. Upon the expiry of a work permit or the end of employment in the Republic of Lithuania, an alien must leave the Republic of Lithuania.

Article 44¹. Issue of a Temporary Residence Permit to an Alien who Intends to Take up Highly Qualified Employment

1. A temporary residence permit may be issued or renewed to an alien who intends to take up highly qualified employment if he fulfils the following conditions:

1) the employer's written undertaking to recruit the alien under an employment contract for the period not shorter than one year and to pay him a monthly wage not less than two amounts of average gross monthly earnings in the whole economy most recently published by the Department of Statistics of Lithuania;

2) a document is submitted proving that the alien fulfils the conditions set out in legal acts of the Republic of Lithuania to carry out regulated professional activities specified in the employment contract, and if professional activities are not regulated – a document proving his higher professional qualification;

3) the Lithuanian Labour Exchange takes, in accordance with the procedure laid down by the Ministry of Social Security and Labour, a decision that the alien's employment meets the needs of the labour market of the Republic of Lithuania, with the exception of the cases of submission of the employer's written undertaking to recruit the alien for the period not shorter than one year under an employment contract and to pay a monthly wage not less than three amounts of average gross monthly earnings in the whole economy most recently published by the Department of Statistics of Lithuania or where the alien's temporary residence permit, issued for highly qualified employment, is renewed and two years of alien's legal employment in the Republic of Lithuania have lapsed.

2. An application for a temporary residence permit may be lodged by an alien who intends to take up highly qualified employment or by the employer who undertakes to recruit the alien.

3. An alien who intends to get highly qualified employment shall be issued a temporary residence permit or it shall be renewed for him for the period of three years, and if an employment contract is concluded for the period of less than three years – for the period of the validity of the employment contract plus three additional months.

4. For the first two years of legal employment in the Republic of Lithuania, an alien to whom a temporary residence permit is issued or renewed as to a person recruited for highly qualified employment may be employed only with the employer who invited the alien for highly qualified employment, with the exception of the case specified in paragraph 5 of this Article.

5. If during the first two years of legal employment in the Republic of Lithuania an alien wishes to change the employer, he must lodge with the Migration Department an application to change the employer not later than three months prior to the conclusion of an employment contract with a new employer. Having checked whether or not the alien fulfils the conditions of highly qualified employment, the Migration Department takes a decision concerning the change of the employer.

6. If a temporary residence permit is issued upon the submission of the employer's written undertaking to recruit an alien under an employment contract for the period not shorter than one year and to pay a monthly wage not less than three amounts of average gross monthly earnings in the whole economy most recently published by the Department of Statistics of Lithuania and the wage set for the period of validity of the temporary residence permit becomes lower than three amounts of average gross monthly earnings in the whole economy most recently published by the Department of Statistics of Lithuania, the temporary residence permit may be renewed if the alien fulfils the condition set out in point 1 of paragraph 1 of this Article and the Lithuanian Labour Exchange takes, in accordance with the procedure laid down by the Minister of Social Security and Labour, a decision that the alien's employment meets the needs of the labour market of the Republic of Lithuania.

7. An employment contract with an alien who intends to take up highly qualified employment must be concluded and its copy, approved in accordance with the procedure laid down by legal acts, must be submitted by the employer to a territorial labour exchange office for registration within two months of the issue of a temporary residence permit to the said alien or of the conclusion of an employment contract with a new employer.

Article 45. Issue of a Temporary Residence Permit to an Alien Who Engages, and Intends to Continue Engaging, in Lawful Activity

1. A temporary residence permit may be issued to an alien who engages, and intends to continue engaging, in lawful activity in the Republic of Lithuania if he:

1) is a participant of an enterprise which has carried out the activities indicated in its documents of incorporation in the Republic of Lithuania for not less than the last six months prior to the alien's application for the issue of a temporary residence permit, which has created workplaces for not less than three employees, providing full-time employment to citizens of the Republic of Lithuania or aliens permanently residing in the Republic of Lithuania, and whose equity capital value (or in case of an enterprise other than a public

limited liability company or a private limited liability company - its assets) amounts to not less than EUR 28 000, of which not less than EUR 14 000 are funds or other assets invested by the alien, and he is the manager of this enterprise or a member of its collegial management or supervisory body or a participant entitled to enter into transactions on its behalf or a shareholder of a public limited liability company or a private limited liability company who holds by the right of ownership the company's shares at a nominal value of not less than 1/3 of the company's capital;

2) is the manager of the enterprise which meets the requirements referred to in point 1 of this paragraph, a member of its collegial management or supervisory body, and the purpose of his entry is employment in that enterprise;

3) is a professional sportsman or a coach as defined in the Law of the Republic of Lithuania on Physical Education and Sport, who enters the Republic of Lithuania for the purpose of engaging in sports activities;

4) is a performer as defined in the Law of the Republic of Lithuania on Copyright and Related Rights, who enters the Republic of Lithuania for the purpose of engaging in a performer's activities;

5) is a journalist who is accredited by the Ministry of Foreign Affairs of the Republic of Lithuania and who enters the Republic of Lithuania with the purpose of engaging in activities in compliance with the Law of the Republic of Lithuania on Law on the Provision of Information to the Public;

6) the alien is a member of a traditional religious association/community of Lithuania or a religious association recognised by the State, or a clergyman of any other religious association or community having legal personality in the Republic of Lithuania, who enters the Republic of Lithuania for the purpose of engaging in activities in compliance with the Law of the Republic of Lithuania on Religious Communities or Associations, provided that the alien's entry is mediated by the management of the corresponding religious association/community, confirming that the alien will have sufficient means to reside in the Republic of Lithuania;

7) the alien enters to implement government programmes which are joint with foreign states;

8) the alien is a participant of volunteer programmes supported by the European Union or its Member States.

2. A temporary residence permit shall be issued for a period of one year to an alien who engages or intends to continue engaging in lawful activities in the Republic of Lithuania; such permit shall be renewed for a period of two years.

3. A temporary residence permit shall be issued and renewed to an alien referred to in point 1 of paragraph 1 of this Article who has invested not less than EUR 260 000 in an enterprise's equity capital/assets, where workplaces for not less than five employees have been created providing full-time employment to citizens of the Republic of Lithuania or aliens permanently residing in the Republic of Lithuania.

4. Upon terminating lawful activities in the Republic of Lithuania, an alien must leave the Republic of Lithuania.

5. When issuing or renewing a temporary residence permit to an alien on grounds laid down in this Article, it must be evaluated in accordance with the procedure set out by the Minister of the Interior whether there are serious grounds for believing that the alien is a participant, manager or member of a collegial management or supervisory body of a fictitious enterprise.

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

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

1) enrolls in a higher education and research institution under a study programme/programmes or doctoral studies;

2) has been enrolled in an educational establishment under a general education or vocational training programme/programmes;

3) has been invited for traineeship at an educational establishment or a higher education and research institution;

4) has been invited for up-skilling at a higher education and research institution.

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, traineeship or up-skilling, but for not longer than one year. The temporary residence permit may be renewed if the alien fulfils the conditions laid down in Article 26(1) of this Law (with the exception of Article 26(3¹), has not discontinued studies, training, traineeship or up-skilling, and when studying adheres to the restrictions set out in paragraph 4 of this Article.

3. When the period of studying, training, traineeship or up-skilling expires or an alien discontinues studying, training, traineeship or up-skilling, he must leave the Republic of Lithuania.

4. An alien who receives a work permit during the period of his studies may work for not more than 20 hours per week. An alien studying under a study programme of the first stage or under an integrated studies programme may work starting from the second year of studies.

5. During the last year of studying or training, a temporary residence permit may be renewed for an alien at his request for a period not exceeding six months, counting from the last day of studies.

Article 47. Issue of a Temporary Residence Permit in Case an Alien Has Been Taken into Guardianship/Curatorship

1. A temporary residence permit may be issued to an alien if, in accordance with the procedure laid down by laws of the Republic of Lithuania:

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

2) he has been taken into guardianship/curatorship 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 lodging an application for asylum in accordance with the procedure laid down in 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 two years.

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 laid down in 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 granting temporary protection in the Republic of Lithuania.

Article 49¹. Issue of a Temporary Residence Permit to an Alien who Cooperates with a Pre-trial Investigation Body or the Court in Combating Trafficking in Human Beings or Crimes Related to Trafficking in Human Beings or Illegal Employment

1. A temporary residence permit may be issued to an alien who is or was a victim of trafficking in human beings or illegal employment and cooperates with a pre-trial investigation body or the court in combating trafficking in human beings or crimes related to trafficking in human beings or illegal employment, in the cases of particularly exploitative employment conditions or the employment of a minor, 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 a pre-trial investigation body or the court mediates in issuing a temporary residence permit shall be issued the temporary residence permit for a period of six months.

3. The temporary residence permit indicated in paragraph 2 of this Article may be renewed to an alien if a 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, by a decision of the mediating pre-trial investigation body or the court, be permitted to reside at the place of his choice or the place specified by the said body.

5. An alien who has been issued a temporary residence permit on the grounds laid down in Article 40(1)(12) 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 laid down in legal acts of Republic of Lithuania.

6. An alien who has been issued a temporary residence permit on the grounds laid down in Article 40(1)(12) of this Law shall, having obtained a work permit, be entitled to take up employment during a period of validity of the temporary residence permit.

Article 49². Issue of a Temporary Residence Permit to an Alien Who Intends to Take up Employment as a Teacher, to Conduct Research and/or Experimental (Social, Cultural) Development Works as a Researcher

1. A temporary residence permit may be issued to an alien who intends to take up employment under an employment contract concluded with a higher education and research institution registered in the Republic of Lithuania, to take up employment as a teacher, to conduct research and/or experimental (social, cultural) development works as a researcher. Moreover, the alien or the higher education and research institution must present a written undertaking of this institution, valid for six more months from the expiry of the employment contract, so that in the event of the alien's illegal stay in the Republic of Lithuania the higher education and research institution would cover the costs of the alien's stay in the Republic of Lithuania and return to the foreign state, where these costs are covered with state funds.

2. An application for the issue of a temporary residence permit may be submitted by an alien or a higher education and research institution.

3. A temporary residence permit shall be issued to the alien specified in paragraph 1 of this Article for a period of two years or where the duration of his employment as a teacher, research or experimental (social, cultural) development work is less than two years - for the duration of such work.

4. In the cause of experimental (social, cultural) development work, an alien shall have the right to take up employment as a teacher in accordance with the procedure laid down by laws of the Republic of Lithuania.

5. After an alien discontinues employment as a teacher, research and/or experimental (social, cultural) development works or upon the expiry of the alien's employment contract concluded with a higher education and research institution, he must leave the Republic of Lithuania.

Article 49³. Issue of a Temporary Residence Permit to an Alien who Has Acquired Long-term Resident Status in Another EU Member State

1. A temporary residence permit may be issued or renewed for an alien who has acquired long-term resident status in another EU Member State and is in possession of a residence permit issued by that State.

2. The alien indicated in paragraph 1 of this Article shall be issued or renewed a temporary residence permit for the period lasting not longer than one year.

