

**ANNUAL
POLICY
REPORT:
REPUBLIC OF LITHUANIA '08**

European Migration Network

National Contact Point for the Republic of Lithuania

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REPUBLIC OF LITHUANIA 2008**

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EXECUTIVE SUMMARY	4
1. POLITICAL DEVELOPMENTS IN THE REPUBLIC OF LITHUANIA.....	5
1.1. General Structure of the Political System and Institutional Context for Migration and Asylum.....	5
1.2. General Political Developments.....	9
1.3. Institutional Developments.....	10
2. POLICY AND LEGISLATIVE DEVELOPMENTS IN THE AREA.....	12
OF MIGRATION AND ASYLUM.....	12
2.1. General Structure of the Legal System.....	12
2.2. General overview of the Main Policy and Legislative Debates.....	14
2.3. Developments in the Area of Migration and Asylum.....	17
2.3.1. Control and Monitoring of Immigration.....	17
2.3.2. Economic Migration.....	20
2.3.2.1. Emigration.....	20
2.3.2.2. Work immigration.....	25
2.3.3. Family Reunification.....	30
2.3.4. Other Legal Migration.....	32
2.3.5. Citizenship and Naturalization.....	32
3. IMPLEMENTATION OF THE EUROPEAN UNION LEGISLATION.....	36
METHODOLOGY.....	38
THE LIST OF USED LITERATURE AND SOURCE.....	39

EXECUTIVE SUMMARY

Report on migration and asylum situation in Lithuania, prepared by the European Migration Network National Contact Point for the Republic of Lithuania, presents an overview of key political developments, issues that attracted most public discussions and the most important decisions amending or establishing legal regulation in the area of migration and asylum in 2008.

One of the most important developments of 2008 were elections to Seimas of the Republic of Lithuania. After the elections the new Government of the Republic of Lithuania was formed. Seimas of the Republic of Lithuania voted in favor of Government programme for 2008-2012, which also includes the Government's activity guidelines in the area of migration policy.

Institutions implementing national migration policy have undergone structural changes. In the Ministry of Social Protection and Labor, there was established Economic migration unit, in the State Border Guard Service under the Ministry of the Interior – Council of illegal migration and control with its units in territorial branches.

On a political level and in society at large, discussions took place on legal regulation of citizenship of the Republic of Lithuania related to identified cases of dual citizenship. One of the most important events was Lithuania's accession to the Schengen area. In 2008, as labor immigration to Lithuania from third countries increased, the issue of Lithuanian immigration policy was raised in public space. Due to lobbying by organizations representing employers, the issue of creating more favorable arrival conditions for family members of aliens (especially highly qualified professionals) was considered. A considerable deal of attention was devoted to the issue of emigration of Lithuanian citizens and promotion of their re-emigration. In part 2.3 of the report, passed or deliberated decisions amending legal regulation are reviewed in more detail: passed amendments to Law on the Legal Status of Aliens implementing provision of the Schengen acquis; approved Lithuanian immigration policy guidelines; measures taken to facilitate employment of third country nationals; deliberated amendments to set in Law on the Legal Status of Aliens more favorable arrival conditions for aliens' family members; defined legal measures implementing Economic migration regulation strategy; passed new edition of the Law on Citizenship of The Republic of Lithuania. In part 3 of the report, there is information provided on transposition and implementation of EU legislation.

In preparing the report official documents and other public sources of information were used, including information and assessments broadcast in media.

Opinion presented in the report does not represent official position of the state and its institutions on examined issues.

1. POLITICAL DEVELOPMENTS IN THE REPUBLIC OF LITHUANIA

In this part, political system of the Republic of Lithuania is reviewed, institutions responsible for shaping and implementing national migration and asylum policy are introduced. The author presents brief information on political changes that took place in the state during the examined period – elections to Seimas of the Republic of Lithuania and new programme provisions on migration policy formed by the Government of the Republic of Lithuania. The report reviews changes that took place in 2008 in institutions involved in the area of migration.

1.1. General Structure of the Political System and Institutional Context for Migration and Asylum

Article 1 of the Constitution of the Republic of Lithuania¹, passed in a referendum on 25 October 1992, states that Lithuanian state is an independent democratic republic. Article 5 of the Constitution establishes the principle of the separation of state powers: “In Lithuania, State power shall be executed by the Seimas, the President of the Republic and the Government, and the Judiciary.” Legislative, executive, and judiciary powers are separated, sufficiently independent, but simultaneously their balance needs to be preserved. Every state power occupies a certain place in state power system and performs functions specific to it. **Seimas of the Republic of Lithuania** consists of nation’s representatives – 141 members of Seimas, elected for four years in exercise of universal, equal, direct election right by way of a secret ballot. Seimas of the Republic of Lithuania legislates, supervises activities of the Government, decides other issues foreseen in the Constitution. **President of the Republic** – the head of state, elected by citizens of the Republic of Lithuania for five years, in exercise of universal, equal, direct election right by way of a secret ballot. President of the Republic represents the state, decides key foreign policy issues, with assent of Seimas of the Republic of Lithuania appoints Prime Minister, signs and declares laws passed by Seimas or returns them for a reason to Seimas for secondary deliberation, exercises other powers defined in the Constitution and legislation. In exercising powers conferred upon him, the President of the Republic

¹ The Constitution of the Republic of Lithuania, *Valstybės žinios*, 1992, No 33-1014

issues acts-decrees. **Government of the Republic of Lithuania** is executive supervising state institution, performing governance of the state, implementing laws and other legislation, managing affairs of the land, coordinating activities of ministries and other Government agencies, performing other functions entrusted to it by the Constitution and laws. The Government – is a collegial, general competence institution. It consists of Prime Minister and Ministers. The Government carries joint responsibility to Seimas for common Government activities. Ministers, presiding over governance areas entrusted to them, are responsible to Seimas, President of the Republic and report directly to the Prime Minister. In assenting to Government programme – which is to be seen as a legal document presenting national activity guidelines of a certain period – Seimas authorizes the Government to act. Constitutional power structure establishes that only the Government enjoying trust of Seimas can fulfill its powers.

Constitutional Court of the Republic of Lithuania has stated that, according to competences of state institutions defined in the Constitution of the Republic of Lithuania, Lithuanian state governance model falls within parliamentary form of governance. At the same time, the Constitution emphasizes that Lithuanian form of state governance also exhibits certain features of so-called mixed (semi-presidential) form of governance. This circumstance is reflected in powers of Seimas, the head of state – President of the Republic, the Government and in the legal construction of their mutual relations. In Lithuanian constitutional system, there is the principle of the Government reporting to Seimas, determining a corresponding method of forming the Government².

The mentioned state institutions – Seimas of the Republic of Lithuania, President of the Republic and the Government, in exercising powers entrusted to them, are the institutions shaping migration and asylum national policy.

The main institution implementing national migration and asylum policy is **the Ministry of the Interior**³. This ministry is charged with participation in shaping and implementing national policy in the area of migration, organization of national regulation of migration, among other things, this institution is designated to be responsible for administering the External Borders Fund and the European Return Fund under the General Programme of Solidarity and Management of

² Constitutional Court of the Republic of Lithuania 10 January 1998 ruling “On the compliance of the 10 December 1996 Seimas resolution “On the Programme of the Government of the Republic of Lithuania” with the Constitution of the Republic of Lithuania”, (*Valstybės žinios*, 1998, No 5-99);

³ Ministry of the Interior of the Republic of Lithuania provisions, approved by Government of the Republic of Lithuania 14 March 2001 resolution No. 291 (*Valstybės žinios*, 2001, 24-794; 2008, No. 46-1722)

Migration Flows. **Migration Department**⁴ is agency under the Ministry of the Interior implementing national policy in the areas of visas and immigration, asylum and citizenship of the Republic of Lithuania procedures, documents certifying personal identity and citizenship, travel documents, issuing of residence permits of the Republic of Lithuania and other documents, and accounting freedom of movement of persons. **State Border Guard Service**⁵ is agency under the Ministry of the Interior implementing protection of the state border and controlling its crossings, involved in implementing the control of national migration. The Foreigners' Registration Center⁶, reporting to this institution, is designed to accommodate detained aliens present illegally or having arrived illegally in Lithuania, also, to accommodate asylum seekers for the period of processing their asylum applications. **Police department**⁷ is an agency under the Ministry of the Interior, which is charged with controlling legal presence and residence of aliens in the Republic of Lithuania. This department organizes and implements the governance of territorial police institutions, which include migration units. **Migration units of territorial police institutions**⁸ implement entrusted functions in the area of migration (accept individuals' requests for citizenship of the Republic of Lithuania, issue residence permits, personal documents and so on).

Ministry of Foreign Affairs⁹ is involved in shaping and implementing visa policy of the Republic of Lithuania, issues diplomatic passports, visas, concludes visa regime international treaties, through diplomatic representations and consular institutions abroad maintains ties with Lithuanians living abroad.

Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania¹⁰ is involved in shaping and implementing national

⁴ Migration department under the Ministry of the Interior of the Republic of Lithuania provisions, approved by Minister of the Interior of the Republic of Lithuania 6 October 2000 order No. 388 (*Valstybės žinios*, 2000, No 86-2639; 2008, No 88-3538);

⁵ Provisions of State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania, approved by the Government of Republic of Lithuania 22 February 2001 resolution No 194 (*Valstybės žinios*, 2001, No 18-556; 2008, No 40-1459);

⁶ State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania Foreigners' Registration Center provisions, approved by Chief of State Border Guard Service 29 December 2007 order No. 4-1220 (*Valstybės žinios*, 2008, No. 5-180);

⁷ Police department under the Ministry of the Interior of the Republic of Lithuania provisions, approved by Government of the Republic of Lithuania 29 January 2001 resolution No. 98 (*Valstybės žinios*, 2001, No 10-294);

⁸ Territorial police institutions' public police migration divisions, sub-divisions, groups and passport sections exemplary provisions, approved by Commissioner General of Lithuanian Police 18 June 2007 order No 5-V-403 (*Valstybės žinios*, 2007, No. 99-4038);

⁹ Ministry of Foreign Affairs of the Republic of Lithuania provisions, approved by Government of the Republic of Lithuania 25 September 1998 resolution No. 1155 (*Valstybės žinios*, 1998, No. 85-2378; 2008, No. 49-1827);

¹⁰ Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic of Lithuania provisions, approved by Government of the Republic of Lithuania 24 November 1998 resolution No. 1370 (*Valstybės žinios*, 1998, No. 105-2914; 2003, No. 17-733);

policy of harmonic ethnic relations, shaping and implementing national policy of maintaining ties with Lithuanians living abroad and Lithuanian exiles.

