

# Changes in immigration status and purpose of stay: an overview of EU Member States approaches

## *Common Template of EMN Focussed Study 2015*

### Lithuania national report

#### Executive Summary (Synthesis Report)

*Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.*

#### Top-line "Factsheet" (National Contribution)

*Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.*

*Current situation.* Only a small proportion of aliens change their immigration status in Lithuania. On average approximately 250-300 aliens per year change their current status. The status currently held is most often changed to the status of lawful activity or family. According to data of the Migration Department, in 2014 370 aliens changed their immigration status. 35 per cent of the aliens changed from the current status to that of lawful activity: employment → lawful activity (58 cases), studies → lawful activity (48 cases), family → lawful activity (26 cases). 35 per cent of the aliens changed their immigration status from the current status to that of family: lawful activity → family (68 cases), studies → family (51 cases), employment → family (23 cases). There were 39 cases of changes of immigration status from employee to that of highly qualified worker. It is forecasted that in 2015, the number of cases of status change to lawful activity will decrease, as requirements for entry on this ground have been tightened.

*Legal framework.* While change of status is not discussed in the Law on the Legal Status of Aliens (LLSA), the Law contains a general provision that an alien lawfully staying in Lithuania may apply for a residence permit on other grounds, provided that he/she meets stipulated conditions.

Implementing legal acts provide for exceptions only with regard to highly qualified workers and employees. Thus, the aliens who are lawfully staying in the country may not apply for change of status from the current one to highly qualified worker in the cases when the labour market test is carried out. Although the LLSA stipulates that the aliens lawfully staying in the country may apply for the issue of a temporary residence permit, a procedure specified by the Minister of Social Security and Labour requires that an application for adoption of a decision on conformity of an alien's job to needs of the Lithuanian labour market must be filed prior to entry into Lithuania. This provision has appeared upon transposition of Council Directive on highly qualified employment (2009/50/EC). However, the aliens lawfully staying in the country may apply for change of status from the current one to highly qualified worker provided that an alien would be paid not less than 3 amounts of average monthly earnings in the whole economy, i.e. in the cases when, under law, the labour market test is not carried out. Amendments to this procedure are currently being drafted in order to allow foreign students who have completed studies in Lithuania to apply for the status of highly qualified worker without leaving Lithuania.

The aliens who wish to change their current status to that of employee may do so only if they already are in possession of a valid temporary residence permit (issued on any ground) or a national visa issued for employment or on the ground of a conflict in the country of origin. The aliens entering under visas which have been issued on other grounds (not for employment) are not entitled to change their status to employee or

highly qualified worker.

*Key requirements.* In Lithuania, change of status is considered to be equivalent to the procedure of issue of a new residence permit, hence applying for a change of status is subject to the same requirements as apply to the issue of a first residence permit. If applying in Lithuania, an alien must submit documents to a migration service in whose territory he/she has declared his/her place of residence.

*Abuse.* Experts note that certain status changes may be linked to cases of abuse. Before 2015, cases were observed when aliens changed their status from that of employee, student or family to that of lawful activity (business owner or manager), because residence under this immigration ground was subject to less stringent requirements. Upon tightening the requirements applicable to business owners and managers, it has been observed that some of these aliens have changed their status to family, employee or highly qualified employee.

*Good practices.* In 2014, amendments to the LLSA were adopted allowing the aliens who have completed training or studies in Lithuania to remain in the country for another 6 months. During this period, an alien may seek employment or another lawful ground to remain in Lithuania and subsequently apply for the issue of a temporary residence permit, i.e. change his/her status to another. Aliens make use of this provision of the Law, and every year some of them remain in Lithuania after studies. This amendment to the Law has been welcomed by experts, employers and aliens themselves.