Article 50. Grounds for Withdrawing a Temporary Residence Permit

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

1) the permit has been obtained by fraud;

2) the grounds provided for in Article 35(1) of this Law transpire;

3) there are serious grounds to believe that a marriage of convenience or a registered partnership of convenience has been contracted or fake adoption has been effected;

4) a marriage has been dissolved;

5) the alien's work permit in the Republic of Lithuania has been withdrawn;

6) an employment contract with the alien is terminated (with the exception of the case referred to in point 18 of this paragraph where the alien to whom the temporary residence permit has been issued under Article 40(1)(4¹) of this Law become unemployed) or it is established that an employment contract has not been concluded with the alien;

7) it is established that the alien is a participant, manager or member of a collegial management or supervisory body of a fictitious enterprise, that the enterprise or the alien does not meet the requirements set out in Article 45(1)(1) of this Law or that the alien is no longer the manager of this enterprise or the member of its collegial management or supervisory body or a participant entitled to enter into transactions on its behalf or no longer holds by the right of ownership a public limited liability company's or a private limited liability company's shares at a nominal value of not less than 1/3 of the company's capital;

8) the alien's lawful activities in the Republic of Lithuania have been terminated or completed;

9) the alien's training, studies, traineeship, up-skilling is terminated; also in the cases where the alien, while studying, does not adhere to the restrictions set out in Article 46(4) of this Law;

10) the alien has been exempted from the duties of the guardian/curator in accordance with the procedure laid down in laws of the Republic of Lithuania or guardianship/curatorship has expired;

11) the reasons because of which the alien has not been returned to a foreign state or expelled from the Republic of Lithuania, where the temporary residence permit has been issued to him on the grounds set out in Article 40(1)(8), no longer apply;

12) the subsidiary or temporary protection granted to the alien has been withdrawn in accordance with the procedure laid down in this Law;

13) the alien leaves to reside or has resided in a foreign state for a period longer than six months;

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

15) the alien has repeatedly failed to fulfil the obligations provided for in Article 36(1) of this Law;

16) it is noted, on the recommendation of a pre-trial investigation body or the court, that the grounds on which the alien who was a victim of trafficking in human beings or illegal employment and cooperated with the pre-trial investigation body or the court in combating trafficking in human beings or crimes related to trafficking in human beings or illegal employment, in the cases of particularly exploitative employment conditions or the employment of a minor, has been issued a temporary residence permit have disappeared;

17) after the alien discontinues employment as a teacher, research and/or experimental (social, cultural) development works or upon the expiry of the alien's employment contract concluded with a higher education and research institution;

18) the alien does not fulfil the conditions laid down in Article 44¹ of this Law for highly qualified employment, where the temporary residence permit has been issued to the alien according to the said conditions (with the exception of Article 44¹(6) of this Law), or he has changed his employer over the first two years of his legal employment in the Republic of Lithuania failing to meet the requirements laid down in Article 44¹(5) of this Law, or has become unemployed for more than three consecutive months or more than one time during the period of validity of the temporary residence permit, where the temporary residence permit has been issued under Article 40(1)(4¹) of this Law.

2. A temporary residence permit shall be withdrawn on the grounds specified in points 4 to 12 and 16 to 18 of paragraph 1 of this Article if this constituted grounds for obtaining the 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, Renewal and Withdrawal of a Temporary Residence Permit

1. Applications for the issue or renewal of a temporary residence permit shall be lodged with the institutions specified in Articles 28 and 29 of this Law.

2. A decision to issue a temporary residence permit to an alien shall be taken 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. A decision to renew a temporary residence permit to an alien shall be taken and the temporary residence permit shall be renewed to the alien by the institutions authorised by the Minister of the Interior.

4. A decision to withdraw an alien's temporary residence permit shall be taken by the Migration Department.

5. The procedure for lodging applications for the issue or renewal of a temporary residence permit and for issuing, renewing or withdrawing a temporary residence permit to aliens as well as the procedure for evaluating whether or not an alien fulfils the conditions of issue or renewal of a temporary residence permit, whether or not there are grounds for refusing to issue or renew a temporary residence permit or for withdrawing a temporary residence permit, also the procedure for evaluating whether or not a marriage or registered partnership of convenience has been contracted or fake adoption has been effected or the enterprise is fictitious shall be laid down by the Minister of the Interior after consultation with the Minister of Foreign Affairs.

Article 52. Invalid Temporary Residence Permit

A temporary residence permit shall be invalid:

- 1) if the validity of the temporary residence permit expires;
- 2) if the alien' dies;
- 3) if the temporary residence permit contains signs of counterfeiting;
- 4) if the permit has been withdrawn;
- 5) if the permit has been lost;
- 6) if the temporary residence permit has been re-personalised on the grounds specified in Article 40(2) 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 IV
PERMANENT RESIDENCE OF ALIENS
IN THE REPUBLIC OF LITHUANIA

Article 53. Grounds for Issuing and Renewing a Permanent Residence Permit

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

- 1) has retained the right to citizenship of the Republic of Lithuania according to the procedure laid down in the Law of the Republic of Lithuania on Citizenship;
- 2) is a person of Lithuanian descent;
- 3) has entered the Republic of Lithuania for residence joining a citizen of the Republic of Lithuania as his family member;
- 4) has lost citizenship of the Republic of Lithuania but resides in the Republic of Lithuania;
- 5) is a minor 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 holds a permanent residence permit;
- 6) is a minor 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) has been granted refugee status in the Republic of Lithuania;
- 8) has resided in the Republic of Lithuania uninterruptedly for the last five years holding a temporary residence permit;
- 8¹) has resided in a EU Member State uninterruptedly for the last five years, with at least two uninterrupted years in the Republic of Lithuania, holding a temporary residence permit issued under Article 40(1)(4¹) of this Law;
- 9) is subject to the case provided for in Article 2 of the Law on the Implementation of the Law of the Republic of Lithuania on the Legal Status of Aliens;
- 10) has resided in a foreign state for the period not exceeding the one referred to in Article 54(1)(3) and (4) of this Law, has not acquired long-term resident status in another EU Member State and, prior to the residence in the foreign state, resided in the Republic of Lithuania and was in possession of a permanent residence permit.

2. A permanent residence permit may be renewed at an alien's request if:

- 1) the alien changes his personal data;
- 2) the permanent residence permit has become unfit for use;
- 3) the period of validity of the permanent residence permit expires;
- 4) the permanent residence permit contains inaccurate entries;
- 5) the permanent residence permit has been lost.

3. An alien who is issued a permanent residence permit must fulfil the conditions specified in of Article 26(1)(1) to (3) of this Law. Where the permanent residence permit is issued to the alien on the grounds specified in points 8 and 8¹ of paragraph 1 of this Article, the period of residence shall be calculated according to the procedure laid down by the Minister of the Interior.

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

5. Repealed as of 1 March 2015.

6. A permanent residence permit issued on grounds set out in points 8 and 8¹ of paragraph 1 of this Article may be issued if an 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 of the Republic of Lithuania.

7. Family members entering to join the alien referred to in points 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 severe chronic mental illnesses and aliens whose permanent residence permit has been withdrawn on the grounds set out in Article 54(1)(3) or (4) of this Law shall be exempt from the requirements laid down in Article 53(6) of this Law.

9. When issuing a permanent residence permit to an alien on the grounds set out in point 8 of paragraph 1 of this Article, the period of residence in the Republic of Lithuania

shall include only half of the time of residence in the Republic of Lithuania with the temporary residence permit issued in accordance with the provisions of Article 40(1)(6) and Article 46 of this Law.

9¹. When issuing a permanent residence permit on the grounds set out in point 8 of paragraph 1 of this Article to an alien who has been granted subsidiary protection in the Republic of Lithuania, the period of residence in the Republic of Lithuania shall include only half of the time which has lapsed from the lodging of the application for asylum in the Republic of Lithuania to the issue of a temporary residence permit in compliance with the provisions of Article 40(1)(9) and Article 48 of this Law or the whole period if it lasted for more than 18 months.

10. When issuing a permanent residence permit to an alien on the grounds set out in points 8 and 8¹ of paragraph 1 of this Article, the period of residence shall not be interrupted by the time spent outside the territory of respectively the Republic of Lithuania or any other EU Member State, provided that it does not last for more than six consecutive months and does not comprise more than ten months within a five-year period. If an alien who seeks to obtain a permanent residence permit on the ground set out in point 8¹ of paragraph 1 of this Article proves that he has left for his country of origin to take up employment, to engage in any other lawful activities or to study, the period of residence shall not be interrupted by the time spent outside the territory of the Republic of Lithuania or any other EU Member State, provided that it does not last for more than 12 consecutive months and does not comprise more than 18 months within a five-year period.

Article 54. Grounds for Withdrawing Permanent Residence Permits

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 represents a threat to national security;

2¹) the alien's residence in the Republic of Lithuania represents a threat to public policy, and, in the case where the permanent residence permit is issued to the alien on the ground set out in Article 53(1)(7) of this Law, if the alien has been convicted by an effective court judgment of a grave crime and represents a threat to the community;

3) the alien has resided in a non-EU Member State for a period exceeding 12 consecutive months. If an alien who is in possession of a permanent residence permit on the ground set out in Article 53(1)(8¹) of this Law proves that he has left for his country of

origin to take up employment, to engage in any other lawful activity or to study, the said period shall be extended for him and for his family members who are in possession of a permanent residence permit up to 24 consecutive months;

4) the alien has resided in another EU Member State for more than six months or acquires long-term resident status in another EU Member State;

5) refugee status is withdrawn for the alien in accordance with the procedure laid down by this Law.

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. An 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, Renewal and Withdrawal of a Permanent Residence Permit

1. Applications for the issue or renewal of a permanent residence permit shall be lodged with the institutions specified in Articles 28 and 29 of this Law.

2. A decision to issue a permanent residence permit to an alien shall be taken 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. A permanent residence permit shall be renewed by the institutions authorised by the Minister of the Interior.

4. A decision to withdraw a permanent residence permit shall be taken by the Migration Department on the grounds established in Article 54(1)(1) and Article 54(1)(3) to (5) of this Law.

5. A decision to withdraw a permanent residence permit shall be taken by Vilnius Regional Administrative Court on the grounds established Article 54(1)(2) and (2¹) of Article 54 of this Law.

6. The procedure regulating the lodging of documents for the issue of a permanent residence permit and the issue, renewal and withdrawal of permanent residence permits to aliens as well as the assessment of contraction of a marriage of convenience, registered

partnership of convenience or effecting of 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) if the alien dies;
- 4) if the permanent residence permit contains signs of counterfeiting;
- 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 reside permit in another EU Member State;
- 9) the alien declares in accordance with the procedure laid down in the Law on the Declaration of the Place of Residence that he has left the Republic of Lithuania .

SECTION V

ALIENS' EMPLOYMENT IN THE REPUBLIC OF LITHUANIA

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

1. An alien who intends to take up employment in the Republic of Lithuania must obtain a work permit if:

- 1) he intends to exercise the right to take up employment under Article 46(4) (with the exception of the case referred to in point 2 of Article 58 of this Law), Article 49¹(6) or Article 132(3) of this Law;
- 2) he enters the Republic of Lithuania for the purposes of seasonal employment or employment as a trainee or intern;
- 3) the alien whose permanent employment is in a foreign state is posted for temporary employment in the Republic of Lithuania (with the exception of the cases specified in points 5 and 6 of Article 58 of this Law);
- 4) he has not been exempted from the obligation to obtain a work permit pursuant to Article 58 of this Law;

5) he does not enter the Republic of Lithuania, but intends to take up under a distance employment contract concluded with an enterprise carrying out activities in the Republic of Lithuania.

2. A work permit must be acquired by an alien prior to his entering the Republic of Lithuania, with the exception of the cases referred to in points 1 and 5 of paragraph 1 of this Article.

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

4. *Repealed as of 1 March 2015.*

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

6. A work permit (when necessary, its copy) shall be issued to and withdrawn from an alien and the validity of the permit shall be extended by the Lithuanian Labour Exchange.

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

An alien shall be exempt from the obligation to obtain a work permit if:

1) the alien is in possession of a temporary residence permit issued under Article 40(1)(1) to (3) and Article 40(1)(7), (9) and (10) of this Law;

2) the alien is in possession of a temporary residence permit issued under Article 40(1)(6) of this Law and is employed during the period of practical training (internship) or, when studying, intends to take up employment in the field of research and/or experimental (social, cultural) development in a higher education and research institution;

3) the alien is in possession of a permanent residence permit;

4) the alien applies for the issue or renewal of a temporary residence permit under Article 40 (1)(4¹), (5), (13) and (14) or Article 44(1)(3);

5) the alien has entered the Republic of Lithuania for a period not exceeding three years to take up employment at a representative office or branch of a foreign enterprise or at an enterprise which belongs to the same group of enterprises established in the Republic of Lithuania, where the alien is employed as the manager or as a professional, provided that before his entry into the Republic of Lithuania the alien was employed at that foreign enterprise not less than for the last one year, his expertise or high professional

qualification is necessary for activities of the enterprise, representative office or branch established in the Republic of Lithuania;

6) the alien is a permanent employee at an enterprise established in an EU Member State or a Member State of the European Free Trade Association, who is posted by such enterprise for temporary employment in the Republic of Lithuania and is insured with social insurance in that Member State;

7) the alien is a crew member of the vessel flying the flag of the State of Lithuania and sailing on international routes;

8) the alien enters the Republic of Lithuania for the period not exceeding three months per year for the purpose of arranging matters related to negotiations for a contract as well as the execution of such contract, training of the staff or instalment of the equipment;

9) the alien enters the Republic of Lithuania to engage in lawful activities specified in Article 45(1)(3) to (8) of this Law, also to be employed as a teacher or to carry out research and/or experimental (social, cultural) development works as a researcher under an employment contract or a copyright contract concluded with a higher education and research institution registered in the Republic of Lithuania;

10) the alien is in possession a national visa issued under Article 17(5) of this Law.