Ministry of Social Protection and Labor¹¹ implements labor and social protection policy, is charged with administering Solidarity and Management of Migration Flows General Programme European Refugee Fund and programs of the European Fund for integration of third country nationals. This ministry is responsible for social integration of refugees and third country nationals and persons without nationality who according to national legislation enjoy other form of international protection in the Republic of Lithuania. In Lithuania there is a range of institutions contributing in certain ways to integration of third country nationals legally residing in Lithuania, but **there is no single institution responsible for coordination of integration of third country nationals**. The Minister of Social Protection and Labor also approves the list of occupations that are understaffed in the Republic of Lithuania according to types of economic activity for every half a year. Third country nationals, holders of these occupations, can be employed in Lithuania with a simplified procedure. **Refugees' Reception Center**¹² established by the Ministry of Social Protection and Labor is designed to organize and implement integration of foreign nationals granted asylum, temporarily accommodate unaccompanied minors until they request for asylum in the Republic of Lithuania is processed. **State Labor Inspectorate**¹³ under the Ministry of Social Protection and Labor coordinates measures of controlling instances of illegal employment. **Lithuanian Labor Exchange**¹⁴ is an institution under the same ministry issuing working permits to third country nationals.

More detailed information about institutions involved in implementing national migration and asylum policy and the functions they perform is presented in the study „*The organization of Asylum and Migration Policies in the Republic of Lithuania*“.

¹¹ Ministry of Social Protection and Labor of the Republic of Lithuania provisions, approved by Government of the Republic of Lithuania 17 July 1998 resolution No. 892 (*Valstybės žinios*, 1998, No 66-1916; 2008, No. 46-1793);

¹² Refugees' Reception Center provisions, approved by Minister of Social Protection and Labor of the Republic of Lithuania 18 August 2005 order No A1-234 (*Valstybės žinios*, 2005, No. 102-3795);

¹³ State Labor Inspectorate under the Ministry of Social Protection and Labor provisions, approved by Minister of Social Protection and Labor of the Republic of Lithuania 12 May 2009 order No. A1-316 (*Valstybės žinios*, 2009, No 58-2262);

¹⁴ Lithuanian Labor Exchange under the Ministry of Social Protection and Labor provisions, approved by Minister of Social Protection and Labor of the Republic of Lithuania 13 November 2006 order No. A1-306 (*Valstybės žinios*, 2006, No 125-4774);

1.2. General Political Developments

In universal elections that took place on 12 October 2008 (on 26 October 2008 the second round of elections took place in single-member constituencies) 2008-2012 term Parliament (Seimas) of the Republic of Lithuania was elected (141 members of Seimas). Coalition – entitled “the Coalition of Changes” – was formed by the fraction that received most mandates in the election: Homeland Union-Lithuanian Christian Democrats (45 seats), traditional liberal parties (Liberals Movement and Liberal and Centre Union), who jointly received 20 mandates, and new party Rising Nation party with 16 mandates, established on 25 May 2008.

28 November 2008 decree of the President of the Republic¹⁵ appointed the leader of Lithuanian conservatives – Audrius Kubilius – the head (Prime Minister) of the Government of the Republic of Lithuania. 4 December 2008 decree of the President of the Republic¹⁶ approved the composition of the new Lithuanian Government. Seimas of the Republic of Lithuania in its 9 December 2008 resolution¹⁷ assented to Government of the Republic of Lithuania 2008-2012 programme. In this programme, for the first time a separate chapter is devoted to the Government’s activity guidelines in the area of migration policy:

- to be focused on and actively involved in shaping European Union immigration and asylum policy;
- to regulate more clearly the procedure of aliens’ arrival with the purpose of gaining employment, observing the principle that participation of third country nationals in the labor market should not encourage Lithuanian residents to leave; strive to retain national competence in regulation of economic migration and granting of asylum;
- to shape general national policy of regulating migration processes;
- to simplify conditions for foreign nationals, highly qualified professionals and their family members arriving to Lithuania;
- to enhance prevention and control of illegal migration.

In the area of public security, it is declared that exceptional attention shall be devoted to issues of human trafficking, illegal migration. Special emphasis is put on the issue relevant for Lithuania – emigration, the Government declares its aspirations to prepare measures ensuring optimally effective management of migration and emigration processes and the return of the bigger part of emigrated country residents, to tackle relevant problems of emigrating professionals.

¹⁵ *Valstybės žinios*, 2008, No 138-5452;

¹⁶ *Valstybės žinios*, 2008, No 140-5543;

¹⁷ *Valstybės žinios*, 2008, No 146-5870;

1.3. Institutional Developments

In 2008, there were no principal changes in institutions working in the area of migration and asylum. One should only mention structural changes that took place in the Ministry of Social Protection and Labor and State Border Guard Service under The Ministry of the Interior.

In the Ministry of Social Protection and Labor since 1 February 2008, there has been established Economic Migration Section¹⁸, which is involved in shaping and implementing economic migration and social protection of migrant workers policy of the Republic of Lithuania, to ensure implementation of economic migration and social protection of migrant workers policy in social protection and labor areas falling under the competence of the Ministry, to organize and coordinate the implementation of economic migration regulation strategy¹⁹ and to provide suggestions on its improvement. Implementation of economic migration and the strategy of regulating economic migration is discussed in section 2.3.2 of the report.

Changes that took place in the structure of the State Border Guard Service under the Ministry of the Interior are related to of control by internal European Union borders. While Lithuania was still preparing to become a full-fledged member of the Schengen area, the State Border Guard Service under the Ministry of the Interior – by constantly reinforcing the protection of Community’s external borders with the Republic of Belarus and the Russian Federation – consistently prepared to implement properly an alternative control mechanism of border-crossing individuals by internal borders with Latvia and Poland. According to the Concept on abolition of control by the Republic of Lithuania of internal European Union borders and enhancing activities of competent institutions in border areas, approved by the Minister of the Interior²⁰, in the State Border Guard Service under the Ministry of the Interior from 1 January 2008, there were established **units for prevention and control of illegal migration**, which are charged with imposing a stricter control over illegal migration processes, conduct of operation activities and protection of external borders. In the central agency of the State Border Guard Service under the Ministry of the Interior, there was founded **Council for illegal migration and control** with its own sections in territorial branches. In carrying out prevention of illegal migration, its staff members collect, accumulate, and systemically group information about illegal migration, its roots, means and forms, a forecast of

¹⁸ Economic Migration Section of the Ministry of Social Protection and Labor provisions, approved by Minister of Social Protection and Labor 20 February 2009 order No. A1-60

¹⁹ Government of the Republic of Lithuania 25 April 2007 resolution No. 416 “On approval of 2007-2008 plan of economic migration regulation strategy and implementing measures”, (*Valstybės žinios*, 2007, No. 49-1897);

²⁰ Minister of the Interior of the Republic of Lithuania 17 July 2006 order No 1V-272;

illegal migration is prepared, in cooperation with police and other institutions, staff members organize and implement measures for preventing illegal migration, organize and implement expulsion of foreign nationals from Lithuania, verify how decisions on departure of foreign nationals from Lithuania are implemented, carry out selective checks on the main roads by European Union borders, verify information related to illegal presence of foreign nationals inside the country.

Statistical data also points to the fact that it is necessary to enhance control over legal presence and residence of foreign nationals. Lithuania's accession to the Schengen area opened up a road to freedom of movement inside the area not only to individuals staying or residing legally, but also to illegal migrants. As Lithuania became a full-fledged part of the Schengen area, the number of foreign nationals detained for illegal stay in the country or an attempt to cross it illegally increased. In 2008, the total of 3017 individuals, who violated the procedure of stay and travel through Lithuania, was identified by state borders and inside the country. Meanwhile, in 2007, when Lithuania still did not belong to the Schengen area, only 1231 such individuals were detained. In 2008, the majority of foreign nationals who violated the procedure of travelling through or staying in Lithuania – 1644²¹ - were identified inside the country. According to information provided by the State Border Guard Service under the Ministry of the Interior²², the biggest bulk of illegal immigrants consisted of individuals who came to Lithuania legally and remained in the country longer than the term of validity indicated in their visas (overstayers). Some cases were identified, when such individuals worked illegally or made an effort to gain employment in Lithuania. It was also observed that the number of individuals detained by border guards for illegal use of forged documents in the Schengen area was on the rise. Some of foreign nationals, who appeared in the Schengen area illegally, used Lithuania as a transit country in an attempt to reach other Western European countries. For example, four Syrian nationals, who crossed illegally from Russia to Latvia, were driven by vehicles across Lithuania to Poland²³. A part of third country nationals acquired the Schengen visa by deception, that is, by submitting data for visa application, such individuals would indicate Lithuania as a final destination, however, border guards have identified such individuals, who immediately upon arrival in Lithuania attempted to depart to other Schengen area state. Some of these individuals, who acquired visas by deception, even skipped Lithuania altogether and immediately flew to other European Union countries, where they attempted to gain illegal employment or lodged asylum applications. According to data of the State

²¹ Data of the State Border Guard Service under the Ministry of the Interior

²² http://www.pasienis.lt/lit/Neteisetai_per_Lietuva_vykusiu_ar_choje_b/2526

²³ http://www.pasienis.lt/popup2.php?m_news_id=2234&tmpl_name=m_news_print_form

Border Guard Service under the Ministry of the Interior, this method was most frequently used to stay illegally in the Schengen area by nationals from Armenia, Kyrgyzstan, Kazakhstan, Belarus, Uzbekistan and Tajikistan. Often, nationals of states not belonging to the Schengen area legally arrive in Lithuania with passports issued by their state, later, wishing to continue their trip to desired state they use forged Schengen state issued documents²⁴.

2. POLICY AND LEGISLATIVE DEVELOPMENTS IN THE AREA OF MIGRATION AND ASYLUM

In this part, the authors list key legislation regulating migration, asylum granting and other legal acts in the area of migration and asylum, present an overview of issues that were most often discussed in the public discourse, key decisions taken in these areas.

2.1. General Structure of the Legal System

The main law of the country is **the Constitution of the Republic of Lithuania**²⁵, which is a directly applied legal act, and can be referred to by anybody wishing to protect his/her rights. The Constitution of the Republic of Lithuania includes provisions on citizenship of the Republic of Lithuania (for example, the provision prohibiting citizen from also holding a citizenship of other state), equality of all individuals in the face of the law, the right to choose freely the place of residence, provisions prohibiting discrimination on the grounds of gender, race, nationality, language, origin, social situation, faith, convictions or views, and others. In exercising powers defined by the Constitution of the Republic of Lithuania, the President of the Republic signs international treaties of the Republic of Lithuania and submits them to Seimas for ratification, grants citizenship of the Republic of Lithuania in accordance with the procedure set by **Law on Citizenship of the Republic of Lithuania**²⁶. Law on Citizenship of the Republic of Lithuania defines grounds, conditions, and procedure for granting and revoking citizenship of the Republic of Lithuania, regulates other aspects of citizenship of the Republic of Lithuania.