## **Section 1: Overview of national migration system in place regarding changes of status**

*This section aims to provide a general overview of the (Member) State national migration system in relation to status changes for third-country nationals from within the territory of the Member State. It aims to provide a brief overview of the debates (being) held in the (Member) States on necessities and possibilities of migration status changes and what policy changes are considered. It also briefly aims to suggest the main drivers/reasons behind changes of status being promoted that can take place from within the territory of the (Member) State (without the third-country nationals being required to leave the (Member) State's territory).*

*EMN NCPs are asked to fill in the following box.*

### **i. General overview of national migration system in relation to status changes:**

On 22 January 2014, the Lithuanian Government approved the Lithuanian Migration Policy Guidelines. Point 9.15 of the Guidelines stipulates that the legal acts currently in force do not explicitly provide for the cases when an alien changes the ground of his/her legal status in the state, for example, the aliens who enter for studies at Lithuanian educational institutions subsequently seek to remain in the country – acquire businesses and seek the issue of a temporary residence permit for the pursuit of lawful activity or the like. Although the same year the Law was supplemented with a special provision stipulating a period of 6 months during which an alien who has completed training or studies in Lithuania may change his/her status whilst remaining in the country, the Law on the Legal Status of Aliens does not discuss other cases when status may be changed. However, according to a general provision of the Law an alien lawfully staying in Lithuania may apply for the issue of a residence permit on other grounds if he/she meets stipulated conditions. Therefore, changes in immigration status in Lithuania are possible, with the exception of several clearly defined situations (see a table below).

### **ii. Brief overview of national debate in the Member State**

In the public sphere, there is no debate on changes in immigration status in Lithuania, however at the expert level discussions on this subject are taking place. They have intensified since the transposition into national law of Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment. In accordance with Article 3 of the Directive, the

Description of the Procedure for Adopting a Decision on Conformity of an Alien's Highly Qualified Employment to Needs of the Labour Market of the Republic of Lithuania (hereinafter: the 'Description of Highly Qualified Employment'), approved by the Order of the Minister of Social Security and Labour of 28 December 2012, stipulates that the Description applies exclusively to the aliens who enter Lithuania from non-European Union countries for the purpose of highly qualified employment. Thus, the aliens lawfully residing in Lithuania, where their salary is more than 2, but not more than 3 amounts of average monthly earnings in the whole economy (i.e. in the cases when conformity of an alien's employment to needs of the Lithuanian labour market is assessed and the labour market test is carried out), may not apply for a change of the current status to highly qualified worker. Such restrictive regulation is criticised, and according to some experts is not in accordance with the LLSA.

Another noteworthy aspect is abuse, which emerges in debates on status change. For example, upon tightening the requirements for business owners, it has been observed that some aliens have attempted to change their immigration status from business owner or manager to employee, highly qualified worker or family.

iii. Main drivers / reasons behind changes of status promoted by legislators

The Law provides for a possibility for the aliens who have completed training or studies in Lithuania to remain in Lithuania for up to 6 months and to seek employment or other lawful activity. In this way, the aliens who have acquired education in Lithuania and during the period of study already integrated into Lithuanian society are provided the opportunity to stay in the country and contribute to its welfare.

## **Section 2: Overview of admission criteria**

*This section aims to provide an overview of the initial admission criteria or the criteria for issuing a particular authorisation to stay/residence permit applied by Member States in order admit all categories covered by the scope of the study. It also investigates the rights attached to each status as well as the requirements incumbent on the applicant.*

*This section will also include an overview of the current EU legal framework and the existing provisions relevant to the scope of the Study. This part will be elaborated by the EMN Service Provider.*

*EMN NCPs are asked to answer the following questions, at times guided by a non-exhaustive list of prompts of pre-defined tables.*

Q1. How does the national legislation of your (Member) State define the categories of third-country nationals covered by this study? Please complete the table below by listing also the admission criteria for each category listed.

EMN NCPs are asked to use the pre-compiled box marked 'example' as reference.