Article 59. Grounds for Issuing a Work Permit

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

Article 60. Time Limits for Examining Applications for the Issue of a Work Permit

An alien's application for the issue of a work permit in the Republic of Lithuania must be examined not later than two months from the 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 within a one-year period 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 trainee or intern 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 traineeship or internship 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 an employment contract or, if the alien's permanent place of employment is abroad, the alien may be posted for temporary employment in the Republic of Lithuania.

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

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

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 Withdrawing a Work Permit in the Republic of Lithuania

An alien's work permit shall be withdrawn:

- 1) if the permit has been obtained fraudulently;
- 2) upon termination of the alien's employment contract;
- 3) in case of termination of employment relations with the foreign employer who posted the alien for temporary employment in the Republic of Lithuania;
- 4) the alien's temporary residence permit is withdrawn;
- 5) the alien's employment contract has not been registered within the time limit specified in Article 62(2) of this Law;

6) where it has been established that the alien does not fulfil the conditions necessary for the issue of work permits.

Article 64. Illegal Employment or Unlawful Engagement in Other Activities in the Republic of Lithuania

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

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

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

3) studies at an educational establishment, takes part in a traineeship programme, undertakes up-skilling without a temporary residence permit or a visa, except for the cases specified in Article 32(2)(2) and Article 71(2) of this Law.

CHAPTER IV

**ASYLUM AND TEMPORARY PROTECTION
IN THE REPUBLIC OF LITHUANIA**

SECTION I

LODGING OF AN APPLICATION FOR ASYLUM

Article 65. 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 laid down in this Law.

Article 66. *Repealed as of 1 March 2015.*

Article 67. Lodging of an Application for Asylum

1. An alien's application for asylum may be lodged:

1) at the Republic of Lithuania border crossing points or within the territory of the Republic of Lithuania, wherein the border legal regime is valid - with the State Border Guard Service;

2) with a territorial police agency;

3) with the Foreigners' Registration Centre.

2. An alien shall lodge an application for asylum in person. The application on behalf of minor family members may be submitted by any adult family member.

3. An asylum applicant must furnish information necessary to support an application for asylum as early as possible.

4. Having lodged an application for asylum, an unaccompanied minor alien shall be taken into temporary guardianship/curatorship according to the procedure laid down in laws of the Republic of Lithuania.

5. The best interests of children and vulnerable persons should be the primary consideration when taking a decision in compliance with the provisions of this Law.

6. The procedure regulating the examination of aliens' applications for asylum, 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 lodging of applications for asylum and examination of the applications shall be classified in accordance with the procedure laid down by the law, except in cases specified in Article 73(1) and Article 91 of this Law or in cases where an asylum applicant gives his written consent to the disclosure of such information.

2. Information provided in an alien's application for asylum as well as information received pending the examination of the application shall not be furnished to the country of origin.

3. The confidentiality of collection and management of information should be ensured when carrying out a search for an unaccompanied minor's family members pursuant to Article 32(3) of this Law.

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

1. A civil servant authorised by a state institution or agency with which an alien's application for asylum has been lodged shall:

- 1) indicate in the application for asylum or, if the application has not been lodged in writing, in the application record the date, time and place of lodging thereof;
 - 2) collect all the documents and travel tickets held by the asylum applicant;
 - 3) carry out an inspection of the asylum applicant and his personal belongings according to the procedure laid down in laws of the Republic of Lithuania;
 - 4) interview the asylum applicant;
 - 5) take the fingerprints of the asylum applicant;
 - 6) take a photograph of the asylum applicant.
2. The documents confirming an asylum applicant's identity shall be kept in his personal file pending the examination of his application for asylum.
3. Having performed the actions specified in paragraph 1 of this Article, a civil servant authorised by a state institution or agency with which an application for asylum has been lodged shall forthwith forward the application for asylum or, where the application has not been lodged in writing, the application record, copies of the documents and travel tickets collected from the asylum applicant and the record of the interview to the Migration Department by means of electronic communication and the taken fingerprints - 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 an asylum applicant's fingerprint data.
5. Actions specified in paragraphs 1 and 3 of this Article shall be performed within 24 hours from the moment of lodging of an application for asylum.

Article 70. Exemption from Liability for Unlawful Entry into, and Illegal 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 in danger shall be exempt from liability for unlawful entry into and illegal stay in the Republic of Lithuania, provided they present themselves without delay to competent authorities of the Republic of Lithuania and provide an exhaustive explanation of the reasons of their unlawful entry into or illegal stay in the territory of the Republic of Lithuania.

Article 71. Rights and Duties of an Asylum Applicant in the Republic of Lithuania Pending the Examination of His Application for Asylum

1. Pending the 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 the Refugee Reception Centre and to use the services provided therein;

2) to manage and have documents relating to the examination of the application for asylum 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 application for asylum;

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 the Refugee Reception Centre;

7) to receive a monthly allowance in accordance with the procedure laid down by the Minister of Social Security and Labour;

8) to apply to and meet 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 have the right to study according to a general education or vocational training programme/programmes in accordance with the procedure laid down by the Minister of Education and Science.

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) to provide, pending the examination of the application for asylum, all the available documents and realistic full explanation of the reasons for applying for asylum, the asylum applicant's person as well as the circumstances of his entry into and stay in the Republic of Lithuania;

5) to declare in writing in free format to the Foreigners' Registration Centre, the Refugee Reception Centre or a territorial police agency the funds and assets held in the Republic of Lithuania within three days from the granting of temporary territorial asylum in the Republic of Lithuania and the funds received pending the examination of the application for asylum 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 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 an asylum applicant is unable to guarantee them by the funds and assets subject to declaration.

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

SECTION II

DETERMINATION OF AN EU MEMBER STATE RESPONSIBLE FOR EXAMINING AN APPLICATION FOR ASYLUM

Article 72. Taking of a Decision on the Determination of an EU Member State Responsible for Examining an Application for Asylum

1. Having examined the documents and evidence submitted to it, the Migration Department shall take a decision on the determination of an EU Member State responsible for examining an application for asylum within 48 hours from the moment of lodging of the application for asylum.

2. If an EU Member State so requests and if an 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 application for asylum.

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

Article 73. Actions Related to Determination of an EU Member State Responsible for Examining an Application for Asylum and Transferring an Asylum Applicant to an EU Member State

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

2. Upon taking a decision determining that an EU Member State is responsible for examining an application for asylum, an asylum applicant's application for asylum 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 provided, according to the provisions of Article 79 of this Law, with accommodation in the Republic of Lithuania for the period for which he has been granted temporary territorial asylum. Such an asylum applicant shall be granted temporary territorial asylum pending his transfer to the EU Member State responsible for examining his application for asylum.

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

Article 74. Taking of a Decision to Transfer an Asylum Applicant to an EU Member State

1. Having received consent of an EU Member State responsible for examining an application for asylum to receive the asylum applicant, the Migration Department shall take a decision to transfer 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. Supplying of a *Laissez-passer* to an Asylum Applicant to Be Transferred to an EU Member State

1. An asylum applicant to be transferred to an EU Member State responsible for examining his application for asylum shall be supplied with a *laissez-passer* for one journey to the EU Member State.

2. A decision to supply the said asylum applicant with a *laissez-passer* shall be taken by the Migration Department.

SECTION III

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 an application for asylum and there are no grounds specified in Article 77 of this Law, the Migration Department shall take decisions to grant/refuse to grant temporary territorial asylum to an asylum applicant and to provide accommodations to him in the territory of the Republic of Lithuania pending the examination of his application as to substance and the taking of the final decision.

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

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

4. By a decision of the Migration Department, the period of temporary territorial asylum shall be extended in case of failure, due to objective reasons, to transfer an asylum applicant to any EU Member State within the set time limit. Such a decision shall be taken within 48 hours from the moment it transpires that the asylum applicant will not be transferred to any EU Member State. The application for asylum of such an asylum applicant shall be examined as to substance in accordance with the procedure laid down in this Law.

Article 77. Reasons for Refusing an Asylum Applicant Admission to the Territory of the Republic of Lithuania and Temporary Territorial Asylum

1. By a decision of the Migration Department, an asylum applicant shall be refused temporary territorial asylum and his application for asylum 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 a safe third country.

2. By a decision of the Migration Department, an asylum applicant shall be refused asylum and shall also be refused temporary territorial asylum if it transpires, after having examined his application for asylum as to substance, that he has entered from a safe country of origin or has submitted a manifestly unfounded application for asylum. Such an asylum applicant shall be returned to a foreign state 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 an EU Member State responsible for examining an application for asylum has been determined.

Article 78. Issue of an Alien's Registration Certificate

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

2. An 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 an asylum applicant, except in cases where the asylum applicant has been detained or an alternative to detention has been provided to him according to the procedure laid down in laws of the Republic of Lithuania.

2. Having legally 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 by a decision of the Migration Department. By the decision of the Migration Department, such an asylum applicant may be permitted to reside at the place of his choice if the asylum applicant so desires.

3. An unaccompanied minor asylum applicant shall be provided with accommodation at his adult relatives, the temporary guardian/curator or the Refugee Reception Centre in accordance with the procedure laid down by the Minister of the Interior and Minister of Social Security and Labour, unless this is objected to by his temporary guardian/curator or other legal representative. When deciding on the accommodation of an unaccompanied minor, the opinion of the minor shall be taken into consideration, making allowance for the minor's age and maturity.

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

5. The Refugee Reception Centre shall be 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 set up, re-organised and liquidated by the Minister of Social Security and Labour.

Article 80. Examination of an Asylum Applicant's Application for Asylum as to Substance

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

Article 81. Time Limits for Examining an Application for Asylum as to Substance

1. An application for asylum must be examined as to substance not later than within three months from the taking of a decision of the Migration Department to grant temporary territorial protection or a decision to extend temporary territorial protection in the cases set out in Article 76(4) of this Law.

2. The time limit for examining an application for asylum as to substance may be extended by a decision of the Migration Department where objective reasons preclude examination of the application for asylum within the set time limit, however, the time limit of examination of the application as to substance may not exceed six months from the taking of the decision by the Migration Department to grant temporary territorial asylum or to extend temporary territorial asylum in cases specified in Article 76(4) of this Law.

3. The time limits for examining an application for asylum as to substance specified in paragraphs 1 and 2 of this Article shall not apply where the application for asylum is examined as to substance according to the procedure set in Article 77(2) of this Law. If it is established that the application for asylum 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 Decisions

1. When an asylum applicant's application for asylum 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, his right to state-guaranteed legal aid and the right to the services of an interpreter shall be ensured during the interview. A minor asylum applicant must be interviewed in the presence of his legal representative or temporary guardian/curator and his right to state-guaranteed legal aid shall be safeguarded.

2. An asylum applicant must be notified of all decisions taken in respect of him in a language that he understands and be provided with copies thereof.

Article 83. Assessment of an Application for Asylum

1. An application for asylum and information provided by an asylum applicant to substantiate this application shall be assessed in consultation with the asylum applicant.

2. Where, in the course of examining an asylum applicant's application for asylum, it is established that, despite a genuine effort of the asylum applicant, 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 application for asylum shall be considered as well-founded, if the application for asylum has been lodged at the earliest possible date, unless the asylum applicant can demonstrate good reason for not having done so, all relevant information at the asylum applicant's disposal has been submitted and a satisfactory explanation has been given regarding any lack of other relevant

information, the asylum applicant's explanations are coherent and plausible and do not run counter to available specific and general information relevant to the asylum applicant's case.

3. The fact that an asylum applicant has already been subject to persecution or the acts specified in Article 87(1) of this Law have already been executed in respect of him, or to direct threats of such persecution or such acts, shall be a serious indication of the asylum applicant's well-founded fear of persecution or real risk of such acts, unless there are good reasons to consider that such persecution or such acts will not be repeated.

4. An application for asylum may be based on events which have taken place after an asylum applicant left the country of origin or activities which the applicant has engaged in since he left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin. If the asylum applicant files a subsequent application for asylum in which the risk of persecution is based on circumstances which the asylum applicant has created by his own decision since leaving the country of origin, he shall not normally be granted refugee status.

5. Paragraph 2 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 an 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 asylum.

Article 84. Suspension and Resumption of Examination of an Application for Asylum

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

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

3. The examination of an application for asylum 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 lapsed from the decision to suspend the examination of the application for asylum.