Law on the Legal Status of Aliens²⁷ regulates issues of third country nationals' (aliens and individuals without citizenship) arrival in the Republic of Lithuania, stay and residence in the

²⁴ http://www.pasienis.lt/lit/Neteisetai_per_Lietuva_vykusiu_ar_choje_b/2526

²⁵ *Valstybės žinios*, 1992, No 33-1014;

²⁶ *Valstybės žinios*, 2002, No 95-4087; 2008, No 83-3293;

²⁷ *Valstybės žinios*, 2004, No 73-2539;

Republic of Lithuania, departure, granting asylum, integration, also, issues of arrival and residence in the Republic of Lithuania of European Union Member State nationals.

State border and its protection law²⁸ defines legal regimes of the Republic of Lithuania state border and border region, regulates activities of border control check points and organization of state border protection.

Consular statute of the Republic of Lithuania²⁹ defines conditions and procedures of performing consular functions. Consular officials decide visa issuing questions, accept requests for citizenship, residence permits, issuing of passports, and perform other consular functions.

Law on the Population Register of the Republic of Lithuania³⁰ regulates management of the Population Register of the Republic of Lithuania, where data of citizens of the Republic of Lithuania, individuals without citizenship and citizens of other states, declaring place of residence in Lithuania or registering changes of individual's civic status, is stored.

Passport Law of the Republic of Lithuania³¹ and **Personal identity card Law of the Republic of Lithuania**³² regulates conditions and procedure of issuing a passport and a personal identity card to citizens.

The Government of the Republic of Lithuania has defined rules of preparing citizenship documents of the Republic of Lithuania, rules of giving an oath to the Republic of Lithuania, procedure for national language and the basics of the Constitution of the Republic of Lithuania examinations and for issuing certificates confirming successfully passed examinations, has established Foreigners' Register, has approved rules on studies of foreign nationals and individuals without citizenship in Lithuanian higher education establishments, defined issues related to health insurance of foreign nationals, has defined procedure of producing, managing the list of foreigners who are prohibited from entry into the Republic of Lithuania and submission of data from this list to central Schengen informational system, has passed other legislation implementing the laws mentioned above.

Ministers according to defined competence areas regulate procedures implementing provisions of laws. For example:

- the Minister of the Interior defines procedure of processing foreign nationals' requests for asylum, taking decisions and implementing them, procedure for issuing temporary and permanent residence permits in the Republic of Lithuania to foreign nations, procedure of issuing travel

²⁸ *Valstybės žinios*, 2000, No 42-1192;

²⁹ *Valstybės žinios*, 1995, No 43-1047; 2006, No 68-2492;

³⁰ *Valstybės žinios*, 1992, No 5-78; 1999, No 28-793;

³¹ *Valstybės žinios*, 2001, No 99-3524;

³² *Valstybės žinios*, 2001, No 97-3417;

documents, rules on taking and implementing decisions on obliging foreign nationals to depart, expulsion, return and transit travel through the territory of the Republic of Lithuania,

- the Minister of the Interior together with the Minister of Foreign Affairs regulates procedures related to issuing of visas,

- the Minister of Social Protection and Labor – conditions and procedure of issuing work permit for foreign nationals.

2.2. General overview of the Main Policy and Legislative Debates

In 2008, most discussions and emotions circled around **the issue of regulating Lithuania citizenship, especially issues of dual citizenship**. Politicians, lawyers, society at large, global Lithuanian community³³ – uniting Lithuanian communities active in 41 foreign countries or lands – widely discussed amended provisions of the Law on Citizenship the Republic of Lithuania related to identifying cases when a citizen of the Republic of Lithuania simultaneously holds a citizenship of other state. In Constitution of the Republic of Lithuania, it is defined that, with an exception of separate cases defined by the law, nobody can simultaneously hold citizenship of the Republic of Lithuania and other state. The Constitutional Court of the Republic of Lithuania has ruled that this provision means that cases of dual citizenship should be exceptionally rare and stated that majority of provisions of the Law on Citizenship of the Republic of Lithuania, which allow citizen of the Republic of Lithuania to hold citizenship of other state contradict the Constitution of the Republic of Lithuania. For Lithuanians living in big numbers in foreign countries and citizens who emigrated in the recent years such legal regulation takes away possibility of holding a citizenship of other country while retaining Lithuanian citizenship. Lithuanians living in foreign states and their descendants, holding citizenship of other states, cannot regain Lithuanian citizenship, while newly departed citizens, who acquire citizenship of a host state lose previously held Lithuanian citizenship. In the opinion of the global Lithuanian community, the law should allow all citizens of Lithuanian descent retain their natural right to Lithuanian citizenship. In the opinion of legal professionals, such regulation is impossible if the Constitution is to be observed. Politicians voiced different opinions on possible resolution of the question of dual citizenship: some emphasize the emotional side, others – the legal one.

In 2008, two working groups attempted to prepare the new Law on Citizenship of the Republic of Lithuania, which would fulfil provisions set forward in the Constitution limiting dual

³³ <http://www.plbe.org/>

citizenship and ruling of the Constitutional Court of the Republic of Lithuania on this issue. Seimas of the Republic of Lithuania on 30 June 2008 passed law amending the Law on Citizenship of the Republic of Lithuania, however, the President of the Republic of Lithuania vetoed it as excessively extending the range of cases of dual citizenship and for that reason failing to observe the Constitution. Defined expiry date of the Law on Citizenship of the Republic of Lithuania is 1 January 2010. Until this date, a new law should be passed.

These active discussions center on amendments to the provision set in the Constitution of the Republic of Lithuania limiting cases of dual citizenship. However, this provision of the Constitution of the Republic of Lithuania can be amended only by referendum, while one observes the lack of unified political decision on staging a referendum on this issue.

Emigration of Lithuanian citizens, which has been especially on the rise since Lithuania became European Union Member State, is a topic discussed in the public discourse from various perspectives for a number of years. In the reporting year, there were implemented quiet a few measures devoted to encourage re-emigration of citizens. Though, optimistic results of re-emigration were not achieved, however, one can notice that in the recent years media devotes much more attention to issues of citizens' emigration, there appeared separate columns, TV programs devoted to the topic of emigration and emigrants.

One of the key events of 2008 – **Lithuania's accession into the Schengen area** – was given an undeniably positive assessment in the public discourse. However, changes in visa issuing conditions and a significant increase in fees for residents of neighboring countries (Belarus and Russia) caused dissatisfaction of Lithuanian companies, especially of those companies that provide tourism, health care services; residents of border regions on the Lithuanian side were anxious about complication of social ties with relatives living on the Belarus side. More so, since Belarus was quick to respond in kind: visas were made more expensive for citizens of neighboring, new Schengen Member States. Until now, the issue of visa fees for citizens of neighboring countries continues to be relevant and is raised by politicians of different level as well as interest groups.

In 2008, as the demand for labor force grew, organizations representing employers' interests hotly criticized³⁴ (in media, meetings with politicians, representatives of state institutions) provisions of the Law on the Legal Status of Aliens of the Republic of Lithuania **limiting the possibility for foreign nationals who come to work in Lithuania (especially highly qualified**

³⁴ For example, Investors' Forum 28 March 2008 document addressed to the Government of the Republic of Lithuania, which proposes to change legal regulation set forward in the law, which – as noted in the document – is especially unfavorable for foreign investors, professionals from foreign countries, heads of companies, founders and shareholders, who arrive to live and work temporarily in Lithuania, even from countries whose citizens enjoy visa free regime for entry into the country, for example, USA, Canada, Japan, Korea, Australia.

workers) to bring together family members. According to defined legal regulation, family members can join a foreign national working in Lithuania after two years. Some opponents suggested that such law slows down investments, hinders abilities of Lithuanian companies to attract lacking professionals. However, as amendments to the Law on the Legal Status of Aliens were deliberated in 2008 in the Parliament, suggestions to set more accomodating conditions for arrival of foreign nationals' family members were rejected.

As immigration increased and as economic situation in Lithuania due to global recession worsened, in the public discourse there appeared rather sharp **comments on threats posed by immigrants from third countries** and anxious remarks on whether labor force immigration from third countries is under control, whether the state is ready to resolve problems caused by this trend, to ensure that immigrants shall not be abused by employers. Mentions were made of increasing the number of abused labor immigrants, cases of illegal work. In 2008, there was a significant increase in the number of foreigners working in Lithuania illegally – 161 (in 2007, there were identified 18 foreigners)³⁵. The specific case of “slavery” of Chinese citizens caused widespread repercussions. The head of the Vilnius city senior police commisariate Public police Migration sevice and a representative of the State Labor Inspectorate, have informed at an organized press conference³⁶ that a company legally brought from China qualified construction workers, who – accoding to contracts with the employer – had to work in constructions, but were rented to other companies to work in poultry farms. The inviting company publicly announced that it provides services of renting Chinese workers. Meanwhile, the Chinese lived and worked under humiliating conditions. During the press conference, one could not avoid hearing critical remarks on employment of foreigners in general, emphasizing the threat of immigration. Position announced by representatives of the state institution on arrival of people of other nationalities in Lithuania was followed by the reaction of Police Commissioner General and request of the Minister of the Interior to assess these comments. Such comments reflect insufficient tolerance of the society in regard to foreigners and prevailing anxiety towards labor immigrants. Research of public opinion on labor migrants, conducted by the Ethnic Research Center in the beginning of 2008³⁷, showed that people are afraid that immigrants can cause social tensions (this option was indicated by 62 percents of the respondents), even though they agreed that due to the shortage of labor force, foreigners should be allowed to gain employment (61 percents of the respondents). International Organization for Migration Vilnius office has organized a round table discussion: “Legal/illegal arrival and work of Chinese citizens in

³⁵ Data from annual report of the State Labor Inspectorate under the Ministry of Social Protection and Labor;

³⁶ <http://www.vilnius.policija.lt/index.php?lang=1&sid=142&tid=1496>

³⁷ <http://www.ces.lt/news.php?strid=4298&id=4352>

Lithuania: problems and possible solutions”. IOM office called on representatives of institutions to engage in a constructive discussion in tackling issues related to this specific case of migrants, identifying possible gaps in legal regulation or institutional actions, raising responsibility of employers on possible abuse of labor migrants, representing immigrants’ interests in such situation. These steps encouraged further discussions, whether draft Law on Labor Rent of the Republic of Lithuania – which must be prepared according to Concept of the Law on Labor Rent of the Republic of Lithuania³⁸, approved by the Government, and which foresees to establish grounds for legal regulation of labor rent legal relations – should be applied to arriving foreigners. One could hear more distinctly opinion that **absence of integration policy** can have undesirable social consequences, besides, it is necessary to make a decision about preparation of long-term migration strategy.