The LLSA establish general requirements for the aliens who enter and apply for the issue of a temporary residence permit. The LLSA and implementing legal acts<sup>1</sup> lay down the following general requirements for the aliens wishing to obtain a temporary residence permit:

- fulfil the **conditions of entry set out in the Schengen Borders Code**;
- be in possession of a valid **travel document**;
- be in possession of a valid Schengen or national **visa** (in the case of a visa-free travel regime) or a **residence permit** (in the case of its renewal and when applying to a migration service);
- be in possession of a valid document evidencing **health insurance** coverage or hold a letter of commitment of a resident of the Republic of Lithuania to cover the costs of the health care services provided to a person during the period of his/her residence in Lithuania;
- **have sufficient means of subsistence** which is sufficient for a person's stay in the Republic of Lithuania;
- **a certificate** issued by the foreign states in which a person previously resided on **no criminal order** (only when applying for the first time);
- provide a **list of visits to and stays in foreign states** and other detailed information about oneself which is required to supply.

Other conditions or exceptions will be indicated at each ground for entry in the table below.

Category	National definition	Admission criteria
Example	<p><i>Provide the national definition.</i></p> <p><i>EMN NCPs are asked to briefly provide the definition under their national legislation in order to clearly understand who is admitted under such category. No detailed information on legal basis are necessary.</i></p>	<p><i>List criteria required for the admission.</i></p> <p><i>EMN NCPs are asked to provide a complete list of all criteria a third-country national has to meet in order to be admitted under this specific category.</i></p>
Family	<p><i>A temporary residence permit may be issued to the aliens who enter for family reunification.</i></p>	<p><i>Additional documents:</i></p> <ul style="list-style-type: none"> <li>• <i>a proof of existence of the family relationship;</i></li> </ul>

<sup>1</sup> Minister of the Interior of the Republic of Lithuania Order No 1V-367 of 6 May 2015 Amending Minister of the Interior of the Republic of Lithuania Order No 1V-329 of 12 October 2005 on Approval of the Description of the Procedure for Submitting Documents to Obtain a Temporary Residence Permit in the Republic of Lithuania and Issuing to Aliens, Renewing and Withdrawing Temporary Residence Permits in the Republic of Lithuania, Also Assessing Whether a Marriage or a Registered Partnership has been Contracted or a Child has been Adopted for the Alien to Obtain a Temporary Residence Permit in the Republic of Lithuania

Category	National definition	Admission criteria
	<p>The Law defines the circle of family members, i.e. indicates who may enter on the ground of family. The circle of family members depends on the sponsor's status:</p> <p><u>Third-country national</u>: spouse/person with whom a registered partnership has been contracted (age: over the age of 21), direct descendants (under the age of 18 years), relatives in the direct ascending line (if dependent for at least one year). Family reunification with a third-country national lawfully residing in Lithuania is possible only if he has lawfully resided in Lithuania for at least 2 years, holds a temporary residence permit valid for at least one year and has reasonable prospects of obtaining the right to permanently reside in Lithuania (the Law provides for exceptions when these conditions do not apply and family members may enter together with the alien, for example, for highly qualified workers, researchers, teachers, large investors).</p> <p><u>EU citizen/mobile citizen of the Republic of Lithuania</u>: spouse/person with whom a registered partnership has been contracted, children (under the age of 21), relatives in the direct ascending line</p> <p><u>Non-mobile citizen of the Republic of Lithuania</u>: spouse/person with whom a registered partnership has been contracted, children (irrespective of age), parents (whether they are dependants or not)</p>	<ul style="list-style-type: none"> <li>documents proving the legal status of your sponsor which gives the right to family reunification (in case of residence permit);</li> <li>documents proving that the spouse or the person with whom a registered partnership has been contracted has resided in the Republic of Lithuania for the last 2 years and holds a temporary residence permit valid for at least one year and has reasonable prospects of obtaining the right to permanently reside in the Republic of Lithuania (this requirement does not apply in the cases when family members enter to join an alien who in Lithuania has been recruited for highly qualified employment, is employed as a teacher or conducts research and in other cases provided for in Article 43(6) of the LLSA).</li> <li>When a marriage or a registered partnership is contracted and an alien enters to join another alien lawfully residing in Lithuania or a citizen of the Republic of Lithuania, it is verified whether a marriage of convenience or a registered partnership of convenience has been contracted.</li> </ul>
Education	A temporary residence permit may be issued or renewed to an alien who enrolls in a higher education and research institution under a study programme or doctoral studies; has been accepted at an educational establishment under a general education or vocational training programme; has been invited for traineeship at an educational establishment or a higher education and research institution; has been invited for up-skilling at a higher education and research institution.	<p>Additional documents</p> <ul style="list-style-type: none"> <li>a mediation letter from the educational institution;</li> <li>a proof of acceptance to the education institution</li> </ul>
Research	A temporary residence permit may be issued or renewed to an alien who intends to take up employment as a teacher, conduct research and/or experimental (social, cultural) development as a researcher under an employment contract concluded with a higher education and research institution registered in the Republic of Lithuania.	<p>Additional documents</p> <ul style="list-style-type: none"> <li>an employment or author's contract or any documents proving that a person will conduct research in Lithuania;</li> <li>a mediation letter from the research agency</li> </ul>
Highly qualified workers	A temporary residence permit may be issued or renewed to an alien who intends to take up highly qualified employment. Higher professional qualifications means qualifications attested by evidence of a higher-education diploma and which is relevant in the profession or sector specified in the employer's letter of commitment to recruit the alien under an employment or in an employment contract.	<p>Additional documents:</p> <p><b>when professional activity of an alien which is established in working agreement is <u>not regulated</u></b></p> <ul style="list-style-type: none"> <li>a mediation letter of the employer and a letter of commitment to recruit the alien under an employment contract for a period of at least one year, or an employment contract concluded for a period of at least one year, if it provides for a monthly salary of at least 2</li> </ul>