4. If the examination of an asylum applicant's application for asylum 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 application for asylum, submit a detailed written description of the motives of his acts or omissions.

5. The Foreigners' Registration Centre or the Refugee Reception Centre, or a territorial police agency shall investigate an 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 application for asylum, shall submit a conclusion to the Migration Department suggesting to recognise the asylum applicant's application for asylum as manifestly unfounded.

6. A decision to suspend or to resume the examination of an asylum applicant's application for asylum shall be taken by the Migration Department.

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

8. Decisions to suspend and to resume the provision of services and assistance to an asylum applicant in implementing the rights indicated in paragraphs 1 and 2 of Article 71 of this Law shall be taken according to the procedure laid down by the Minister of Social Security and Labour.

Article 85. Termination of Examination of an Application for Asylum

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

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

2) one month has lapsed from the taking of a decision to terminate the examination of the asylum applicant's application for asylum;

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

2. A decision to terminate the examination of an asylum applicant's application for asylum shall be taken by the Migration Department.

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

Article 86. Granting of 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, nationality, membership of a particular social group or political opinion, is outside the country of 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 of 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(1) and (2) of this Law.

2. Actors of persecution referred to in paragraph 1 of this Article shall include the State, parties or organisations controlling the State or a substantial part of the territory of the State and non-State actors, if it can be demonstrated that the State, groups or organisations controlling the State or a substantial part of the territory of the State, including international organisations, are unable or unwilling to provide effective and non-temporary protection against persecution. Effective and non-temporary protection against persecution is generally provided when the State, a group or organisation controlling the State or a substantial part of the territory of the State, including international organisations, take reasonable steps to prevent the persecution or the acts referred to in Article 87(1) of this Law, by operating an effective legal system for the detection of persecution and the acts referred to in Article 87(1) of this Law as well as prosecution and punishment of such acts.

3. A decision to grant or refuse to grant refugee status shall be taken by the Migration Department.

4. Having taken a decision to grant refugee status, the institution authorised by the Minister of the Interior shall provide a refugee with access to information, in a language

that he understands, on the rights and obligations relating to that status and laid down in legal acts of the Republic of Lithuania.

Article 87. Granting of Subsidiary Protection

1. Subsidiary protection shall 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 of death penalty or execution;

3) there is a serious and individual threat to his life, health, safety or freedom by reason of indiscriminate violence in situations of international or internal armed conflict.

2. Actors of the acts referred to in paragraph 1 of this Article shall include the State, parties or organisations controlling the State or a substantial part of the territory of the State and non-State actors, if it can be demonstrated that the groups or organisations controlling the State or a substantial part of the territory of the State, including international organisations, are unable or unwilling to provide effective and non-temporary protection against persecution as defined in Article 86(2) of this Law.

3. A decision to grant or refuse to grant subsidiary protection to an asylum applicant shall be taken by the Migration Department.

4. Having taken a decision to grant subsidiary protection, the institution authorised by the Minister of the Interior shall provide an alien who has been granted such protection with access to information, in a language that he understands, on the rights and obligations relating to subsidiary protection and laid down in legal acts of the Republic of Lithuania.

Article 88. Exclusion

1. An asylum applicant shall be excluded from being a refugee if it is established that he would have no well-founded fear of being persecuted or would not be at real risk of the acts indicated in Article 87(1) of this Law or that he would have access to protection of the State or a party or organisation controlling the State or a substantial part of the territory of the State, including international organisation, or that the State or the said group or organisation is willing and may offer significant and non-temporary protection as defined in Article 86(2) of this Law while the asylum applicant shall have access to such protection, or that he can safely and legally travel to and gain admittance to that part of the country and can reasonably be expected to settle there.

2. An asylum applicant who meets the criteria set in Article 86(1) of this Law shall be excluded from being a refugee if:

1) he receives assistance and protection from organs or agencies of the United Nations other than the Office of the United Nations High Commissioner for Refugees;

2) the applicant's rights and obligations are recognised by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the citizenship of that country, or rights and obligations equivalent to those;

3) there are serious grounds for considering that he has committed a serious non-political crime before entering the Republic of Lithuania (particularly cruel acts, even if committed with an allegedly political objective, may be classified as serious non-political crimes) or has been guilty of acts contrary to the purposes and principles of the United Nations, or has incited or otherwise participated in the commission of such crimes or such acts;

4) there are serious grounds for considering that he has committed a crime against peace, a crime against humanity or a war crime, as defined in laws of the Republic of Lithuania, international treaties or other sources of international law, or that he has instigated or otherwise participated in committing such crimes;

5) there are serious grounds for considering that his stay in the Republic of Lithuania represents a threat to national security or he has been convicted by a final judgment of a particularly serious crime and represents a threat to the community.

3. An asylum applicant who meets the criteria set out in Article 87(1) of this Law shall be excluded from being eligible for subsidiary protection where:

1) there are serious grounds for considering that he has committed a crime against peace, a crime against humanity or a war crime, as defined in laws of the Republic of Lithuania, international treaties or other sources of international law, or that he has instigated or otherwise participated in committing such crimes;

2) there are serious grounds for considering that he has committed a serious or a particularly serious crime or has instigated or otherwise participated in committing such crime;

3) he has been guilty of acts contrary to the purposes and principles of the United Nations or he has instigated or otherwise participated in committing such acts;

4) there are serious grounds for considering that his stay in the Republic of Lithuania represents a threat to national security or to the community;

5) he left his country of origin solely in order to avoid sanctions resulting from the committed crime and imprisonment is provided for by laws of the Republic of Lithuania for committing such crime.

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

1. For departure to a foreign state from the Republic of Lithuania, a refugee who permanently resides in the Republic of Lithuania shall be issued a refugee's travel document in accordance with the procedure laid down by the Minister of the Interior. Biometric identifiers (the facial image and two fingerprints) of a refugee shall be electronically incorporated into the refugee's travel documents to confirm his identity, with the exception of the cases provided for in Regulation (EC) No 2252/2004.

2. An alien who has been granted subsidiary protection and who resides in the Republic of Lithuania shall be issued an alien's passport according to the provisions of Article 37 of this Law.

Article 90. Withdrawal of Asylum

1. Refugee status granted to an alien shall be withdrawn if the alien:

1) voluntarily re-avails himself of the protection of the country of citizenship;

2) has voluntarily re-acquired his lost citizenship;

3) has acquired citizenship of another country 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 was granted refugee status 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 was granted refugee status have ceased to exist;

7) has acquired refugee status by fraud, except for the cases where the personal information submitted by him did not have a decisive effect on the decision to grant him refugee status;

8) has been granted refugee status although the status should not have been granted or, upon granting him refugee status, the circumstances specified in Article 88(2) 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 was granted subsidiary protection have ceased to exist;

2) acquired subsidiary protection by fraud, except for the cases where the personal information submitted by him did not have a decisive effect on the decision to grant him such protection;

3) obtained subsidiary protection although it should not have been granted or, upon granting him subsidiary protection, the circumstances specified in Article 88(3) of this Law transpired.

3. A decision to withdraw refugee status or subsidiary protection shall be taken by the Migration Department, except for the cases specified in paragraph 4 of this Article.

4. A decision to withdraw refugee status or subsidiary protection in the Republic of Lithuania shall be taken by Vilnius Regional Administrative Court upon the transpiration of the circumstances specified in Article 88(2)(5) or Article 88(3)(4) of this Law.

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

6. When deciding on the withdrawal of refugee status or subsidiary protection on the grounds specified in points 5 and 6 of paragraph 1 and point 1 of paragraph 2 of this Article, account shall be taken of whether the change of circumstances is of such a significant and non-temporary nature that the refugee's fear of persecution can no longer be regarded as well-founded and that a threat of the actions referred to in Article 87(1) of this Law is no longer real.

7. Points 5 and 6 of paragraph 1 of this Article shall not apply to a refugee and point 1 of paragraph 2 of this Article shall not apply to an alien who has been granted subsidiary protection if he is able to invoke compelling reasons arising respectively out of previous persecution or actions referred to in Article 87(1) of this Law for refusing to avail himself of the protection of the country of origin.

Article 91. Cooperation with International Organisations

1. In addressing the issues of asylum applicants and aliens who have been granted asylum, state institutions and agencies of the Republic of Lithuania shall cooperate with the Office of the United Nations High Commissioner for Refugees, provide conditions for the Office to fulfil the obligations 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 required information and statistical data on the asylum applicants and aliens who have been granted asylum, on the implementation of the Convention and of the Protocol and the regulations on asylum which are effective or about to come into effect.

2. Representatives of the Office of the United Nations High Commissioner for Refugees shall be allowed to immediately contact asylum applicants. The Office of the United Nations High Commissioner for Refugees shall be entitled to receive information related to applications for asylum.

3. Representatives of the Office of the United Nations High Commissioner for Refugees must be granted access to places of detention and transit zones of airports and sea ports where asylum applicants are present.

4. Pending the examination of an application for asylum, representatives of the Office of the United Nations High Commissioner for Refugees may submit their opinions on certain applications for asylum to the competent authorities as well as courts of the Republic of Lithuania.

SECTION IV
GRANTING OF TEMPORARY PROTECTION
IN THE REPUBLIC OF LITHUANIA

Article 92. Taking of a Decision to Grant 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 or the risk of such an influx arises, the Government of the Republic of Lithuania shall, on the recommendation of the Minister of the Interior, take a decision to grant temporary protection to aliens.

2. Where the Government of the Republic of Lithuania takes a decision to grant temporary protection, aliens shall be admitted into the territory of the Republic of Lithuania and shall be provided with accommodation at the place assigned 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 for believing that there are reasons for refusing temporary protection, the Migration Department shall carry out an inquiry in connection with the determination of these reasons.

Article 93. Grounds for Refusing Temporary Protection in the Republic of Lithuania

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

1) there are serious grounds for believing that the alien has committed a crime against peace, a crime against humanity or a war crime within the meaning defined in laws of the Republic of Lithuania, international treaties or other sources of international law, or that he has instigated or otherwise participated in committing such crimes;

2) there are serious grounds for believing 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 beneficiary of temporary protection;

3) there are serious grounds for believing 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 represents a threat to national security or public policy;

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

2. A decision to refuse to grant temporary protection in the Republic of Lithuania to an alien shall be taken by the Migration Department. Such an alien shall be refused admission into the Republic of Lithuania or, in case he already is present in the territory of the Republic of Lithuania, shall be expelled from the Republic of Lithuania.

Article 94. Rights and Obligations 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 period of temporary protection:

1) to lodge applications for asylum in the Republic of Lithuania in accordance with the procedure laid down by this Law;

2) to have access to free accommodation at the place specified 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 mother tongue or in a language that they understand;

4) to take up employment 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 thereto by international treaties, laws and other legal acts of the Republic of Lithuania.

2. Minor asylum applicants shall have the right to study under a general education or vocational training programme/programmes in accordance with the procedure laid down by the Minister of Education and Science.

3. The right referred to in point 1 of paragraph 1 of this Article may be exercised also after the expiry 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 exercised only if it is established that the family members have been separated due to the events which led to the granting to the alien of temporary protection in the Republic of Lithuania.

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

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

2) to allow the performance of medical examination;

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

4) to declare in writing in free format to an authority referred to in a decision of the Government of the Republic of Lithuania to grant temporary protection the funds and assets held in the Republic of Lithuania within three days from the granting of temporary protection in the Republic of Lithuania.

6. State funds of the Republic of Lithuania shall be allocated for the implementation of the rights of aliens 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 alien who has been granted temporary protection is unable to guarantee them by the funds and assets subject to declaration.

7. If it transpires that an alien who has been granted temporary protection had sufficient funds for the implementation of the rights established in paragraphs 1 and 2 of this Article at the time when his basic needs were covered free of charge, 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. The Migration Department shall issue to aliens who have been granted temporary protection in the Republic of Lithuania the temporary residence permits valid for the period of temporary protection.

2. Aliens who have been granted temporary protection but are staying in the territory of a foreign state 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 where:

- 1) the alien may return to his country of origin;
- 2) the alien leaves for residence to a foreign state;
- 3) the grounds specified in Article 93(1) of this Law transpire.

2. A decision to withdraw an alien's temporary protection in the Republic of Lithuania shall be taken by the Migration Department.

CHAPTER V

**LEGAL STATUS OF CITIZENS OF THE 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 EU Member States 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 a citizen of an EU Member State may enter the Republic of Lithuania together with the citizen of the EU Member State or join him and stay in the Republic of Lithuania for a period specified in paragraph 1 of this Article.