2.3. Developments in the Area of Migration and Asylum

In this part of the report, the authors review the most relevant events in the area of migration and asylum policy. One of such events is Lithuania’s entry into the Schengen area. Decisions and implemented measures in the area of regulating economic migration are presented taking into view emigration of Lithuanian citizens and immigration of labor force from third countries. Questions related to more favorable arrival conditions for family members of foreigners (especially highly qualified professionals) and to amendments of legal regulation of citizenship of the Republic of Lithuania are reviewed in this section.

2.3.1. Control and Monitoring of Immigration

One of the most important political events of 2008 is the entry of the Republic of Lithuania into the Schengen area. Taking into account the Council’s decision 2007/801/EC on the 6th of December 2007 on the full application of the provisions of the Schengen acquis in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic³⁹, Lithuania has fulfilled all conditions and became a fully-fledged Schengen area member. From 21 December 2007 control of individuals by European Union internal land borders

³⁸ *Valstybės žinios*, 2007, No 67-2619

³⁹ OL 2007 L 323, p. 34

and sea ports and from 30 March 2008 control of individuals in airports was abolished. With the abolition of control of individuals in airports, the process of the Republic of Lithuania's accession to the Schengen area was completed. According to public opinion surveys, carried out by Public Opinion and Market Research Center "Vilmorus" in June and November 2008, when asked what EU related information interests respondents most, 41 percent of those surveyed answered that they find relevant information about membership in the Schengen area⁴⁰.

On 23 February 2008 amendments to the Law on the Legal Status of Aliens – transposing into national law provisions of the Schengen acquis in the area of migration – entered into force⁴¹.

On 1 April 2008, the agreement between the Government of the Republic of Lithuania and the Government of the Republic of Hungary on mutual representation in processing visas and collecting biometric data in diplomatic representation and consular institutions⁴² entered into force. Lithuania is represented by Hungarian visa services residing in Bosnia and Hercegovina (Sarajevo), Indonesia (Jakarta), Iran (Teheran), Cuba (Havana), Macedonija (Skopje), Nigeria (Abudja), Pakistan (Islamabad), South Africa (Pretoria), Saudi Arabia (Rijad), Serbia (Belgrade). From 1 January 2009, the Common Application Centre operating in the embassy of the Republic of Slovenia in Montenegro began to represent the Republic of Lithuania in issuing Schengen visas in Montenegro, Podgorica⁴³.

However, the question of issuing Schengen visas to citizens of the Republic of Belarus remains relevant and continues to be raised in the public discourse by tourism companies and other interest groups and politicians of various levels. On 21 December 2007, following the enlargement of the Schengen area visa price for Belarussians going to neighbouring Lithuania, Latvia, and Poland increased from 5 euros for one-time visas to 60 euros, stricter formalities were imposed on their issue. Meanwhile, Russian, Ukrainian, Georgian, Moldovan citizens pay 35 euros for visas on the basis of bilateral agreements signed with the The European Unions. This question was raised on numerous occasions by Lithuanian representatives in the European Parliament. According to Lithuanian euro-parliamentarian dr. Laima Andrikiienė, "the question of visa price remains relevant not only in reference to Belarus, but also to Ukraine. The fact that Ukrainian citizens pay 35 euros for Schengen visa does not go full way to resolving the problem, because visa facilitation regime is applicable only to small groups of Ukrainian citizens. Meanwhile, the case of Belarus is even more illustrative – Belarussians pay for Schengen Schengen visa most dearly – 60 euros, to be more precise, this is the price they pay for A.Lukašenko's dictatorship." "Poland, Lithuania and Latvia

⁴⁰ <http://www.euro.lt/lt/naujienos/apie-lietuvos-naryste-europos-sajungoje/naujienos/3767/>

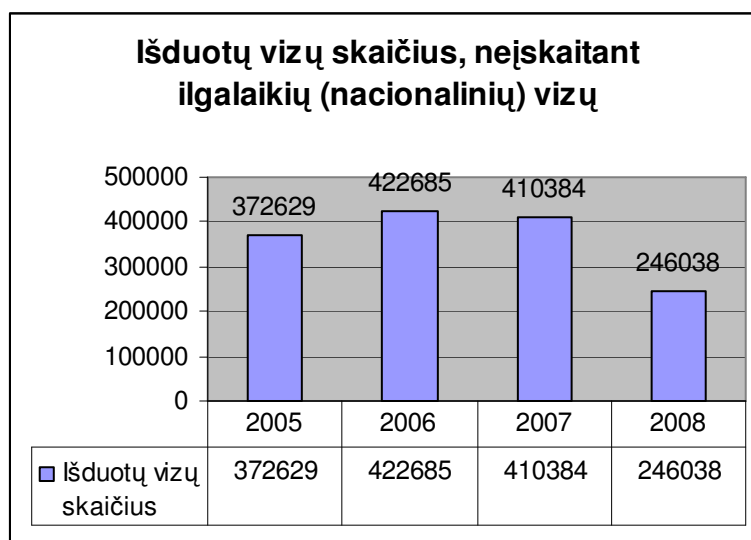
⁴¹ *Valstybės žinios*, 2008, No 22-803

⁴² *Valstybės žinios*, 2008, No 69-2622

⁴³ <http://www.urm.lt/index.php?-1747844331>

every year used to issue to Belarussians 400 000 visas and this is three times the number of visas issued by old Schengen states taken together”⁴⁴, – noted dr. Laima Andrikiene. In response, in February 2008, Belarus increased visa fees for citizens of new Schengen members, neighboring states: for one-time visa Lithuanian residents pay 25 euros, for multiple one – 150 euros. Having acquired a visa, citizens of Schengen states can travel only to Belarus. In the mean time, Belarus residents, having acquired a visa for 60 euros, can travel to all Schengen area states. Besides, there were fears that more expensive visas shall considerably decrease the number of tourists coming from Belaus, also of those who come to Lithuanian resorts, and that would negatively impact the business of national companies. The number of visas issued by the Lithuania’s visa services in 2008, in comparison with earlier years, has considerably decreased.

Number of issued visas, excluding long-term (national) visas⁴⁵



Seeking to facilitate the movement of individuals residing in a border region and to implement 20 December 2006 European Parliament and Council regulation (EC) No. 1931/2006⁴⁶ defining the rules of local traffic across Member States’ external land borders and partly replacing provisions of the Schengen convention, Lithuania in 2008 held intensive technical consultations with the Republic of Belarus and the Russian Federation on conclusion of agreements on local traffic across the border. After the mentioned agreements shall be signed (agreements shall enter into force after the ratification procedure foreseen in the Constitution of the Republic of Lithuania), there shall be created a system of local traffic across the border, which shall ensure that the border

⁴⁴

http://www.laimaandrikiene.lt/naujienos/visa/?no_cache=1&L=0&tx_ttnews%5Bmonth%5D=04&tx_ttnews%5Byear%5D=2008&tx_ttnews%5Btt_news%5D=228&tx_ttnews%5BbackPid%5D=51&cHash=3fca3b36e0

⁴⁵ According to annual Migration chronicles

⁴⁶ OL 2006 L 405, p. 1

of the Republic of Lithuania with neighboring Republic of Belarus and the Russian Federation states is not an obstacle to the development of social, economic and cultural ties between border region residents of these countries, also, to close the window for illegal migration from border regions.

Taking into account the task delegated by the Government of the Republic of Lithuania⁴⁷, the Minister of the Interior on 3 March 2008 formed a working group⁴⁸, which was directed in two months from the day the Government of the Republic of Lithuania and the Government of the Republic of Belarus signed the agreement on local traffic across state border, to provide suggestions on implementation of this agreement. The Government of the Republic of Lithuania⁴⁹ also delegated to the Ministry of the Interior to prepare – within its competence – the implementation of the agreement on local traffic across state borders between the Government of the Republic of Lithuania and the Government of the Russian Federation.

Agreements between the Government of the Republic of Lithuania and the Government of the Russian Federation as well as the Government of the Republic of Lithuania and the Government of the Republic of Belarus on local traffic across state border are planned to be signed until the end of 2009. Efforts have been undertaken to prepare for implementation of these agreements, a working group convened by the Minister of the Interior is charged with coordination of works, also with preparation of draft legal acts related to implementation of agreements and organization of investment projects related to implementation of the agreement on local traffic across state border. Border region residents, who for legal reasons often have to cross external land border using local traffic across the border regime, shall be issued local traffic across border permits.

2.3.2. Economic Migration

2.3.2.1. Emigration

Emigration of Lithuanian residents and decrease in the number of inhabitants is continuously emphasized factor of social risk. According to data from the Statistics Department under the Government of the Republic of Lithuania, at the beginning of 1992, in Lithuania there lived 3706,3 thousands of inhabitants, at the beginning of 2007 – 3384,9 thousands, and in 2009 – 3350,1 thousands inhabitants or 16,5 thousands less than at the beginning of 2008. The number of inhabitants decreased for two reasons – low birth-rate and emigration. According to *Eurostat* data,

⁴⁷ The Government of the Republic of Lithuania 19 December 2007 meeting transcript No 50

⁴⁸ Minister of the Interior 3 March 2008 order No 1V-74

⁴⁹ The Government of the Republic of Lithuania 26 March 2008 meeting transcript No 12

if present demographic trends continue, in Lithuania, in 2050 there shall remain only 2,8 mln. inhabitants.

Since 1999, if one calculates declared and non-declared departures, around 470 thousands inhabitants left Lithuania (the total of 95 thousand people immigrated to Lithuania)⁵⁰. Following Lithuania's accession to a fully-fledged European Union Member State, mass economic migration of citizens to other European Union states (most often United Kingdom, Ireland, Germany, Spain) took place. Migration of labor force, especially of highly qualified professionals, has put a menacing break on economic expansion. The state has lost qualified health care, education sector employees, scientists. Social problems of children who stayed behind, and whose parents have left the country with a purpose of gaining employment within EU, became more pronounced.

To circumscribe negative consequences of the migration process, to satisfy the demands of the Lithuanian labor market, to encourage economic migrants to return to the motherland, the strategy of regulating economic migration, approved by the Government of the Republic of Lithuania already in 2007⁵¹, was being implemented and measures, foreseen in the strategy of regulating economic migration in 2007–2008, were performed. According to the strategy of regulating economic migration, balance in the labor market must be upheld by encouraging internal mobility of labor force, maintaining ties with and returning Lithuanian inhabitants who departed to work in foreign countries. Also, [the Government] has included the option of satisfying demand for labor force inviting labor force from third countries, however, reserving this option only to industries, where there is identified shortage of labor force limiting possibilities for companies' performance, and for a limited duration of labor contracts, taking into account returning flows of emigrated local labor force. The Government of the Republic of Lithuania⁵² has formed the Commission for Economic Migration Affairs (its members are representatives of state institutions and non-governmental organizations), which is charged with coordination of state governance institutions and agencies as well as organization activities in the area of economic migration, to provide conclusions and suggestions on improving performance in the area of economic migration, to encourage promotion of the idea of return migration and tolerance for economic migration phenomena. In 2008, the Commission held two meetings devoting its attention primarily to the topics of re-emigration/return of Lithuanian citizens and return of qualified labor force.