Category	National definition	Admission criteria
		<p>amounts of average gross monthly earnings in the whole economy most recently published by Statistics Lithuania;</p> <ul style="list-style-type: none"> <li>• a document confirming a person's high professional qualifications (such as a university diploma, a decision of a competent authority on academic recognition of foreign qualifications)</li> <li>• a procedure for adopting a decision on conformity of an alien's highly qualified employment to needs of the Lithuanian labour market (when the monthly salary is more than 2, but not more than 3 amounts of average monthly earnings in the whole economy)</li> </ul> <p><b>when professional activity of an alien established in the working agreement is <u>regulated professional activity</u></b></p> <ul style="list-style-type: none"> <li>• a mediation letter of the employer and a letter of commitment to employ the alien under an employment contract for a period of at least one year, or an employment contract concluded for a period of at least one year, if it provides for a monthly salary of at least 2 amounts of average gross monthly earnings in the whole economy most recently published by Statistics Lithuania;</li> <li>• a document confirming that a person complies with the conditions established in legal acts of the Republic of Lithuania for performance of regulated professional activities indicated in the employer's letter of commitment to recruit the alien under an employment contract or in an employment contract;</li> <li>• a procedure for adopting a decision on conformity of an alien's highly qualified employment to needs of the Lithuanian labour market (when the monthly salary is more than 2, but not more than 3 amounts of average monthly earnings in the whole economy)</li> </ul>
Blue card	Same conditions as are applicable to highly qualified workers	Same conditions as are applicable to highly qualified workers
Employee	A temporary residence permit may be issued or renewed to an alien who intends to take up employment in the Republic of Lithuania.	<p>Additional documents:</p> <ul style="list-style-type: none"> <li>• the employer's letter of commitment to recruit;</li> <li>• documents proving qualifications and work experience;</li> <li>• a decision of the Lithuanian Labour Exchange on conformity to needs of the Lithuanian labour market or a work permit.</li> </ul>
Self-employed	This is not an admission ground in Lithuania.	This is not an admission ground in Lithuania.
Business owner	A temporary residence permit may be issued or renewed to an alien who engages and intends to continue engaging in lawful activity in the Republic of Lithuania.	<p>In order to apply for the issue of a temporary residence permit, a person must meet the following basic requirements:</p> <ul style="list-style-type: none"> <li>• the person must be a participant, as defined</li> </ul>