3. Provisions of Chapter V of this Law concerning family members of a citizen of an EU Member State, except for Articles 1011 and 105 of this Law, shall apply also to other persons who enjoy the right of free movement under legal acts of the European Union.

Article 98. Grounds for Refusing Admission into the Republic of Lithuania to a Citizen of an EU Member State and his Family Member

A citizen of an EU Member State and his family member shall be refused admission into the Republic of Lithuania if:

1) he is not in possession of a valid travel document and is unable to obtain or submit it within a reasonable time limit, to confirm or to provide other evidence that he is a citizen of the EU Member State or his family member, unless international treaties of the Republic of Lithuania or legal acts of the European Union stipulate otherwise;

2) their stay in the Republic of Lithuania may represent a threat to national security or public policy;

3) they suffer from diseases with epidemic potential as defined by the regulations of the World Health Organisation or other contagious (infectious or parasitic) diseases which, according to laws of the Republic of Lithuania, are the subject of control provisions.

Article 98¹. Assessment of Threat to National Security or Public Policy Represented by a Citizen of an EU Member State or his Family Member

1. An assessment of threat to national security or public policy represented by a citizen of an EU Member State or his family member shall in each specific case be based exclusively on the conduct of the person in question. The person's conduct must represent a genuine and present threat. The assessment may not be based on circumstances not related to a specific case, general prevention or exclusively on the commission of a criminal act.

2. A decision to refuse admission into the Republic of Lithuania to a citizen of an EU Member State or his family member on grounds of representing a threat to national security or public policy or to withdraw his right to reside in the Republic of Lithuania must be based on objective data (facts) and be proportionate.

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 period in excess of three months within half a year and who meets at least one of the grounds provided for in Article 101(1) of this Law shall be issued a certificate, in the format approved by the Minister of the Interior, confirming his right to reside in the Republic of Lithuania.

2. Family members of a citizen of an EU Member State who are not citizens of an EU Member State, upon entering the Republic of Lithuania for residence for a period in excess of three months within half a year, where they accompany the citizen of the EU Member State or come to join him, must obtain an EU temporary residence card. Biometric identifiers (the facial image and two fingerprints) of the family member of the citizen of the EU Member State shall be electronically incorporated into the EU temporary residence card to confirm the person's identity, with the exception of the cases provided for in Regulation (EC) No 1030/2002.

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

4. Decisions to issue a certificate confirming the right of a citizen of an EU Member State to temporarily reside in the Republic of Lithuania, to issue, renew and withdraw an EU temporary residence card shall be taken, the certificate confirming the right of the citizen of the EU Member State to temporarily reside in the Republic of Lithuania shall be issued and the EU temporary residence card shall be issued, renewed and withdrawn by the institutions authorised by the Minister of the Interior.

Article 99¹. Time Limits for Examining an Application for the Issue of a Certificate Confirming the Right of a Citizen of an EU Member State to Temporarily Reside in the Republic of Lithuania

An application for the issue or renewal of a certificate confirming the right of a citizen of an EU Member State to temporarily reside in the Republic of Lithuania must be examined, and this document must be issued, not later than within ten working days from the date of lodging filing of the application with the institution authorised by the Minister of the Interior.

Article 100. Time Limits for Examining an Application for the Issue or Renewal of an EU Temporary Residence Card

An application for the issue or renewal of an EU temporary residence card must be examined not later than within one month from the lodging of the application with the institution authorised by the Minister of the Interior.

Article 101. Entitlement to Temporary Residence in the Republic of Lithuania of a Citizen of an EU Member State and his Family Member

1. A citizen of an EU Member State shall be entitled to temporarily reside in the Republic of Lithuania if he:

1) is an employee or a self-employed person. The citizen of the EU Member State also retains the status of an employee or a self-employed person when his employment contract or activity is terminated (expires) and he temporarily does not work due to an illness or accident; when he terminates his employment contract or activity less than after one year of employment for reasons beyond his control and registers, in accordance with the established procedure, with a local labour exchange office as an unemployed person; when he worked under a fixed-term employment contract for less than one year or, within the first 12 months of employment, terminates the employment contract or activity for reasons beyond his control and registers, in accordance with the established procedure, with a local labour exchange office as an unemployed person (in this case, he shall retain this status for six months from the start of unemployment); or when he terminates his employment contract (it expires) or activity, registers, in accordance with the established procedure, with a local labour exchange office as an unemployed person and begins to study an occupation (if the employment contract is terminated (it expires) for reasons for which he is responsible, he must study an occupation related to the previous job);

2) is in possession of sufficient means of subsistence for himself and for his family members, where the family members accompany him or come to join him, to reside in the Republic of Lithuania and holds a valid document evidencing health insurance coverage;

3) has been admitted to study at an educational institution under a general education or vocational training programme/programmes, to study at a higher education and research institution under a study programme/programmes or to doctoral studies, has been invited for an internship programme, up-skilling, is in possession of sufficient means of subsistence for himself and for his family members, where they accompany him or come to join him, to reside in the Republic of Lithuania and holds a valid document evidencing health insurance coverage;

4) is a family member of a citizen of an EU Member State entitled to reside in the Republic of Lithuania according to points 1, 2 and 3 of this paragraph who accompanies him or enters to join 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 temporary residence card when they enter the Republic of Lithuania for residence accompanying the citizen of the Republic of Lithuania who enjoys the right of free movement in the EU or enter to join him.

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 temporary residence card when they enter the Republic of Lithuania for residence for a 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 points 1, 2 and 3 of paragraph 1 of this Article or enter to join him.

4. An EU temporary residence card shall be issued to a family member of a citizen of the Republic of Lithuania or another EU Member State as indicated in paragraph 2 or 3 of this Article as to:

1) the spouse or the person with whom a registered partnership has been contracted;

2) a direct descendant who is under the age of 21 or is a dependant, including direct descendants of the spouse or the person with whom a registered partnership has been contracted who are under the age of 21 or who are dependants;

3) a dependent close relative in the direct ascending line, including a dependent close relative in the direct ascending line of the spouse or the person with whom a registered partnership has been contracted;

4) another person who enjoys the right of free movement under legal acts of the European Union.

5. In the case specified in point 3 of paragraph 1 of this Article, only the spouse, the person with whom a registered partnership has been contracted, the dependent children and the dependent relatives in the direct ascending line of a citizen of an EU Member State, his spouse or the person with whom a 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 101¹. Retention of the Right to Reside in the Republic of Lithuania by Family Members of a Citizen of an EU Member State

1. The right to reside in the Republic of Lithuania shall be retained by family members of a citizen of an 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 Article 101(1) 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 Article 101(1) 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/curatorship 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 completion of the relevant formal education programme started by the children.

2. When applying for granting the right to permanently reside in the Republic of Lithuania, the family members specified in points 2 and 4 of paragraph 1 of this Article must submit documents confirming the presence of the grounds specified in Article 101(1)(1) and (2) of this Law.

Article 102. Validity of a Certificate Confirming the Right of a Citizen of an EU Member State to Temporarily Reside in the Republic of Lithuania and an EU Temporary Residence Card

A certificate confirming the right of a citizen of an EU Member State to temporarily reside in the Republic of Lithuania and an EU temporary residence card shall be issued and renewed 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. Exemption from the Obligation to Obtain a Work Permit

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

Article 103¹. Invalidity of a Certificate Confirming the Right of a Citizen of an EU Member State to Temporarily Reside in the Republic of Lithuania and an EU Temporary Residence Card

A certificate confirming the right of a citizen of an EU Member State to temporarily reside in the Republic of Lithuania and an EU temporary residence card shall be deemed to be invalid where:

- 1) the document is not collected within one year;
- 2) the period of validity of the document expires;
- 3) the document has been counterfeited;
- 4) the document has been withdrawn;
- 5) the document has been lost;
- 6) the document has been renewed;
- 7) the citizen of the EU Member State or his family member has declared his departure from the Republic of Lithuania in accordance with the procedure laid down by the Law of the Republic of Lithuania on Declaration of the Place of Residence;
- 8) the citizen of the EU Member State or his family member acquires the right to permanently reside in the Republic of Lithuania;
- 9) the citizen of the EU Member State or his family member acquires the citizenship of the Republic of Lithuania;
- 10) the citizen of the EU Member State or his family member dies.

Article 104. Entitlement to Permanent Residence in the Republic of Lithuania

1. A citizen of an EU Member State who has lawfully resided in the Republic of Lithuania for the last five years or who has the right to reinstate the citizenship of the Republic of Lithuania in accordance with the procedure established by the Law of the Republic of Lithuania on Citizenship or who is a person of Lithuanian descent or entered the Republic of Lithuania for residence accompanying a citizen of the Republic of Lithuania as his family member shall be entitled to permanently reside in the Republic of Lithuania.

2. The family members of the citizen of an EU Member State specified in paragraph 1 of this Article shall also be entitled to permanently reside in the Republic of Lithuania if they have lawfully resided in the Republic of Lithuania with the citizen of the EU Member State for the last five years or if they are family members of the citizen of the EU Member State who has the right to reinstate the citizenship of the Republic of Lithuania in accordance with the procedure established by the Law of the Republic of Lithuania on Citizenship or are family members of a person of Lithuanian descent. The right to permanently reside in the Republic of Lithuania shall also be granted to the family members of the citizen of the EU Member State indicated in Article 1011(1) of this Law provided that they have lawfully resided in the Republic of Lithuania for the last five years.

3. A citizen of an EU Member State shall be issued a certificate confirming his right to permanently reside in the Republic of Lithuania in the format established by the Minister of the Interior.

4. A family member of a citizen of an EU Member State who is not a citizen of the EU Member State shall be issued an EU permanent residence card to certify his right to permanently reside in the Republic of Lithuania, which shall be valid for a period of ten years. Biometric identifiers (the facial image and two fingerprints) of the family member of the Union citizen shall be electronically incorporated into the EU permanent residence card to confirm the person's identity, with the exception of the cases provided for in Regulation (EC) No 1030/2002.

5. Absence from the Republic of Lithuania for more than six months within a year may constitute grounds for refusing the right to permanently reside 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 another EU Member State or a third state or in other cases established under paragraph 6 of this Article).

6. The procedure regulating the issue of a certificate to a citizen of an EU Member State confirming his right to permanently reside in the Republic of Lithuania and the issue, renewal and withdrawal of an EU permanent residence card to family members of the citizen of the EU Member State who are not citizens of the EU Member State shall be established by the Minister of the Interior.

7. Decisions to issue a certificate confirming the right of a citizen of an EU Member State to permanently reside in the Republic of Lithuania, to issue, renew and withdraw an EU permanent residence card shall be taken, the certificate confirming the right of the citizen of the EU Member State to permanently reside in the Republic of Lithuania shall be issued and the EU permanent residence card shall be issued, renewed and withdrawn by the institutions authorised by the Minister of the Interior.

Article 105. Granting of the Right to Permanently Reside Before the Expiry of a Five-Year Period

1. The right to permanently reside in the Republic of Lithuania shall be granted to a citizen of an EU Member State or his family member who has lawfully resided in the Republic of Lithuania for a period shorter than five years, provided that he:

1) was an employee or a self-employed person who, upon attaining the old-age retirement age specified by the Law of the Republic of Lithuania on State Social Insurance Pensions and having acquired the right to a state social insurance old-age pension or a social assistance pension, terminated his employment contract (the employment contract expired) or activity;

2) was an employee or a self-employed person who has resided in the Republic of Lithuania for at least two years and, in accordance with the procedure laid down by legal acts, was recognised as incapable of work or partially capable of work and consequently terminated his employment contract (it was terminated) or activity;

3) has resided in the Republic of Lithuania for an uninterrupted period of three years as an employee or a self-employed person and currently works under an employment contract or pursues activity in another EU Member State, but maintains his place of residence in the Republic of Lithuania and returns thereto at least on a weekly basis;

4) has resided in the Republic of Lithuania for an uninterrupted period of three years, was in paid employment in the last year and exercised his right to receive the early old-age pension.

2. The periods of employment indicated in paragraph 1 of this Article shall also include the periods during which a citizen of an EU Member State or his family member terminated his employment contract (it was terminated) or activity for reasons beyond his control and, in accordance with the established procedure, registered with a local labour exchange office as an unemployed person, terminated his employment contract (it was terminated) or activity for reasons beyond his control; was unemployed or terminated his employment contract (it was terminated) or activity due to illness or accident.