In implementing goals defined by the Strategy of regulating economic migration, firstly, to encourage economic migrants to return to the motherland, there was carried out analysis of reasons

⁵⁰ Data of the Statistics Department under the Government of the Republic of Lithuania

⁵¹ *Valstybės žinios*, 2007, No 49-1897

⁵² *Valstybės žinios*, 2007, No 91-3630

for leaving to work abroad among Lithuanian public service employees; a detailed, informative publication, aimed at migrants wishing to return to Lithuania was published and distributed, responsibility and functions of institutions related to economic migration were examined, 2008-2012 economic migration research plan⁵³ approved by the Minister of Social Protection and Labor continued to be implemented. In an attempt to mitigate negative attitudes towards Lithuanian economic, social, and political situation, [the Government] prepared and provided information about positive social and economic changes in Lithuania, about possibilities for return to Lithuania and making investments in the country. In an effort to reduce non-motivated emigration and possible threat of illegal work abroad, the Ministry of Social Protection and Labor prepared and disseminated information about legal employment opportunities in foreign countries, working and living conditions in emigration. Lithuanian Labor Exchange provided information and consultations on issues of employment, vocational training, business incorporation and development in Lithuania. A special information, consultation, job search and vocational training (re-qualification) program was designed for Lithuania citizens living abroad and searching for job opportunities in Lithuania. Migration information center⁵⁴ founded by the International Organization for Migration Vilnius office consulted departing and returning individuals, also, immigrants, asylum seekers, and provided assistance to victims of human trafficking.

In spring 2008, Ministry of Social Protection and Labor project entitled “Building up a positive image of Lithuania and Lithuanian economic migrants to encourage their return” was launched with the financing from the European Social Fund; its aim is to encourage the return of individuals, who departed from Lithuania for economic reasons, integrate them into labor market, carry out prevention of economic migration. On 21-23 November 2008, work fairs were organized in two Irish cities (Dublin and Monaghan) and consultation held in the United Kingdom (London and Birmingham). During the events, representatives of Lithuanian institutions consulted emigrated citizens about life and work opportunities in Lithuania, situation in Lithuanian labor market, and other relevant questions. Emigrants were encouraged to find out existing opportunities for their return to Lithuania.

In the framework of the strategy of regulating economic migration, a project “Preparation and implementation of brain drain program”, designed to encourage the return of highly qualified professionals to Lithuania, was implemented. In implementing this project, in 2007–2008, there were organized visits of Lithuanian citizens engaged in scientific research abroad to Lithuanian educational and scientific institutions (66 Lithuanian researchers currently working abroad took part

⁵³ *Valstybės žinios*, 2007, No 121-4968

⁵⁴ <http://infocentras.iom.lt/>

in the project, 19 Lithuanian scientific and educational institutions were involved, after the visits, 4 scientists returned to work in Lithuanian scientific and educational institutions). The results of this project contributed to the decision of the Minister of Education and Science on 20 November 2008 to approve the Program on returning and attracting brains⁵⁵, designed not only to reverse brain drain from Lithuania, but also to attract scientists and researchers from foreign countries.

On 23 July 2008 the Government of the Republic of Lithuania⁵⁶ approved long-term strategy of the State's relations with Lithuanians living abroad for 2008–2020 and formed the Commission for coordinating and overseeing this strategy. The main goal of this strategy is to assist Lithuanians living abroad to preserve national identity, ties with Lithuania, culture, language as well as to prepare children of Lithuanian descent, currently living abroad, in the future to return to Lithuania, thus increasing [migrants'] readiness to reemigrate and reintegrate into Lithuania's life. Global Lithuanian community also played an active role in deliberation of this project.

On 24 September 2008 the Government of the Republic of Lithuania approved the procedure for monitoring, analyzing, and forecasting economic migration processes and situation of Lithuanians living abroad⁵⁷ in order to assess current economic migration processes, the extent of international migration, key demographic, social economic features of migrants, influence economic migration has on the structure of Lithuania society, to assess the situation of Lithuanians living abroad and to anticipate changes and trends within the country due to migration.

At the end of 2008, the main risk factor of labor market became growing unemployment. According to Eurostat data, in December 2008 this indicator reached 8 percent, thus exceeding the EU average (7,4 percent). In an effort to create conditions encouraging mobility of labor force inside the country, in 2008, measures of the program on promotion of labor force mobility inside the country for 2008–2010, approved by the resolution⁵⁸ of the Government of the Republic of Lithuania, were implemented.

In 2008, emigration of citizens slightly decreased, while return immigration of Lithuanian citizens increased. In 2008, 23,7 thousands inhabitants departed from Lithuania to live abroad, that is 2,8 thousands less than 2007, while 9,3 thousand people immigrated, that is 0,7 thousands more than in 2007. The majority of migrants consisted of Lithuanian citizens (79 percent of emigrants, 68 percent of immigrants in 2008). Almost 70 percent of Lithuanian citizens returning to Lithuania

⁵⁵ *Valstybės žinios*, 2008, No 138-5459

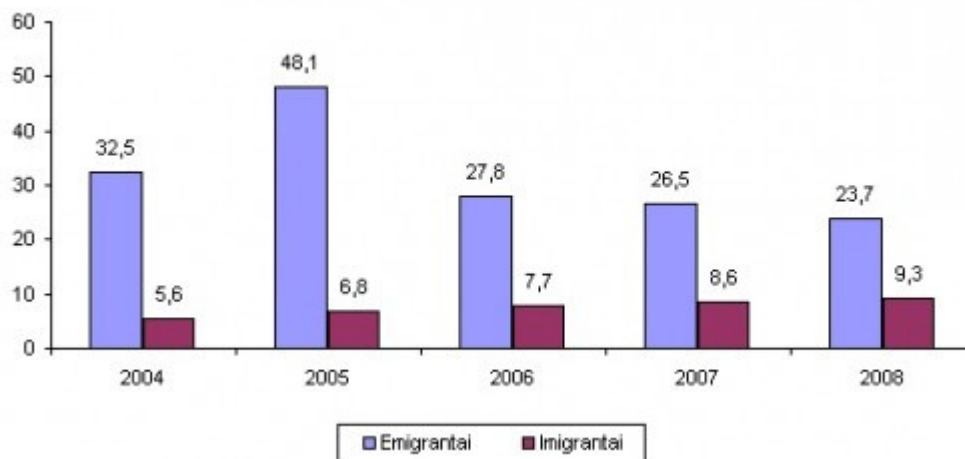
⁵⁶ *Valstybės žinios*, 2008, No 91-3633

⁵⁷ *Valstybės žinios*, 2008, No 114-4363

⁵⁸ *Valstybės žinios*, 2008, No 85-3378

were not older than 35 years⁵⁹. However, although the number of citizens returning to the Republic of Lithuania is growing, there remains a significant negative migration saldo.

Internation migration of Lithuanian inhabitants in 2004–2008, number (thousands)⁶⁰



One of the reasons for return migration relates to changes in labor markets of other countries, caused by the global economic crisis. In 2008, remittances sent by emigrants to Lithuania decreased. Average transferred amount decreased by more than 20 percent. The total amount of remittances from abroad received by Lithuanian inhabitants in eleven months of 2008, in comparison with the same period in 2007, decreased by 156,5 million Lit⁶¹.

Public Policy and Management Institute has carried out a research on effectiveness of the strategy of regulating economic migration, whose main aim was to prepare suggestions on measure plan for implementing the strategy of regulating economic migration for 2009–2012. In the first stage of the research in 2008, researchers examined migration trends among Lithuanian inhabitants and factors promoting the return, measures of the strategy of regulating economic migration and their effectiveness were assessed⁶². In implementing this research, for the first time in Lithuania, there was carried out a representative survey of returned economic migrants, also, Lithuanian emigrants living abroad were interviewed. In the course of the research, among other things, it was established that around one third of Lithuanians currently living abroad plan to return to Lithuania at some stage, while the desire to return is influenced by emotional, family factors (desire to see relatives, family circumstances, a wish to live in ones own cultural environment). According to the researchers, the state should not erect artificial obstacles or artificially try to convince inhabitants

⁵⁹ Data of the Statistics Department under the Government of the Republic of Lithuania

⁶⁰ Forecasts of the Statistics Department under the Government of the Republic of Lithuania, on the basis of place of residence declaration data and emigration research results

⁶¹ <http://www.swedbank.lt/lt/articles/view/904>

⁶² <http://www.vpvi.lt/assets/Uploads/Ekonomines-migracijos-reguliavimo-strategijos-efektyvumo-vertinimasVPVI2009.pdf>

not to depart, what matters is the state's attention to all its citizens, general improvement of situation in the country, care for the rights of those who departed by providing them with necessary information and assistance⁶³. Also, it is very important to form positive attitudes towards emigrants among those living in Lithuania, dissemination of information about emigrated citizens.

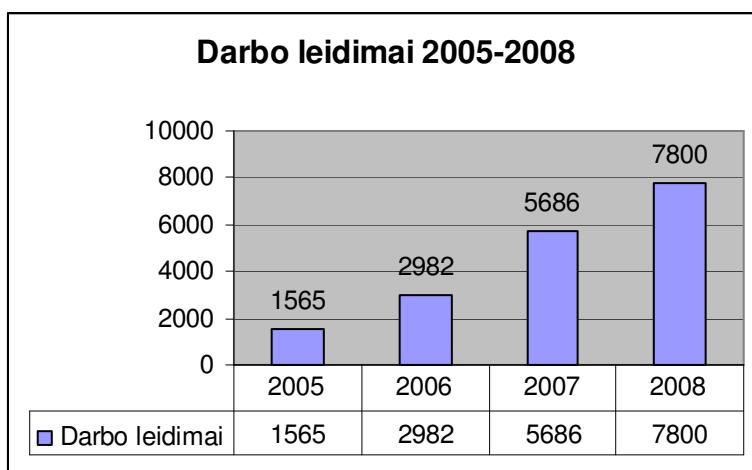
2.3.2.2. Work immigration

The scale of immigration to Lithuania is not very large, yet one notices increasing immigration flows.