Category	National definition	Admission criteria
	<p>A person may apply for the issue of a temporary residence permit if he is:</p> <ul style="list-style-type: none"> <li>the manager of an enterprise;</li> <li>a member of its collegial management or supervisory body;</li> <li>a participant who has the right to enter into transactions on behalf of the enterprise;</li> <li>a shareholder of a public limited liability company or a private limited liability company and the nominal value of the company's shares held by him by the right of ownership is not less than 1/3 of the authorised capital of the company.</li> </ul>	<p>in the Civil Code of the Republic of Lithuania, of a private legal person registered with the Register of Legal Entities, which has pursued its activities for not less than the last 6 months prior to the person's application for the issue of a temporary residence permit, and</p> <ul style="list-style-type: none"> <li>the enterprise has established workplaces for not less than 3 employees and provided full-time employment to 3 citizens of the Republic of Lithuania or aliens permanently residing in the Republic of Lithuania, and</li> <li>the value of the equity capital of the company (if the company is neither a public limited liability company nor a private limited liability company – the value of assets) amounts to not less than EUR 28 000, of which not less than EUR 14 000 EUR are funds or other assets invested by the person, and he is the manager of the company, a member of its collegial management or supervisory body, a participant entitled to enter into transactions on behalf of the company, or a shareholder of a public limited liability company or a private limited liability company, where the nominal value of the company's shares held by him by the right of ownership is not less than 1/3 of the authorised capital of the company.</li> </ul>
Seasonal worker	<p>A temporary residence permit may be issued to an alien who enters the Republic of Lithuania for the purposes of seasonal employment.</p> <p>The amendments to the LLSA which are currently being drafted for the transposition of Directive 2014/36/EU provide that seasonal workers will be issued national visas (D).</p>	<p>Basic condition:</p> <p>An alien must obtain a work permit prior to entering the Republic of Lithuania. The alien must enter from a foreign state.</p>
ICT	<p>Aliens who enter the Republic of Lithuania for a period not exceeding 3 years to take up employment at a representative office or branch of a foreign enterprise or at an enterprise which belongs to the same group of enterprises established in the Republic of Lithuania, where the aliens are employed as managers or as professionals, provided that before their entry into the Republic of Lithuania the aliens were employed at that foreign enterprise not less than for the last one year, their expertise or high professional qualification is necessary for activities of the enterprise, representative office or branch established in the Republic of Lithuania.</p> <p>Amendments to the LLSA are currently being drafted for the transposition of Directive 2014/66/EU.</p>	<p>A temporary residence permit is issued for a period during which they intend to work in Lithuania, but not longer than for 2 years. These persons are exempted from the obligation to obtain a work permit in Lithuania. They are subject to general requirements for the issue of a temporary residence permit. They are also entitled to bring their family with them, provided that their salary exceeds 2 amounts of average monthly earnings.</p>
Investor	<p>This is not an admission ground in Lithuania.</p>	<p>This is not an admission ground in Lithuania.</p>
D-type visa holder	<p>A multiple-entry national visa is issued to an alien who enters the Republic of Lithuania to take up employment, study or conduct research at higher education and research institutions and in other</p>	<p>A single-entry national visa is issued to an alien who holds a notice of a decision taken to grant the alien a temporary or permanent residence permit in Lithuania.</p>

Category	National definition	Admission criteria
	<i>cases when the purpose of entry into the Republic of Lithuania is long-term stay in the Republic of Lithuania or when the alien periodically comes to the Republic of Lithuania to work or engage in any other lawful activity and his/her main place of residence is in a foreign state.</i>	<i>A multiple-entry national visa may be issued upon presenting documents attesting to a person's long-term stay.</i>
Asylum seeker	<i>Asylum seeker means an alien who has lodged an application for asylum in respect of which a final decision has not yet been taken.</i>	<i>Persons must lodge an application for asylum.</i>
Victim of trafficking	<i>A temporary residence permit may be issued to an alien who is allowed to stay in the Republic of Lithuania, as he is or was a victim of trafficking in human beings or illegal employment and cooperates with a pre-trial investigation body or the court in combating trafficking in human beings or crimes related to trafficking in human beings or illegal employment, in the cases of particularly exploitative employment conditions or the employment of a minor.</i>	<i>If an alien cooperates with a pre-trial investigation body or the court in investigating a crime of trafficking in human beings, he may obtain a temporary residence permit. The pre-trial investigation body or the court must mediate in issuing a temporary residence permit.</i>  <i>A temporary residence permit is issued for a period of 6 months.</i>
Other (please specify)		