3. The requirements regarding specific periods of residence and employment as indicated in points 1 and 4 of paragraph 1 of this Article and the requirement of residence for at least two years as indicated in point 2 of paragraph 1 of this Article shall not apply where the spouse of the person indicated in paragraph 1 of this Article is a citizen of the Republic of Lithuania.

4. Where the person indicated in paragraph 1 of this Article acquires the right to permanently reside in the Republic of Lithuania, this right shall also be acquired by family members residing together with him in the Republic of Lithuania.

5. Where a citizen of an EU Member State dies as an employee or a self-employed person and does not manage to acquire the right to permanently reside in the Republic of Lithuania according to paragraph 1 of this Article, the family members residing together with him in the Republic of Lithuania shall acquire the right to permanently reside in the Republic of Lithuania where:

1) he resided in the Republic of Lithuania for an uninterrupted period of two years prior to his death, or

2) he dies as a result of an accident at work or an occupational disease.

An application for the issue or renewal of a certificate confirming the right of a citizen of an EU Member State to permanently reside in the Republic of Lithuania must be examined, and this document must be issued, not later than within one month from the lodging of the application with the institution authorised by the Minister of the Interior.

Article 105². Time Limits for Examining an Application for the Issue or Renewal of an EU Permanent Residence Card

An application for the issue or renewal of an EU permanent residence card must be examined not later than within one month from the lodging of the application with the institution authorised by the Minister of the Interior.

Article 1053. Grounds for Renewing a Certificate Confirming the Right of a Citizen of an EU Member State to Temporarily or Permanently Reside in the Republic of Lithuania or an EU Residence Card

A certificate confirming the right of a citizen of an EU Member State to temporarily or permanently reside in the Republic of Lithuania or an EU residence card shall be renewed where:

- 1) personal data change;
- 2) the document has become unfit for use;
- 3) the period of validity of the document expires;
- 4) the document contains inaccurate entries;
- 5) the document has been lost.

Article 105⁴. Issue of a Certificate Confirming the Right of a Citizen of an EU Member State to Temporarily or Permanently Reside in the Republic of Lithuania or an EU Residence Card to a Child Born to the Citizen of the EU Member State

1. A citizen of an EU Member State who holds a certificate confirming the right of a citizen of an EU Member State to temporarily or permanently reside in the Republic of Lithuania and to whom a child is born during the period of his residence in the Republic of Lithuania must, not later than within six months from the date of the birth of the child, apply to an institution authorised by the Minister of the Interior for the issue to him of the certificate confirming the right of a citizen of an EU Member State to temporarily or permanently reside in the Republic of Lithuania or an EU residence card.

2. A child born during the period of residence of a citizen of an EU Member State in the Republic of Lithuania shall be issued the same document as held by both parents or by one of the parents. The document shall be valid for the period of validity of the document issued to one of the child's parents.

Article 106. Withdrawal of the Right to Reside in the Republic of Lithuania

1. The right to temporarily reside in the Republic of Lithuania granted to a citizen of an EU Member State and/or to his family member shall be withdrawn where:

- 1) the stay of this citizen and/or his family members in the Republic of Lithuania may represent a threat to national security or public policy;
- 2) the right to temporarily reside in the Republic of Lithuania has been acquired fraudulently;

3) the citizen of the EU Member State does not meet the grounds specified in Article 101(1) of this Law. This provision shall not apply to the citizen of the EU Member State and/or his family members if the citizen of the EU Member State has entered into an employment contract with an employer and will commence work or submits relevant documents supporting commencement of self-employment activities or is registered, in accordance with the established procedure, with a local labour exchange office as an unemployed person, searches for and has realistic prospects of employment;

4) there are serious grounds for believing that a marriage of convenience or a registered partnership of convenience has been contracted or fake adoption has been effected;

5) a family member who is not a citizen of an EU Member State terminates the family relationship with a citizen of an EU Member State or this relationship no longer exists, except for the cases provided for in Article 1011 of this Law;

6) the person leaves the Republic of Lithuania for residence for a period in excess of six months, except for the cases when absence from the Republic of Lithuania is linked with serious reasons (for example, due to pregnancy, acute illness, studies).

2. The right to permanently reside in the Republic of Lithuania granted to a citizen of an EU Member State and/or to his family member shall be withdrawn where:

1) the stay of this citizen and/or his family members in the Republic of Lithuania may represent a serious threat to national security or public policy;

2) the right to permanently reside in the Republic of Lithuania has been acquired fraudulently;

3) the person leaves the Republic of Lithuania for a period exceeding two consecutive years.

3. The right to reside in the Republic of Lithuania of a minor citizen of an EU Member State, where it is in his best interest, or a citizen of an EU Member State who has uninterruptedly resided in the Republic of Lithuania for the last ten years may be withdrawn only if this citizen of the EU Member State represents an extreme threat to national security.

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

5. A decision on the withdrawal of the right to reside in the Republic of Lithuania on the grounds provided for in point 1 of paragraph 1, point 1 of paragraph 2 and paragraph 3 of this Article shall be taken by Vilnius Regional Administrative Court, in other cases indicated in paragraphs 1 and 2 of this Article - by the Migration Department.

6. Upon withdrawal of the right to reside in the Republic of Lithuania, a citizen of an EU Member State and/or his family members shall be under the obligation to leave from the Republic of Lithuania, and in the event of the failure to comply with this obligation or in the cases provided for in point 1 of paragraph 1, point 1 of paragraph 2 and paragraph 3 of this Article they shall be expelled in accordance with the procedure laid down by this Law.

Article 106¹. Invalidity of a Certificate Confirming the Right of a Citizen of an EU Member State to Permanently Reside in the Republic of Lithuania and an EU Permanent Residence Card

A certificate confirming the right of a citizen of an EU Member State to permanently reside in the Republic of Lithuania and an EU permanent residence card shall be deemed to be invalid where:

- 1) the document is not collected within one year;
- 2) the period of validity of the document expires;
- 3) the document has been counterfeited;
- 4) the document has been withdrawn;
- 5) the document has been lost;
- 6) the document has been renewed;
- 7) the citizen of the EU Member State or his family member has declared his departure from the Republic of Lithuania in accordance with the procedure laid down by the Law of the Republic of Lithuania on Declaration of the Place of Residence;
- 8) the citizen of the EU Member State or his family member acquires the citizenship of the Republic of Lithuania;
- 9) the citizen of the EU Member State or his family member dies.

CHAPTER VI
INTEGRATION 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 area of integration of aliens; 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 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. Organisation of Integration of Aliens

1. Integration of aliens shall, within their remit, be implemented by state institutions and agencies in cooperation with municipalities, international and non-governmental organisations. The implementation of integration of aliens shall be coordinated by a commission of the Government of the Republic of Lithuania comprising ministers or vice-ministers of social security and labour, the interior, health, education and science, culture and finance and a representative of the Association of Local Authorities in Lithuania. This commission may also include representatives of state and municipal institutions and agencies and, where necessary, other persons. The composition and tasks of the Commission for Coordination of the Implementation of Integration of Aliens shall be specified 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 Minister of Social Security and Labour together with municipalities, international and non-governmental organisations shall organise and implement the provision of Lithuanian state support for the integration of aliens who have been granted asylum in the Republic of Lithuania.

4. Municipalities and other legal persons which 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

The areas of Lithuanian state support for the integration of aliens who have been granted asylum in the Republic of Lithuania, as established in accordance with the procedure specified by laws and other legal acts, shall be as follows:

- 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. *Repealed as of 1 March 2015.*

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

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

An 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

1. An alien who is not a citizen of an EU Member State, his family member or another person who enjoys the right of free movement under legal acts of the European Union may be detained on the following grounds:

- 1) in order to prevent the alien from entering the Republic of Lithuania without a permit;
- 2) the alien has unlawfully entered the Republic of Lithuania or illegally stays in it;
- 3) when it is attempted to return the alien who has been refused admission into the Republic of Lithuania to the country from which he arrived;
- 4) when the alien is suspected of using counterfeit documents;
- 5) when a decision is taken 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 or especially dangerous contagious diseases;
- 7) when the alien's stay in the Republic of Lithuania represents a threat to national security, public policy or public health.

2. When deciding on the return of an alien to a foreign state, his expulsion from the Republic of Lithuania, the obligation of the alien to leave from the Republic of Lithuania or the transfer of an asylum applicant to another EU Member State responsible for examining an application for asylum, the alien may be detained only if the detention is necessary for the taking of and/or enforcement of the relevant decision (if the alien hampers the taking and/or enforcement of the decision and may abscond to avoid return, expulsion or transfer).

3. A citizen of an EU Member State and/or his family member or another person who enjoys the right of free movement under legal acts of the European Union may be detained solely on the following grounds:

- 1) he suffers from diseases with epidemic potential as defined by the regulations of the World Health Organisation or other contagious (infectious or parasitic) diseases which, according to laws of the Republic of Lithuania, are the subject of control provisions;
- 2) he is to be expelled from the Republic of Lithuania.

4. An asylum applicant may, on the ground indicated in point 2 of paragraph 1 of this Article, be detained only in order to establish and/or verify his identity/citizenship and/or to identify the grounds underlying his application for asylum (the information on the grounds could not be obtained without detaining the asylum applicant), also when his application for asylum is based on grounds manifestly unrelated to the risk of persecution in the country of origin or based on fraud or where the asylum applicant has been refused temporary territorial asylum and having regard to the circumstances referred to in points 6-9 of paragraph 5 of this Article there are grounds for believing that he may abscond to avoid return to a foreign state or expulsion from the Republic of Lithuania.

5. When deciding on the risk of absconding, the following circumstances shall be taken into account:

1) an alien is not in possession of an identity document and fails to cooperate in establishing his identity and/or citizenship (refuses to provide his personal data, provides false information, etc.);

2) the person does not have a place of residence in the Republic of Lithuania or is absent from/does not reside at the indicated address of the place of residence;

3) the person does not have family relationship with persons residing in the Republic of Lithuania or social, economic or other ties with the Republic of Lithuania;

4) the person does not possess means of subsistence in the Republic of Lithuania;

5) the person failed to comply with the obligation to leave the Republic of Lithuania within the specified time limit, failed to voluntarily leave the Republic of Lithuania within the time limit stipulated in a decision to return him to a foreign state or within a time limit extended on the ground indicated in Article 127(32) of this Law;

6) the person fails to comply with the alternative to detention imposed by the court;

7) an alien accommodated at the Foreigners' Registration Centre without restricting his freedom of movement has violated the procedure for temporary absence from the Foreigners' Registration Centre;

8) in order to escape criminal liability for illegal border crossing, the person has lodged an application for asylum pending pre-trial investigation against him;

9) the alien's stay in the Republic of Lithuania may represent a threat to public policy.

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 a decision of the court.

3. Vulnerable persons and families with vulnerable minor aliens may be detained only in exceptional cases having regard to the best interest of a child and vulnerable persons.

4. An alien may not be detained for a period in excess of six months, with the exception of the cases when he does not cooperate in the process of his expulsion from the Republic of Lithuania (refuses to provide his personal data, provides false information, etc.) or when the documents required for the expulsion of such an alien from the State's territory are not received. In such cases, the period of detention may be extended for an additional period not exceeding 12 months.

5. An alien's detention must be as short as possible, and in the cases referred to in Article 113(2) of this Law an alien may be detained for no longer than is necessary for the taking of a decision to return an alien to a foreign state, to expel him from the Republic of Lithuania, to impose an obligation to leave the Republic of Lithuania or to transfer an asylum applicant to another EU Member State responsible for examining the application for asylum, and/or for the expulsion from the Republic of Lithuania or the transfer of the asylum applicant to another EU Member State responsible for examining the application for asylum, and in the cases referred to in Article 113(4) of this Law - no longer than is necessary to establish and/or to verify the identity/citizenship of an asylum applicant and/or to identify the grounds underlying his application for asylum, or as long as there is a ground for believing that the asylum applicant may abscond when his application for asylum is based on the grounds manifestly unrelated to the risk of persecution in the country of origin or based on fraud or where the asylum applicant has been refused temporary territorial asylum.

Article 115. Alternatives to Detention

1. In view of the fact that an alien's identity has been established, he represents no threat to national security and public policy, assists 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 provide an alternative to detention.

2. Alternatives to detention shall be as follows:

1) the alien must, regularly at the fixed time, report at the relevant territorial police agency;

2) the alien must, by means of communication, inform at the fixed time the relevant territorial police agency about his whereabouts;

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

4) entrusting of 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) accommodation of the alien at the Foreigners' Registration Centre without restricting his freedom of movement.