Although the majority of immigrants consists of Lithuanians returning to Lithuania (around 70 percent of those immigrating consists of individuals holding citizenship of the Republic of Lithuania), the number of immigrants from third countries is also increasing.

Due to increase in the demand for labor force and emigration, in the recent years, immigration of labor force into Lithuania from third countries constantly grew. This fact is reflected in the growing number of working permits issued to foreigners.

Number of work permits issued to foreigners 2005-2008⁶⁴



During the first half of 2008, there were more working permits issued than in the entire 2007, despite slowing economic growth, administrative procedures of employing foreigners are rather complicated and take long time. There appeared companies specializing in outsourced tasks of selecting and bringing employees for employers. The largest number of permits was issued to foreigners in construction (42 percent) and service (39,5 percent) industries. Foreigners came to

⁶³ <http://www.balsuok2008.lt/news/daily/emigrants/article.php?id=21632192>

⁶⁴ Data of the Labor Exchange under the Ministry of Social Protection and Labor of the Republic of Lithuania

Lithuania from 31 countries, largely from Belarus (30 percent), Turkey (24 percent), and Ukraine (23 percent).

In line with this trend, the number of residence permits (including replaced) issued on this ground also increased. According to data of the Migration Department under the Ministry of the Interior⁶⁵, in 2006, there were issued (replaced) a total of 7,096 permits to reside temporarily in the Republic of Lithuania, including 2,271 permits issued on grounds of employment; in 2007, from 8715 issued (replaced) permits to reside temporarily, there were 3,371 issued on grounds of employment; in 2008, from 12 392 issued (replaced) permits for temporary residence in Lithuania, there were 5969 issued on grounds of employment in Lithuania.

Taking into account increasing demand for labor force, the Government discussed possibilities to take measures facilitating employment of individuals from third countries. In an attempt to react to employers' needs related to the use of imported labor force in national companies, the Minister of Social Protection and Labor approves a list of professions understaffed in the Republic of Lithuania according to types of economic activity every half a year. The list determines which professionals can be issued with working permits for work in Lithuania in a facilitated procedure, that is, which professionals are in shortage and such shortage limits possibilities for companies' performance. In the case of highly qualified professionals, processing of documents for issuing a work permit was facilitated. The Minister of Social Protection and Labor stated⁶⁶ that in employing highly qualified workers from third countries, working permit for these individuals shall be issued in a shorter time period than in the case of other individuals (foreigner's request to issue working permit in the Republic of Lithuania must be processed not later than within 2 months, in the case of employing highly qualified workers – not later than within 1 month from its submission). In order to create more favorable conditions for attracting lacking labor force (issuing of residence permit on the grounds of employment takes up to 6 months), [the Minister] defined procedure that enables foreigners (citizens of third countries) of profession which is understaffed in the Republic of Lithuania, for the period of processing application for temporary residence permit in the Republic of Lithuania (up to 6 months from the day of submitting request to issue temporary residence permit in the Republic of Lithuania), to be issued a national multi-entry (D) visa confirming the right to stay and work in Lithuania; and foreigners (citizens of third countries) working as drivers of international cargo vehicles, coming to work in a company of the Republic of

⁶⁵ According to data of 2006, 2007 and 2008 Migration chronicles, prepared by the Migration Department under the Ministry of the Interior.

⁶⁶ Minister of Social Protection and Labor 28 September 2007 order No A1-265 "On amending the Minister of Social Protection and Labor 24 April 2006 order No. A1-118 "On approval of description of conditions for issue work permit to aliens", (*Valstybės žinios*, 2007, No 103-4224);

Lithuania conducting international cargo delivery and having submitted documents for issuing of temporary residence permit in the Republic of Lithuania, can be issued multi-entry Schengen short-term (C) visa, enabling the holder to conduct international deliveries inside the Schengen area.

In 2008, increasing labor immigration and economic recession that hit in the course of the year encouraged discussions on possible threats related to immigration from third countries, control of workers' immigration from third countries and protection mechanisms enjoyed by these workers. The authors note that requirements for labor immigration set forward by legislation are rather strict, workers from a third country can come to work in the country only after obtaining working permit (arrival of the worker is initiated by employer), besides, foreigner can only work for that employer and engage only in activity for which working permit was issued. Besides, it is important to observe that foreigners constitute only around 1 % of all Lithuanian inhabitants. In 2008, there were 33,400 foreigners residing in Lithuania (among them 14,670 having permanent residence permits).

Total number of foreigners (thousands)⁶⁷

	2003	2004	2005	2006	2007	2008
Foreigners, including those that hold residence permits in the Republic of Lithuania	30,5	30,2	32,6	35,3	33,1	33,4
Number of inhabitants	3 462,6	3 445,9	3 425,5	3 403,2	3 384,8	
Part of general population constituted by foreigners, in percentages	0,88	0,88	0,95	1,04	0,98	

The authors want to add that in 2008 politicians, state institutions and non-governmental organizations devoted significant amount of attention to issues surrounding formation of immigration policy of the Republic of Lithuania, attempts to draw up a longer perspective of regulating immigration processes.

The Ministry of Foreign Affairs together with Ministries of Social Protection and Labor, Ministry of Economy, of the Ministry of Interior and Ministry of Finances prepared proposals on policy principles of labor force immigration from third countries, which were endorsed in 8 January 2008 meeting of the Commission on economic migration affairs. In the beginning of 2008, the Ministry of Foreign Affairs initiated a public discussion on the topic of Lithuanian economic migration policy and on 31 March 2008, it held "round table" discussion "Economic migration

⁶⁷ Data of the Statistics Department under the Government of the Republic of Lithuania, Personal documents issue center under the Ministry of the Interior, territorial police institutions migration services.

policy in Lithuania”, which was attended by members of the Parliament, representatives of the Government, members of the Commission on economic migration affairs, representatives of business, academic communities, society at large and media. International Organization for Migration Vilnius office on 15 April 2008 organized a seminar entitled “Labor force migration from third countries: Lithuania’s needs and experience of other countries”, where experts from abroad have presented labor force migration programs implemented by Czech, Irish and Colombian Governments. The seminar was attended by more than 60 various representatives of state institutions, discussions centered on the needs of Lithuanian labor market, opportunities and threats posed by labor force immigration from third countries⁶⁸.

On the commission by the Ministry of Economy, the Center for Economic and Legal Consultations has prepared and on 12 February 2008 presented scientific research entitled “Analysis of labor market and suggestions on how to solve shortage of labor force problem taking into account national economy growth forecasts for 2008-2015”⁶⁹. On the basis of the conducted analysis it was concluded that the policy of bringing labor force from third countries implemented in Lithuania corresponds to the needs of the state and does not demand essential revisions. It is beneficial to continue treating immigration as secondary, auxiliary measure of resolving labor market problems. Taking into account systemic shortage of labor force in Lithuania and common EU States’ labor market policy, it is possible to forecast that even in the face of unchanging Lithuania’s immigration policy, it is likely that the scale of labor force immigration from EU and third (non EU) countries will increase.

Commissioned by the Government of the Republic of Lithuania Chancellery, Public Policy and Management Institute experts have carried out research entitled “Influence of European Union migration policy initiatives on Lithuania and Lithuanian goals in shaping European Union policy in the areas of legal and illegal migration”⁷⁰. The research summarizes and extends accumulated knowledge about Lithuania’s needs in the area of labor migration from third countries. Also, the research was designed to formulate Lithuania’s grounded position on such issues as seasonal labor force immigration, individuals transferred within a company and arrival of paid interns. Also, it provides assessment on potential impact of directives regulating immigration of these worker groups on Lithuania.

⁶⁸ <http://www.iom.lt/lt/naujienos/>

⁶⁹ <http://www.ukmin.lt/lt/dokumentai/ziniasklaidai/detail.php?ID=21555>

⁷⁰ <http://www.vpvi.lt/lt/es-migracijos-politikos-iniciatyv-poveikis-lietuvai-ir-lietuvos-tikslai-formuojant-es-politik-legalios-ir-nelegalios-migracijos-srityje/?start=15>

The Government of the Republic of Lithuania 3 December 2008 resolution⁷¹ approved Lithuanian immigration policy guidelines with an aim to set forward the most important goals of Lithuania's immigration policy, principles, directions of development of immigration policy and to ensure that position of the Republic of Lithuania on EU immigration policy in development shall be prepared in a consistent manner. The following principles of Lithuania immigration policy were established:

– compensation of labor force in shortage. It was established that workers from third countries must be involved to compensate the shortage of labor force in those cases, when this shortage cannot be compensated by local labor force, Lithuanian citizens returning from emigration or EU citizens. Priority should be given to the increase of state's economic efficiency, mobility of the local labor force, decreasing causes of economic emigration, encouraging the return of emigrated citizens of the Republic of Lithuania. Immigration, as a measure for meeting the shortage of labor force, should continue to be used as a secondary, additional measure of addressing labor market and demographic problems, while efforts to attract labor force from third countries should not encourage citizens of the Republic of Lithuania to depart;

– the principle of selectivity and flexibility. It is advised to develop selectively open and flexible immigration policy reacting to changes in labor market demands, to liberalize the policy in a way that would effectively ensure quantitative and qualitative match between economic migrants and demands of the Republic of Lithuania labor market and thus would contribute to improving competitive profile of the economy. It is essential to forecast demand for labor force and to conduct active policy for attracting labor force, especially of highly qualified workers. Due to similar social background of inhabitants, lesser cultural differences, knowledge of languages, strategic Lithuanian interest related to European perspective of certain states, priority labor force markets for Lithuania (after EU states) should be eastern neighbors of the European Union (Belarus, Ukraine, Moldova), also, labor force markets of South Caucasus countries;

– the principle of cohabitation. Labor force immigration should be matched with possible return of emigrated citizens of the Republic of Lithuania, that is, it should be limited in time, therefore, priority should be given to circular migration of third country citizens;

– the principle of integration. It is advised to ensure that integration into society of third country nationals, who were granted the right to reside permanently in the Republic of Lithuania, should be one of the most important grounds for effective and focused Lithuanian immigration policy. It is noted that it is necessary to develop and implement integration programs, focusing, first

⁷¹ *Valstybės žinios*, 2008, No 143-5706

of all, on Lithuanian language teaching. Since integration is a two-way process, it is also necessary to foresee programs for cultivating national and racial tolerance in Lithuania;

– the principle of complexity. It is advised to deepen competitive economy, demographic policy, immigration policy and development cooperation connections.

The Ministry of the Interior together with the Ministry of Social Protection and Labor have prepared and presented to the Prime Minister decision on working group to examine the need for Lithuania to develop common migration policy strategy, and if needed to prepare common migration policy of the Republic of Lithuania draft strategy⁷².