### **Section 3: National legal framework on change of status whilst remaining on the territory of the (Member) State**

Section 3.1 aims to understand the changes of status permitted by the national legislation from one immigration category to another in cases where the migrant is not compelled to return to their country of origin. It will focus on the conditions to apply for such changes, while providing information on how the "switch" works in practice (i.e. responsible bodies to process applications/take decisions, where to lodge applications, information available, etc.). This section will also aim to understand whether and what facilitations are in place to ease changes of status (in comparison with first time applicants) by i.e. lifting restrictions, reducing fees and time for application, document requirements/certifications, etc. This part will also examine how a change of status impacts on the rights of a third-country nationals and how (Member) States address the change in / loss of rights.

Finally, Section 3.2 will highlight whether such measures are driven by specific policy goals (i.e. addressing labour shortages, retaining talents, tackling bottleneck occupations, etc.) and understand to what extent they have been based on needs assessment, have been evaluated and the results are achieved

EMN NCPs are asked to answer the following questions, at times guided by a non-exhaustive list of prompts of pre-defined tables.

#### **Section 3.1: Legal possibilities to changes status from within the (Member) State**



Q2a. Does your (Member) State allow third-country nationals holding any of the immigration status within the scope of this study to change into any of the other ones whilst remaining on the territory of the (Member) State? EMN NCPs are asked to fill in the table by using one of the options provided in each cell (Yes/No). NB: if **all changes are possible**, please indicate using the following option: **Yes to all**

From \ Into	Family	Education	Research	Highly qualified worker (salary more than 3 times the average)	Highly qualified worker (salary 2-3 times the average)	Employee	Self-employed (this is not an admission ground)	Business owner	Seasonal worker	ICT	Investor (this is not an admission ground)	D-type visa holder	Asylum	Victim of trafficking	Other (please specify)
Family		Yes	Yes	Yes	No	Yes	Select:	Yes	No	Yes	Select:	Yes	Yes	Yes	Select:
Education	Yes		Yes	Yes	No	Yes	Select:	Yes	No	Yes	Select:	Yes	Yes	Yes	Select:
Research	Yes	Yes		Yes	No	Yes	Select:	Yes	No	Yes	Select:	Yes	Yes	Yes	Select:
Highly qualified worker (salary more than 3 times the average)	Yes	Yes	Yes		Yes	Yes	Select:	Yes	No	Yes	Select:	Yes	Yes	Yes	Select:
Highly qualified worker (salary 2-3 times the average)	Yes	Yes	Yes	Yes		Yes	Select:	Yes	No	Yes	Select:	Yes	Yes	Yes	Select:
Employee	Yes	Yes	Yes	Yes	No		Select:	Yes	No	Yes	Select:	Yes	Yes	Yes	Select:
Self-employed	Select:	Select:	Select:	Select:	Select:	Select:		Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:
Business owner	Yes	Yes	Yes	Yes	No	Yes	Select:		No	Yes	Select:	Yes	Yes	Yes	Select:
Seasonal worker	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:		Select:	Select:	Select:	Select:	Select:	Select:
ICT	Yes	Yes	Yes	Yes	No	Yes	Select:	Yes	No		Select:	Yes	Yes	Yes	Select:
Investor	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:		Select:	Select:	Select:	Select:
D-type visa	Yes	Yes	Yes	Yes	No	Yes	Select:	Yes	No	Yes	Select:		Yes	Yes	Select:

From \ Into	Family	Education	Research	Highly qualified worker (salary more than 3 times the average)	Highly qualified worker (salary 2-3 times the average)	Employee	Self-employed (this is not an admission ground)	Business owner	Seasonal worker	ICT	Investor (this is not an admission ground)	D-type visa holder	Asylum	Victim of trafficking	Other (please specify)
holder															
Asylum	Yes	Yes	Yes	Yes	No	No	Select:	Yes	No	Yes	Select:	Yes		Yes	Select:
Victim of trafficking	Yes	Yes	Yes	Yes	No	Yes	Select:	Yes	No	Yes	Select:	Yes	Yes		Select:
Other (please specify)	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Choose:	