3. If alternatives to detention specified in paragraph 2 of this Article and provided by a decision of the court are not implemented, a territorial police agency shall apply to the court for detention of an alien.

4. When taking a decision to provide an alternative to detention, time limits for its application must be set.

5. The alternative to detention specified in point 5 of paragraph 2 of this Article may be provided only to asylum applicants.

Article 116. Referral to the Court with a Motion to Detain an Alien or to Provide an 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 provide to the alien an 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 to detain the alien or to provide to him an 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 an alien or to provide to him an alternative to detention must be forthwith announced to the alien in a language that he understands, indicating reasons for his detention or for providing the alternative to detention. The court's decision to detain the alien or to provide to him an alternative to detention shall become effective from the moment of its announcement.

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

Article 117. Appeal against a Decision to Detain an Alien

1. An alien shall have the right to appeal to the Supreme Administrative Court of Lithuania according to the procedure established by the Law on Administrative Proceedings against a decision of a district court to detain him or to extend the detention period or to impose an alternative to detention. The appeal may be filed through the Foreigners' Registration Centre. The Foreigners' Registration Centre shall forward the alien's appeal to the Supreme Administrative Court of Lithuania.

2. The Supreme Administrative Court of Lithuania shall examine an alien's appeal according to the procedure established by the Law on Administrative Proceedings and pass a decision not later than within ten days from acceptance of the appeal.

Article 118. Review of a Decision to Detain an Alien

1. Upon the disappearance of grounds for an alien's detention, the alien shall be entitled to, whereas the institution which initiated the alien's detention must immediately, refer to a district court of the alien's place of residence with a request to review the decision to detain the alien.

1¹. Where a reasonable prospect of an alien's expulsion from the Republic of Lithuania no longer exists for legal or other objective considerations, the institution which initiated the alien's detention must refer to a district court of the alien's place of residence with a request to review the decision to detain the alien.

2. Upon receipt of a request to review a decision to detain an alien submitted by the alien or the institution which initiated the alien's detention, the court shall, not later than within ten days from acceptance of the request, 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 a district court specified in paragraph 2 of this Article shall become effective from their passing.

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

Article 119. End of Detention

1. In compliance with an effective court decision to quash a decision to detain an alien, the alien shall be released from the place of detention without delay.

2. If the period of an alien's detention expires, he must be released from the place of detention without delay.

CHAPTER VIII IDENTIFICATION OF A PERSON

Article 120. Establishment of the Identity of a Detained Alien

1. For the purposes of establishing the identity of a detained alien, an officer of the police or another 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 another 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 laws of the Republic of Lithuania.

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

Article 121. Taking of Photographs and Collection of Fingerprints of an Alien

1. Photographs of an alien shall be taken and his fingerprints shall be collected for the purpose of identification where he:

1) lodges an application for asylum in the Republic of Lithuania;

2) has been detained for unlawful entry into the Republic of Lithuania, illegal stay, residence, transit through or departure from the Republic of Lithuania;

3) is expelled from the Republic of Lithuania or returned to a foreign state.

2. 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 Law of the Republic of Lithuania 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 applies for 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 an alien is not able to prove kinship otherwise.

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

Article 123. Age Assessment Test

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

2. An age assessment test must be performed with the consent of an alien whose age is to be assessed. Where the age of a minor alien is assessed, the test shall be performed only with the consent of the alien's parents, other legal representatives or temporary guardian/curator.

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

4. If an alien who applies for asylum in Republic of Lithuania refuses to undergo an age assessment test for no justifiable reasons, other data which cannot be confirmed by written evidence shall be assessed in compliance with Article 83(5) of this Law.

5. The costs related to the performance of an age assessment test shall be covered by an alien, except for asylum applicants whose test costs 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 leave the Republic of Lithuania before the expiry of the period of validity of a visa or temporary residence permit.
2. An alien must leave the Republic of Lithuania before the expiry of the period of stay as established for aliens in Article 11(2) to (5) and Article 11(7) 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 leaving the Republic of Lithuania in cases prescribed by laws.

Article 125. Return to a Foreign State and Obligation to Leave the Republic of Lithuania

1. A decision to return an alien to a foreign state shall be taken where:
 - 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 the period of validity of his visa;
 - 4) the alien stays in the Republic of Lithuania after the expiry of the period of validity of his temporary residence permit;
 - 5) the alien entered the Republic of Lithuania legally, 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 stayed in the Republic of Lithuania for a period exceeding the period of stay established for aliens in Article 11(2) to (5) and Article 11(7) of this Law;
 - 7) the alien has unlawfully entered the Republic of Lithuania or is illegally staying in it, however he is a vulnerable person, an asylum applicant or an alien who has been refused asylum and who agrees to voluntarily return to a foreign state assisted by an international or non-governmental organisation.

2. If there is at least one of the grounds for the return to a foreign state as stipulated in paragraph 1 of this Article, but an alien is in possession of a valid document issued by another EU Member State or a Member State of the European Free Trade Association granting the right to stay or reside therein, the alien shall be imposed an obligation to leave from the Republic of Lithuania.

3. It shall be possible not to take a decision to return an alien to a foreign state or to impose an obligation to leave the Republic of Lithuania where under an international treaty on the return/readmission of illegally staying persons to which the Republic of Lithuania is a party the alien illegally staying in the Republic of Lithuania is received by:

- 1) an EU Member State, where this treaty entered into force before 13 January 2009;
- 2) a state other than an EU Member State.

Article 126. Expulsion from the Republic of Lithuania

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

1) the person failed to comply with the obligation to leave the Republic of Lithuania within the specified time limit, failed to voluntarily leave the Republic of Lithuania within the time limit stipulated in a decision to return him to a foreign state or within a time limit extended on the ground indicated in Article 127(32) of this Law or where he has not been granted a period for voluntary departure as there is a ground for believing that the alien may abscond;

2) the alien has unlawfully entered the Republic of Lithuania or is staying there illegally and there are no grounds, as laid down in Article 125 of this Law, for imposing on the alien the obligation to leave the Republic of Lithuania or a decision to return him to a foreign state is taken;

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

4) a decision has been taken to expel the alien from another state to which 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 Ministry of the Interior of the Republic of Lithuania shall, in cooperation with international and non-governmental organisations, carry out monitoring of the expulsion of aliens from the Republic of Lithuania in accordance with the procedure laid down by the Minister of the Interior and the Minister of Social Security and Labour.

Article 127. Time Limits and Procedure for enforcing Decisions Regarding the Obligation to Leave, Expulsion, Return and Passing in Transit through the Territory of the Republic of Lithuania

1. A decision to return an alien to a foreign state shall, having regard to the alien's possibilities to leave as soon as possible, determine a period of between 7 to 30 days from the service of the decision to the alien and within which the alien is obliged to voluntarily leave from the Republic of Lithuania.

2. A decision to expel an alien from the Republic of Lithuania must be enforced without delay, unless there are circumstances due to which the enforcement of the decision to expel the alien from the Republic of Lithuania may be suspended.

3. The obligation to leave the Republic of Lithuania shall establish a period not exceeding 30 days during which an alien must leave the Republic of Lithuania.

3¹. Where there are grounds for believing that an alien may abscond to avoid return to a foreign state or the obligation to leave the Republic of Lithuania, a decision to return the alien to the foreign state or the obligation to leave the Republic of Lithuania may grant a period shorter than seven days within which the alien is obliged to voluntarily leave the Republic of Lithuania, or the Republic of Lithuania may refrain from granting a period for voluntary departure.

3². The time limit, as stipulated in paragraphs 1 and 3 of this Article, within which an alien is obliged to voluntarily leave from the Republic of Lithuania may be extended taking into account the circumstances indicated in Article 128(1)(1) to (3) and Article 128(2)(3) and (4) of this Law, however the total length of the period for voluntary departure may not exceed 60 days.

4. A decision obliging an alien to leave from the Republic of Lithuania shall be taken and the enforcement thereof shall be supervised by the police and the State Border Guard Service within their respective remit.

5. A decision to expel an alien on the grounds specified in Article 126(1)(1) and (2) of this Law and a decision on the enforceability of the decision on the grounds specified in Article 126(1)(4) of this Law shall be taken by the Migration Department, a decision on the ground specified in Article 126(1)(3) of this Law – by Vilnius Regional Administrative Court, and the said decisions shall be enforced by the State Border Guard Service or the police. When enforcing the decision on the ground set in Article 126(1)(4) of this Law, the specified institutions shall hold consultations on the enforcement of the decision with the State which has taken the decision to expel the alien.

6. A decision regarding the return of an alien to a foreign state or his passing in transit through the territory of the Republic of Lithuania shall be taken by the Migration Department, the police or the State Border Guard Service, and the enforcement of the decision shall be supervised by the police or the State Border Guard Service.

7. The procedure regulating the taking and enforcement of decisions on the obligation of an alien to leave, the alien's expulsion from the Republic of Lithuania, return to a foreign state or passing in transit through the territory of the Republic of Lithuania shall be established by the Minister of the Interior.

Article 128. Circumstances Taken into Account When Imposing an Obligation to Leave from the Republic of Lithuania or Taking a Decision to Return an Alien to a Foreign State or to Expel the Alien from the Republic of Lithuania or Suspending the enforcement of the Decision to Expel the Alien from the Republic of Lithuania

1. When imposing an obligation to leave the Republic of Lithuania, a decision to return an alien to a foreign state or to expel the alien from the Republic of Lithuania, account shall be taken of:

- 1) the length of his stay in the Republic of Lithuania;
- 2) the family relationship with persons residing in the Republic of Lithuania;
- 3) existing social, economic and other ties with the Republic of Lithuania, also whether he has minor children studying under a formal education programme/programmes in the Republic of Lithuania;
- 4) the nature and extent of dangerousness of the committed offence.

2. The enforcement of a decision to expel of an alien from the Republic of Lithuania shall be suspended where:

1) the decision to expel the alien from the Republic of Lithuania is appealed against to court, except for the cases when the alien must be expelled due to a threat to national security or public policy represented by him, and a citizen of an EU Member State, his family member or another person who enjoys the right of free movement under legal acts of the European Union - due to an extreme threat to national security represented by him;

2) the foreign state 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 medical advisory committee 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.);

5) the European Court of Human Rights indicates an interim measure regarding non-expulsion of the alien under Rule 39 of the Rules of Court of this Court.

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

Article 129. Return of Unaccompanied Minor Aliens to a Foreign State

1. An unaccompanied minor alien illegally staying on the territory of the Republic of Lithuania or illegally residing in it shall be returned only provided that he is duly taken care of in the foreign state to which the unaccompanied minor alien is returned taking into consideration his needs, age and level of independence.

2. Where an unaccompanied minor alien is not returned to a foreign state, he shall be issued a temporary residence permit valid for a period not exceeding one year.

3. The issue of an unaccompanied minor alien's return shall be dealt with in cooperation with foreign states and international organisations under concluded international 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 in danger or where he may be subjected to persecution on grounds of race, religion, nationality, membership of a certain social group or political opinion or to a country from where 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 for believing 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 to an alien who, for serious reasons, represents a threat to the security of the Republic of Lithuania or who has been convicted by an effective court judgment of a grave crime and constitutes a threat to the community.

4. An alien shall not be expelled from the Republic of Lithuania or returned to a foreign state if he has been granted the cooling-off 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 crimes related to trafficking in human beings, must take a decision on cooperation with a pre-trial investigation body or the court.

5. An alien who is not expelled from the Republic of Lithuania or is not returned to a foreign country in the cases referred to in paragraphs 1, 2 and 4 of this Article shall be issued a temporary residence permit valid for a period not exceeding one year.

Article 131. Costs of Expulsion or Return

1. An alien shall be expelled from the Republic of Lithuania or returned to the country of origin or a foreign state 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 carriers in the cases established by laws of the Republic of Lithuania;
- 4) at the expense of the employer who illegally employed the alien to be expelled.

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 costs of expulsion or return incurred by the State shall be recovered in accordance with the procedure prescribed by legal acts from the natural or legal persons who invited the alien to be expelled to the Republic of Lithuania or from the employer who illegally employed the alien to be expelled or from the carriers who brought the alien to be expelled to the Republic of Lithuania or a request for reimbursement of the funds shall be addressed to another country which took a decision to expel the alien, to which 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 Council Decision 2004/191/EC 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.