In 2009, it is planned to carry out analysis of integration of third country nationals in Lithuania, to develop integration indicators necessary for monitoring of integration process and policy analysis⁷³.

2.3.3. Family Reunification

The number of decisions to issue⁷⁴ temporary residence permits in the Republic of Lithuania on the grounds of family reunification increases every year: in 2006, there were 3,509 decisions taken (it made up around 47 percent of the total number of decisions), in 2007 – 3,784 (43 percent), and in 2008 – 4,304 (40 percent).

Issuing of temporary residence permit to a foreigner on the grounds of family reunification is regulated by Article 43 of the Law on the Legal Status of Aliens. According to paragraph 6 of the Article, foreigner's family members can come to foreigner with a purpose of family reunification if the foreigner has resided in the Republic of Lithuania the last 2 years, holds a temporary residence permit valid for at least one year and reasonable perspective to gain the right to permanent residence in the Republic of Lithuania. These requirements are not applicable, when family members come to a foreigner who was granted a refugee status in the Republic of Lithuania, and following entry into force of amendments to the Law on the Legal Status of Aliens passed by Seimas of the Republic of Lithuania on **1 February 2008**⁷⁵, also for family members coming to a foreigner, who has been issued a temporary residence permit in Lithuania on the grounds of conducting scientific research

⁷² Prime Minister 4 March 2009 order No 87 formed a working group, which was to examine whether it is advisable to prepare Common migration policy of the Republic of Lithuania strategy and to submit to the Government of the Republic of Lithuania proposals, if needed – drafts of Common migration policy of the Republic of Lithuania strategy and (or) other legislation.

⁷³ <http://www.ces.lt/list.php?strid=3003&id=4472>

⁷⁴ Indicates the number of passed positive decisions to issue and replace temporary residence permits in Lithuania according to data provided in 2006, 2007 and 2008 Migration chronicles, prepared by the Migration Department under the Ministry of the Interior

⁷⁵ *Valstybės žinios*, 2008, No 22-803

and (or) experimental development work. The authors want to note that in deliberating these amendments to the Law on the Legal Status of Aliens in Seimas of the Republic of Lithuania there were wide ranging discussion going on granting exemptions to highly qualified professionals, that is, suggestions were made to define less restricting conditions for arrival of family members of such foreigners, however, in the end, the Parliament rejected these suggestions⁷⁶.

Organizations representing interests of employers hotly criticized⁷⁷ (in media, meetings with politicians, representatives of state institutions) such legal regulation that prevents family members for two full years from coming to professionals from foreign countries, heads of companies, founders or shareholders, professional sportsmen or artists arriving to live and work temporarily in Lithuania. Organizations voiced an opinion that the law in its present form holds back investments, foreign companies find it hard to bring highly qualified professionals and executives, because their family members for two years can visit Lithuania only as tourists.

President of the Republic with 18 June 2008 decree⁷⁸ submitted to the Parliament the draft project of amendment to Article 43 of the Law on the Legal Status of Aliens, suggesting to simplify requirements applicable to foreigners wishing to bring family members for individuals who hold residence and working permits on the territory of Lithuania and satisfy conditions foreseen in the Law, thus creating more favorable conditions to start and develop businesses, increase Lithuania's productivity, attract foreign investments and create higher value-added goods and services. President of the Republic indicated that proposed provisions would have a positive effect on abilities of Lithuanian companies to attract missing professionals, since amended conditions would be more conducive to leading a fully-fledged life and satisfying their social needs. According to submitted draft amendment law on the Law on the Legal Status of Aliens, family members would be allowed to come if the foreigner holds a temporary residence permit valid for at least one year.

The opinion of the Government of the Republic of Lithuania⁷⁹, which was submitted regarding the draft, pointed out that suggested amendments to legal regulation can create conditions for poorly integrated communities of foreign nationals to settle down in the Republic of Lithuania. The Government of the Republic of Lithuania proposed to define clearly which categories of

⁷⁶ Seimas of the Republic of Lithuania 29 January 2008 meeting (378) and 1 February 2008 meeting (383) transcripts.

⁷⁷ For example, Investors' Forum 28 March 2008 document addressed to the Government of the Republic of Lithuania, which proposes to change legal regulation set forward in the law, which – as noted in the document – is especially unfavorable for foreign investors, professionals from foreign countries, heads of companies, founders and shareholders, who arrive to live and work temporarily in Lithuania, even from countries whose citizens enjoy visa free regime for entry into the country, for example, USA, Canada, Japan, Korea, Australia.

⁷⁸ *Valstybės žinios*, 2008, No 71-2726

⁷⁹ Government of the Republic of Lithuania 15 April 2009 resolution No 309 “On draft law XP-3192 amending Art.43 of Law on the Legal Status of Aliens of the Republic of Lithuania “, (*Valstybės žinios*, 2009, No 49-1956);

foreigners would enjoy a more favorable regime for family reunification, giving priority to highly qualified professionals.

Amendments to the Law on the Legal Status of Aliens on this issue have not been passed until now (end of 2008). After deliberation of the draft law⁸⁰ in committees of the Parliament, it was suggested that arrival conditions should be facilitated to family members of highly qualified professionals, foreigners who arrived to lecture, perform internship or under exchange program, also, foreigners investing in Lithuania.

2.3.4. Other Legal Migration

In 2008, key victories were achieved in abolishing visa regimes for citizens of the Republic of Lithuania: from 1 March 2008 for those going to Canada for tourism purposes, for a period not longer than 180 days, and from 17 November, for citizens going to the USA for tourism purposes for a period not longer than 90 days.

2.3.5. Citizenship and Naturalization

One of the most salient and widely discussed issue of year 2008 were questions of legal regulation of citizenship of the Republic of Lithuania related to inclusion in the law of cases when citizen of the Republic of Lithuania can simultaneously be a citizen of other state. Paragraph 2 of Article 12 of the Constitution of the Republic of Lithuania states that except for separate cases defined by the law, nobody can simultaneously be a citizen of the Republic of Lithuania and another state. This provision was analyzed in the Constitutional Court of the Republic of Lithuania on numerous occasions. In defining the discretion of the legislative branch on this issue, the Constitutional Court of the Republic of Lithuania in its 30 December 2003 and 13 November 2006 rulings⁸¹ observed that, in establishing grounds for acquiring citizenship of the Republic of Lithuania and regulating the process of acquiring and relinquishing citizenship, the legislative branch has discretion, however, it must observe the constitutional requirement stating that citizen of the Republic of Lithuania can simultaneously hold a citizenship of other state only in separate cases defined by the law. The Constitutional Court emphasized that the provision of Article 122 of the Constitution that an individual can simulatenously be a citizen of the Republic of Lithuania and of other state only in separate cases defined by the law, meaning, that cases of dual citizenship must be

⁸⁰ Draft law XP-3192(3) amending Art.43 of Law on the Legal Status of Aliens of the Republic of Lithuania , 2009-06-19

⁸¹ *Valstybės žinios*, 2003, No 124-5643; *Valstybės žinios*, 2006, No 123-4650

especially rare – exceptional. Besides, in 13 November 2006 ruling “On the compliance of the provisions of legal acts regulating the citizenship relations with the Constitution of the Republic of Lithuania”, the Constitutional Court of the Republic of Lithuania stated that many provisions of the Law on Citizenship of the Republic of Lithuania (17 September 2002 edition with later amendments and extensions), which allow a citizen of the Republic of Lithuania to hold simultaneously citizenship of another state, contradict the Constitution of the Republic of Lithuania, and noted that legal regulation set forward in the Law on Citizenship of the Republic of Lithuania is very contradictory, inconsistent, misleading, while some formulations are open to interpretations and the law in principle should be amended.

The Council of the parliament of the Republic of Lithuania 17 October 2007 decision formed a working group made up of representatives of the Government of the Republic of Lithuania, other interested institutions, agencies and parliamentary political parties, non-governmental and academic communities, whose aim was to resolve this issue in an optimal compromise and to prepare draft of the new edition of the Law on Citizenship of the Republic of Lithuania.

Draft law amending the Law on Citizenship of the Republic of Lithuania, prepared by the working group, was submitted to the Parliament of the Republic of Lithuania on 1 April 2008. While reviewing the draft in Seimas, parliamentarians took into account proposals by some members of Seimas to extend provisions of prepared draft law. Thus, draft law⁸² included, as set forward in the Constitution of the Republic of Lithuania, separate cases when citizens of the Republic of Lithuania can hold citizenship of other state; it was suggested:

- 1) to include the possibility for children born abroad to retain citizenship of the Republic of Lithuania, when at least one parent is citizen of the Republic of Lithuania;
- 2) to state that the right to citizenship of the Republic of Lithuania without relinquishing a citizenship of another state can be exercised by exiles, political prisoners, individuals who withdrew from Lithuanian in the period of occupation and their children, grand children and grand grand children, also, individuals of Lithuanian descent who traditionally reside in states that share state border with the Republic of Lithuania,
- 3) to state that citizenship of the Republic of Lithuania shall be preserved also in cases when an individual is granted citizenship of another European Union Member State or North Atlantic Treaty Organization Member State.

⁸² Draft law amending the Law on Citizenship of the Republic of Lithuania No XP-2952(3), 2008-06-18

The authors note that not all members of the working group shared the same opinion on provisions of the prepared draft. Two members of the Parliament, Chair of the Council of Global Lithuanian Community and Director of the Department of National Minorities and Lithuanians Living Abroad under the Government of the Republic submitted separate opinion⁸³ on disapproval of the prepared draft. They have noted that solution offered to the problem of dual citizenship offered by the draft is insufficient, because it does not live up to justified expectations of many departed Lithuanian citizens, and betrays long-term interest of Lithuanian nation and state to maintain Lithuanian cultural environment for departed citizens, retain citizenship ties with them. In the opinion of these members of the working group, amendments to legal regulation of citizenship questions ignored national interests, one of which is – is to maintain ties with hundreds of thousands of citizens who departed abroad, since legal regulation of citizenship of the Republic of Lithuania proposed in the draft would take away citizenship from a large part of departed citizens. Prepared draft received criticisms both in Lithuanian and émigré press, criticisms were even aimed at the Constitutional Court of the Republic of Lithuania for inaccurate interpretation of constitutional letter⁸⁴.

Following heated discussions, the Parliament of the Republic of Lithuania on 30 June 2008 has passed the law amending the Law on Citizenship of the Republic of Lithuania⁸⁵. However, the President of the Republic vetoed this law and returned it to the Parliament for secondary deliberation⁸⁶. In his decree, the President of the Republic indicated that in defining regulation of citizenship relations, Seimas has ignored the constitutional requirement that citizen of the Republic of Lithuania can simulatenously hold a citizenship of another state only in very rare – exceptional – cases. On the contrary, the law extends further possibilities for granting (retaining) dual citizenship creating legal preconditions for dual citizenship to be not a very rare exception, but a common phenomenon. The President indicated that the law contains provisions violating constitutional principles of equality of individuals and legal clarity. In the opinion of the President of the Republic, passed new edition of the law did not address the problems indicated in the ruling of the Constitutional Court of the Republic of Lithuania, therefore, he offered Seimas to amend the law and to define expiry date for the Law on Citizenship of the Republic of Lithuania.