*Q2b. If changes of status without leaving the territory of the (Member) State are allowed (Q2a), EMN NCPs are asked to fill in the table below by adding the requested information for each possible switch (and add as many rows as possible switches.).*

*EMN NCPs are asked to use the pre-compiled box marked 'example' as reference and add as many rows as necessary.*

In most cases, the LLSA and implementing legal acts do not preclude an alien lawfully staying in Lithuania from changing his/her current status to another, with the exception of change from the current status to that of highly qualified worker, which requires a separate decision of the Lithuanian Labour Exchange.

#### Change of status from the current status to highly qualified worker

The Order of the Minister of Social Security and Labour of 28 December 2012 on the Approval of the Description of the Procedure for Adopting a Decision on Conformity of an Alien's Highly Qualified Employment to Needs of the Labour Market of the Republic of Lithuania provides that only the following persons may apply for the adoption of the decision:

- aliens entering from non-EU Member States, where they intend to take up highly qualified employment;
- aliens entering from an EU Member State and being in possession of a residence permit and a work permit issued in this Member State ("EU Blue Card");
- aliens who are already employed in Lithuania as highly qualified workers, and it transpires that their salary will be reduced to below 3, but more than 2 amounts of average monthly earnings in the whole economy;
- aliens who are employed in Lithuania as highly qualified workers and who wish to change the employer within the first 2 years of lawful employment in Lithuania.

Thus, the aliens staying lawfully in the country are not entitled to apply for changing their current status to highly qualified worker in the cases when the labour market test must be carried out (with the exception of the cases listed above).

In the cases when the requirement of the labour market test does not apply (an alien would be paid a salary of not less than 3 amounts of average monthly earnings in the whole economy), he/she may change the current status to that of highly qualified worker without leaving the country.

#### Change of status from the current status to employee

Minister of Social Security and Labour Order No A1-139 of 19 March 2015 on the Approval of the Description of the Procedure for Adopting a Decision on Conformity of an Alien's Employment to Needs of the Labour Market of the Republic of Lithuania provides that this Description applies to an alien who:

- intends to enter from non-EU Member States;
- is in possession of a work permit and a national visa, is employed under an employment contract and intends to continue his/her employment with the same employer;
- has acquired education in Lithuania and is in possession of a temporary residence permit issued for studies and intends to take up employment in Lithuania in his/her occupation;
- is in possession of a temporary residence permit as a highly qualified worker, but his/her salary is reduced to below 2 amounts of average monthly earnings in the whole economy;
- is in possession of a temporary residence permit issued on grounds other than employment and intends to take up employment in Lithuania and fulfils the conditions provided for.

Therefore, the aliens who are in possession of a temporary residence permit issued on any ground and fulfil other conditions applicable to foreign workers may apply for adoption of a decision on conformity of an alien's

employment to needs of the Lithuanian labour market without leaving Lithuania, i.e. change their status to that of employee.

Meanwhile, holders of a D-type visa may obtain a temporary residence permit on the ground of employment only if their D-type visa has been issued for the purposes of employment. The amendments passed on 8 August 2015 stipulate a derogation that the aliens who enter as holders of a national visa issued on the ground of an armed conflict taking place in the country of origin may also apply for the adoption of the relevant decision. In other cases, when an alien enters as a holder of a D-type visa issued on grounds other than the specified ground (e.g., long-term stay), he/she may not apply for adoption of a decision on conformity of employment and change his/her status from the current status to that of employee following the 'one-stop shop' procedure.

The Minister of Social Security and Labour Order of 27 March 2013 on the Approval of the Description of the Conditions of and the Procedure for Issuing a Work Permit to Aliens provides that an alien who intends to take up employment under an employment contract must obtain a work permit prior to entry, with the exception of the cases when he is exempted from the obligation to obtain a work permit. The alien may apply for the issue of a work permit while staying in Lithuania only in the following cases:

- this is provided for in an international agreement on youth exchanges;
- he/she is in possession of a residence permit issued for studies and intends to take up employment;
- he is a victim of trafficking in human beings.