Article 132. Issue of a Temporary Residence Permit to an Alien upon Suspending the enforcement of a Decision to Expel him from the Republic of Lithuania

1. If the enforcement of a decision to expel an alien from the Republic of Lithuania is suspended due to the circumstances specified in Article 128(2)(2), (3) and (4) of this Law, these circumstances did not disappear within one year after the suspension of the enforcement 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.

2. In the case indicated in paragraph 1 of this Article, an alien shall be issued a temporary residence permit valid for a period not exceeding one year.

3. An alien who has been issued a temporary residence permit on the ground specified in Article 40(1)(8) of this Law shall, subject to obtaining a work permit, be entitled to work during the period of validity of the temporary residence permit.

Article 133. Entry Ban into the Republic of Lithuania

1. An alien who has been refused a visa or it has been annulled or who has been refused a residence permit or it has been withdrawn, an alien who has been refused admission to the Republic of Lithuania, has been imposed an obligation to leave the Republic of Lithuania, has been returned to a foreign state or attempted to leave the Republic of Lithuania, or left it, unlawfully or an alien who does not have the right to reside in the Republic of Lithuania and fails to comply with obligations to the customs or has failed to pay a fine/fines imposed in accordance with the procedure laid down by laws of the Republic of Lithuania may be subject to an entry ban prohibiting entry into the Republic of Lithuania for a period not exceeding five years.

2. An alien who has been expelled from the Republic of Lithuania shall be the subject of an entry ban prohibiting entry into the Republic of Lithuania for a period not exceeding five years.

21. A citizen of an EU Member State and/or his family member or another person who enjoys the right of free movement under legal acts of the European Union may be the subject of an entry ban prohibiting entry into the Republic of Lithuania for a period not exceeding five years solely in the case when his entry into and stay in the Republic of Lithuania may represent a threat to national security or public policy.

22. An entry ban shall not apply to an alien who has been expelled from the Republic of Lithuania on grounds of his failure to comply with the obligation to leave from the Republic of Lithuania within the specified time limit or his failure to voluntarily leave from the Republic of Lithuania within a time limit specified in a decision to return him to a foreign state, where he was issued a temporary residence permit on the ground specified in Article 40(1)(12) of this Law as a victim of trafficking in human beings and where he does not represent a threat to national security or the community.

3. An alien may be the subject of an entry ban prohibiting entry into the Republic of Lithuania for a period exceeding five years where he may represent a threat to national security or public policy.

4. The national no-entry list shall be drawn up and managed by the Migration Department, which shall also forward the data from this list to the Central Schengen Information System in accordance with the procedure established by the Government of the Republic of Lithuania.

5. A decision to ban/not to ban an alien's entry into the Republic of Lithuania shall be taken by the Migration Department. The length of the entry ban shall be determined on a case-to-case basis with due regard to all relevant circumstances of an individual case.

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 state to another foreign state in transit through the territory of the Republic of Lithuania where proof is submitted that he has the right to travel to the foreign state 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 grounds specified in Article 130(1) and (2) of this Law are established in the country to which the alien is transferred;

2) the alien is a suspect, accused or convict in accordance with laws of the Republic of Lithuania;

3) transit through other states or entry into the country of destination is impossible;

4) it is necessary to transfer to another airport in the Republic of Lithuania;

5) it is impossible to provide the requested assistance at a certain moment for practical reasons;

6) the transfer of the alien would represent 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) leaves the Republic of Lithuania at places other than border crossing points;

2) when leaving the Republic of Lithuania, produces another person's documents or counterfeit documents;

3) leaves the Republic of Lithuania despite the restrictions on the freedom of movement in the Republic of Lithuania imposed on him;

4) attempts to leave the Republic of Lithuania not being in possession of a valid travel document.

2. An alien who has attempted to leave the Republic of Lithuania, or has left, unlawfully may be subject to an entry ban into the Republic of Lithuania for a definite or an indefinite period of time.

CHAPTER X
APPEAL AGAINST DECISIONS ON THE LEGAL STATUS OF ALIENS
AND FILING OF REQUESTS TO TAKE A DECISION WITH
VILNIUS REGIONAL ADMINISTRATIVE COURT

Article 136. Right to Appeal Against a Decision

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

Article 137. Filing of an Appeal

1. An appeal against a decision taken under this Law may be filed with the relevant administrative court in accordance with the procedure 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 taken under this Law, if the decision has been taken on the basis of an application lodged on behalf of the family according to Article 67(2) of this Law, may be filed by an alien who has lodged the application on behalf of the family or by any adult member of that family.

Article 138. Time Limits for Filing an Appeal

An alien may file an appeal against a decision taken under this Law to a relevant regional administrative court within 14 days from the service of the decision.

Article 139. Suspension of the Enforcement of a Decision Appealed Against

1. The enforcement of a decision appealed against shall be suspended where:

- 1) an alien's residence permit is withdrawn;
- 2) an 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 state or is expelled from it to a safe third country or to the country of origin;
- 3) an alien is refused asylum, the examination of his application for asylum is terminated or the granted asylum is withdrawn and he is expelled from the Republic of Lithuania or returned to a foreign state;
- 4) an alien is expelled from the Republic of Lithuania.

2. The provisions of point 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 posed by an alien's stay in the Republic of Lithuania. The provisions of point 4 of paragraph 1 of this Article shall not apply to a citizen of an EU Member State, his family member or another person who enjoys the right of free movement under legal acts of the European Union in cases where his stay in the Republic of Lithuania represents an extreme threat to national security.

3. In the cases not specified in paragraph 1 of this Article, the enforcement of a decision taken shall be suspended following the passing of a ruling by the relevant administrative court.

Article 140. Examination of Appeals and Requests to Take a Decision, Taking of and Appeal against a Decision

1. Courts shall hear appeals and requests to take a decision and shall take 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 take a decision not later than within two months from the day the court passes a ruling on the admissibility of the appeal or request.

3. Upon examining the case, the court shall take one of the following decisions:

- 1) to reject an appeal or request as unjustified;
- 2) to uphold the appeal or request.

4. A decision taken may be appealed against to the Supreme Administrative Court of Lithuania within 14 days from the publication of the decision.

Article 140¹. Filing with Vilnius Regional Administrative Court of a Request to Take a Decision to Withdraw an Alien's Right to Reside in the Republic of Lithuania and/or to Expel the Alien from the Republic of Lithuania

1. The State Security Department shall file with Vilnius Regional Administrative Court a request to take a decision to withdraw refugee status or subsidiary protection granted to an alien, his right to reside in the Republic of Lithuania and/or to expel the alien from the Republic of Lithuania on the grounds of his representing a threat to national security as specified in Article 54(1)(2), Article 90(4), Article 106(1)(1), Article 106(2)(1), Article 106(3) and Article 126(1)(3) of this Law.

2. The Police Department under the Ministry of the Interior of the Republic of Lithuania or, on the instruction of the Commissioner General of the police, a territorial police agency or the State Border Guard Service or, on the instruction of the Commander of the State Border Guard Service, a frontier district of the State Border Guard Service shall file with Vilnius Regional Administrative Court a request to take a decision to withdraw refugee status or subsidiary protection granted to an alien, his right to reside in the Republic of Lithuania and/or to expel the alien from the Republic of Lithuania on the grounds of his representing a threat to public policy or the community as specified in Article 54(1)(21), Article 90(4), Article 106(1)(1), Article 106(2)(1) and Article 126(1)(3) of this Law.

3. A request to take 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 secret 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 Access Data

The Migration Department, the State Border Guard Service and the institutions authorised by the Minister of the Interior shall have the right obtain from state and municipal institutions, agencies and enterprises of the Republic of Lithuania the data needed to perform the functions related to determination of the legal status of aliens in the Republic of Lithuania.

Article 141¹. *Repealed as of 1 November 2014.*

Article 142. Register of Aliens

1. The data related to aliens whose legal status in the Republic of Lithuania is determined under this Law and other laws of the Republic of Lithuania, legal acts of the European Union and international treaties 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. The manager of the Register of Aliens shall be the Ministry of the Interior of the Republic of Lithuania, and the administrators of this Register shall be designated by the Government of the Republic of Lithuania.

3. The data of the Register of Aliens shall be processed in compliance with this Law, the Law on Legal Protection of Personal Data and other legal acts, legal acts of the European Union as well as international treaties.

Article 143. Liability of Aliens

Aliens shall be held liable under laws of the Republic of Lithuania unless otherwise established by the international treaties of the Republic of Lithuania, legal acts of the European Union 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. *Repealed as of 1 January 2013.*

Article 146. Implementation of the Law

1. The procedure for implementing this Law shall be established by the Law of the Republic of Lithuania Implementing the Law on the Legal Status of Aliens.

2. Upon the entry into force of this Law, the following laws shall be repealed:

1) Law of the Republic of Lithuania on Refugee Status in the Republic of Lithuania (Official Gazette, No 63-1578,1995);

2) Law Amending Article 15 of the Law of the Republic of Lithuania 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 Law of the Republic of Lithuania on Refugee Status in the Republic of Lithuania (Official Gazette, No 108-2734, 1997);

4) Law Amending Article 5 of the Law of the Republic of Lithuania on Refugee Status in the Republic of Lithuania (Official Gazette, No 65-1879,1998);

5) Law of the Republic of Lithuania on the Legal Status of Aliens (Official Gazette, No 115-3236, 1998);

6) Law Amending Articles 5, 7, 10 and 14 of the Law of the Republic of Lithuania on the Legal Status of Aliens (Official Gazette, No 89-2618, 1999);

7) Law Amending Articles 19 and 26 of the Law of the Republic of Lithuania on the Legal Status of Aliens (Official Gazette, No 5-125, 2000);

8) Law Amending the Law of the Republic of Lithuania on Refugee Status in the Republic of Lithuania (Official Gazette, No 56-1651, 2000);

9) Law Amending Article 7 of the Law of the Republic of Lithuania on the Legal Status of Aliens (Official Gazette, No 92-2865, 2000);

10) Law Amending the Law of the Republic of Lithuania on Refugee Status in the Republic of Lithuania (Official Gazette, No 56-1651, 2000);

11) Law Amending Articles 8, 9 and 11 of the Law of the Republic of Lithuania on Refugee Status in the Republic of Lithuania (Official Gazette, No 92-2859, 2000);

12) Law Amending the Law of the Republic of Lithuania 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 Law of the Republic of Lithuania on Refugee Status and Supplementing the Law with Articles 12(1), 12(2), 12(3), 12(4), 12(5) and 12(6) (Official Gazette, No 13-466, 2002);

14) Law Amending Articles 4 and 7 of the Law of the Republic of Lithuania on Refugee Status (Official Gazette, No 38-1688, 2003).

I promulgate this Law passed by the Seimas of the Republic of Lithuania.

ACTING PRESIDENT OF THE REPUBLIC

ARTŪRAS PAULAUSKAS

Annex to the Republic of Lithuania

Law on the Legal Status of Aliens

LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

1. The 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. 3).

2. 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 the gradual abolition of checks at their common borders (OJ 2004 special edition, Chapter 19, Volume 2, p. 9), as last amended by Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 (OJ 2013 L 182, p. 1).

3. 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).

4. 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 nationals are exempt from that requirement (OJ 2004 special edition, Chapter 19, Volume 4, p. 65), as last amended by Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 (OJ 2013 L 182, p. 1).

5. 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).

6. 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).

7. 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).

8. Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ 2004 special edition, Chapter 19, Volume 6, p. 3), as last amended by Council Regulation (EC) No 380/2008 of 18 April 2008 (OJ 2009 L 115, p. 1).

9. 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).

10. 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).

11. 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).

12. 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).

13. Council Decision 2004/191/EC 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).

14. 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).

15. 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).

16. *Repealed as of 1 March 2015.*

17. 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).

18. Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ 2004 L 385, p. 1), as last amended by Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009 (OJ 2009 L 142, p. 1).

19. 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).

20. 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).

21. 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 last amended by Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 (OJ 2013 L 182, p. 1).

22. Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) (OJ 2008 L 218, p. 60), as last amended by Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 (OJ 2013 L 182, p. 1).

23. 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).

24. Council Directive 2009/50 EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ 2009 L 155, p. 17).

25. Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ 2009 L 168, p. 24).

26. Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ 2009 L 243, p. 1), as last amended by Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 (OJ 2013 L 182, p. 1).

27. Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection (OJ 2011 L 132, p. 1).

28. Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ 2011 L 337, p. 9).

29. Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ 2011 L 343, p. 1).