The Parliament, having taken into account amendments proposed by the President of the Republic, on 15 July 2008 passed the new edition of the Law on Citizenship of the Republic of

⁸³ http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=316861

⁸⁴ http://www.lietuviams.com/index.php?user_sub_id=44&itemID=4412

⁸⁵ Seimas of the Republic of Lithuania 30 June 2008 meeting (440) transcript

http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=323574&p_query=pilietyb%EBs&p_tr2=2

⁸⁶ Republic of Lithuania President 11 July 2008 decree No 1K-1440, *Valstybės žinios*, No 2008, No 81-3200

Lithuania in force until 1 January 2010. Until this date, the new Law on Citizenship of the Republic of Lithuania must be passed.

Decision of the President of the Republic to veto the law has caused dismay on the part of some politicians⁸⁷, disappointed many fellow Lithuanians living in foreign countries. Only Lithuanians living in countries that do not belong to the European Union nor to the North Atlantic Treaty Organization were on the side supporting the President, since the new law proposed by Seimas would have taken away their possibility to hold simultaneously citizenship of Lithuania and another country. For example, the President's veto was supported by individuals of Lithuanian descent living in Argentina (in this country there are around 200 thousands individuals of Lithuanian descent)⁸⁸.

Discussions took place on whether it is advisable to change provision limiting dual citizenship, embedded in the Constitution of the Republic of Lithuania, because provision of the Constitution of the Republic of Lithuania limiting dual citizenship can be changed only by referendum. President of the Republic proposed to organize a referendum and allow people to express their opinion on dual citizenship. However, representatives of various political parties do not share a common opinion on whether referendum is the best way to resolve the question of dual citizenship. It is believed that referendum can fail, because according to the law, to be recognized as successful, referendum turn-out has to be more than half of voters⁸⁹. Besides, the authors draw attention to the fact that the opinion of citizens living in Lithuania on the question of dual citizenship is not unanimous.

President of the Republic 27 October 2008 decree⁹⁰ formed new working group, which was requested by 1 February 2009 to prepare conclusions on further legal regulation of citizenship of the Republic of Lithuania. The President of the Republic submitted new draft of the Law on Citizenship of the Republic of Lithuania to Seimas by 17 February 2009 decree⁹¹. Currently, the draft⁹² is deliberated in committees of Seimas of the Republic of Lithuania. However, the authors want to remind that the new draft and proposed legal regulation of citizenship relations of the Republic of Lithuania attracted no less heated discussions, thus until now the question remains very relevant.

⁸⁷ <http://www.delfi.lt/news/daily/lithuania/article.php?id=17792340>

⁸⁸ <http://www.balsas.lt/naujiena/205553/argentinos-lietuviai-palaiko-prezidento-veto-pilietybes-istatymui/rubrika:naujienos-lietuva-politika>

⁸⁹ <http://www.balsas.lt/naujiena/208438/del-dvigubos-pilietybes-prezidentas-siulo-rengti-referenduma-dar-papildyta-video/rubrika:naujienos-lietuva>

⁹⁰ *Valstybės žinios*, 2008, No 125-4752

⁹¹ *Valstybės žinios*, 2009, No 19-747

⁹² Draft Law on Citizenship of the Republic of Lithuania No XIP-353, 2009-02-17

3. IMPLEMENTATION OF THE EUROPEAN UNION LEGISLATION

On 23 February 2008, law amending⁹³ the Law on the Legal Status of Aliens of the Republic of Lithuania entered into force, transposing into national legislation provisions of the **Schengen acquis** in the area of migration. The law also implemented provisions of 1 December 2005 Council directive **2005/85/EC** on minimum standards on procedures in Member States for granting and withdrawing refugee status (OL 2005 L 326, p. 13), and 12 October 2005 Council directive **2005/71/EC** on a specific procedure for admitting third-country nationals for the purposes of scientific research (OL 2005 L 289, p. 15).

In implementing 20 December 2006 European Parliament and Council regulation (EC) No **1931/2006**, laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention (OL 2006 L 405, p. 1), consultations were conducted with the Republic of Belarus and The Russian Federation on conclusion of agreements on local traffic across border and preparations for implementation of these agreements. Agreements between the Government of the Republic of Lithuania and Governments of the Russian Federation and the Republic of Belarus on local traffic across state border is planned to be signed until the end of 2009. Provisions of the Foreigners' Registry were extended by provisions of the Government of the Republic of Lithuania 29 October 2008 resolution No 1096⁹⁴ on the issue of a permit for local traffic across state border.

In order to ensure implementation of provisions of 11 July 2007 European Parliament and Council Regulation (EC) No. **862/2007** on on Community statistics on migration and international protection and repealing Council Regulation (EEC) No 311/76 on the compilation of statistics on foreign workers (OL 2007 L 199, p. 23), the Government 14 October 2008 resolution⁹⁵ put the Statistics Department under the Government of the Republic of Lithuania in charge of coordinating preparation of statistical information, while specific state institutions were obliged to provide information.

In implementing EU Council decision **2008/381/EC** on on establishment of the European Migration Network (OL 2008 L 131, p. 7), on 27 November 2008, the Government of the Republic of Lithuania and International Organization for Migration concluded cooperation agreement⁹⁶. The

⁹³ *Valstybės žinios*, 2008, No 22-803

⁹⁴ *Valstybės žinios*, 2008, No 127-4850

⁹⁵ *Valstybės žinios*, 2008, No 121-4594

⁹⁶ Agreement between the Government of the Republic of Lithuania and International Organization for Migration on cooperation in implementing 14 May 2008 Council decision 2008/381/EC on establishment of the European Migration Network, (*Valstybės žinios*, 2009, No. 6-161);

Government of the Republic of Lithuania 25 February 2009 resolution No 126⁹⁷ appointed International Organization for Migration Vilnius Office to perform the role of European Migration Network National Contact Point, specific state institutions were requested to appoint liaison officers, ensuring participation in activities of the European Migration Network.

In an attempt to transpose and implement provisions of 16 December 2008 European Parliament and Council directive **2008/115/EC** on common standards and procedures in Member States for returning illegally staying third-country nationals (OL 2008 L 348, p. 98), Prime Minister of the Republic of Lithuania 10 April 2009 order No 134 formed a working group to prepare draft law amending the Law on the Legal Status of Aliens of the Republic of Lithuania.

In implementing 5 December 2007 recommendation of the Commission **2008/355/EC** on reproducing the text of Article 20 TEC in passports (OL 2008 L 118, p. 30), the Minister of the Interior on 1 September 2008, passed amendments of the law defining form of the passport of the Republic of Lithuania and description of this form⁹⁸.

Implementing 23 May 2007 European Parliament and Council decision **No. 574/2007/EC** establishing the External Borders Fund for the period 2007 to 2013 as part of the General Programme 'Solidarity and Management of Migration Flows' (OL 2007 L 144, p. 22) and 23 May 2007 European Parliament and Council decision **No. 575/2007/EC** on establishing the European Return Fund for the period 2008 to 2013 as part of the General Programme 'Solidarity and Management of Migration Flows' (OL 2007 L 144, p. 45), the Government of the Republic of Lithuania 24 October 2007 resolution No 1128⁹⁹ appointed the Ministry of the Interior to be responsible institutions for administration of the External Borders Fund and the European Return Fund. External Borders Fund's multi-year programme for 2008-2013 was submitted to the European Commission on 17 October 2008 (European Commission approved this programme on 19 December 2008). Lithuania's multi-year European Return Fund programme was submitted to the European Commission on 17 October 2008 (The European Commission approved this programme on 9 March 2009).

Implementing 23 May 2007 European Parliament and Council decision **No. 573/2007/EC** establishing the European Refugee Fund for the period 2008 to 2013 as part of the General Programme 'Solidarity and Management of Migration Flows' and repealing Council Decision 2004/904/EC (OL 2007 L 144, p.1), the Government of the Republic of Lithuania 14 August 2007

⁹⁷ *Valstybės žinios*, 2009, No 23-908

⁹⁸ *Valstybės žinios*, 2008, No 101-3917

⁹⁹ *Valstybės žinios*, 2007, No 112-4570

resolution¹⁰⁰ appointed the Ministry of Social Protection and Labor a responsible institution administering the European Refugee Fund program for 2008–2013 period. The European Refugee Fund multi-year 2008–2013 program in Lithuania was approved by 9 July 2008 order of the Minister of Social Protection and Labor¹⁰¹.

Implementing 25 June 2007 Council decision **2007/435/EC** establishing the European Fund for the Integration of third-country nationals for the period 2007 to 2013 as part of the General Programme Solidarity and Management of Migration Flows (OL 2007 L 168, p. 18), the Ministry of Social Protection and Labor, by order of the Government of the Republic of Lithuania *nutarimu*¹⁰², was appointed responsible institution administering the European Fund for integration of third country nationals program for 2007–2013 period. European Fund for integration of third country nationals multi-year program (2007–2013 m.) was approved by 1 August 2008 order of the Minister of Social Protection and Labor¹⁰³.

METHODOLOGY

The report on migration and asylum situation in the Republic of Lithuania in 2008 was prepared according to the requirements of the EMN in preparing annual policy report. The report was prepared by combining qualitative and quantitative data collection and analysis methods.

The authors examined and analyzed laws and other legislation of the Republic of Lithuania, rulings of the Constitutional Court of the Republic of Lithuania, officially published draft laws of the Republic of Lithuania, registered proposals on draft laws, transcripts of the Parliament of the Republic of Lithuania meetings, also, European Union legislation, research material and results of surveys carried out in the area of migration, data published by state institutions, reports and presentations, announcements of non-governmental organizations and institutions, also, information broadcasted in media.

The document incorporates published statistical data of the following state institutions: the Statistics Department under the Government of the Republic of Lithuania, Migration Department under the Ministry of the Interior, State Border Guard Service under the Ministry of the Interior, Labor Exchange under the Ministry of Social Protection and Labor, State Labor Inspectorate under the Ministry of Social Protection and Labor, also, statistical data annually published by Migration Department under the Ministry of the Interior in Migration chronicles.

¹⁰⁰ *Valstybės žinios*, 2007, No 92-3692

¹⁰¹ *Valstybės žinios*, 2008, No 79-3126

¹⁰² *Valstybės žinios*, 2007, No 92-3693

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