Thus, in all other cases an alien must obtain a work permit prior to entry into the Republic of Lithuania.

#### Change of status from asylum seeker to another status

Asylum seekers may change their status only provided that they are in possession of a valid travel document, their identity has been established and they fulfil the conditions specified for a specific status. It often happens in practice that asylum seekers are not in possession of a travel document and their identity is not established, hence in such cases they may not change their immigration status.

#### Change of status from D-type visa holder to highly qualified worker and from the current status to D-type visa holder

An alien who enters as a D-type visa holder may change his/her status to employee or highly qualified worker only in the cases when the D-type visa is issued on such a ground, that is, employment or highly qualified employment, or if the visa is issued on the ground of a conflict in the country of origin.

Change of the current status to D-type visa holder is possible only in exceptional cases, for example, in a situation when an application for the issue of a temporary residence permit is not considered due to the lack of time or in the event of force majeure.

#### Other requirements in changing the immigration status

In most cases, an alien is subject to the same criteria for changing status as when entering for the first time, except for the following cases:

- In the case of change of status, the alien is no longer required to present a certificate of no criminal order from a third country (it is presented only when applying for the issue of a first TRP);
- The aliens who enter for highly qualified employment and change their status to employee are no longer required to submit from anew documents on recognition of an alien's qualifications;

- When changing to the status of employee, the aliens who have acquired education in Lithuania and are in possession of a residence permit issued for training or studies are not required to submit a copy of a document attesting to one-year work experience in a qualification-related occupation over the last 2 years.

In Lithuania, the quota mechanism does not apply.

#### Legal basis

The legal acts which, in addition to other issues, also regulate the issues of status change are listed below:

1. Minister of Social Security and Labour Order No A1-587 of 28 December 2012 on the Approval of the Description of the Procedure for Adopting a Decision on Conformity of an Alien's Highly Qualified Employment to Needs of the Labour Market of the Republic of Lithuania
2. Minister of Social Security and Labour Order No A1-133 of 27 March 2013 on the Approval of the Description of the Conditions of and the Procedure for Issuing a Work Permit to Aliens.
3. Minister of Social Security and Labour Order No A1-139 of 19 March 2015 on the Approval of the Description of the Procedure for Adopting a Decision on Conformity of an Alien's Employment to Needs of the Labour Market of the Republic of Lithuania
4. Minister of the Interior of the Republic of Lithuania Order No 1V-367 of 6 May 2015 regarding approval of the description of the procedure for issuing to aliens, renewing and withdrawing temporary residence permits in the Republic of Lithuania, also assessing whether a marriage of convenience or a registered partnership of convenience has been contracted or a fake adoption has been effected or an enterprise is fictitious.

From	Into	Legal basis	Policy / practice if no legal basis	Do criteria to switch differ from first time applicant?	Criteria for switch (if different from first time applicant)	Quota limitations
Example	List of category(ies) into which a TCN switches	Law, Decree, etc.	Policy document.	Yes / No	List of criteria required for the switch(es) only if they differ from those listed in Section 1	Yes / No. If Yes, please report the threshold
Select	Select					



Q2c. If any of the change of status provided in the tables above alters the level of rights of the third-country national concerned (enhanced or reduced), please fill in the table below, providing a short overview / analysis of the specific situation in your (Member) State. If rights enjoyed are not subject to changes, EMN NCPs are simply asked to enter "no change".

EMN NCPs are asked to use the pre-compiled box marked 'example' as reference and add as many rows as possible switches.

This table presents data on the most frequent changes of status. The immigration statuses which manifest no changes are not discussed here (e.g., ICT, victims of trafficking, D-type visa holders, asylum seekers).

From	Into	Employment	Social security	Education	Duration of stay	Legal assistance	Mobility	Family reunification	Political rights
Example <sup>2</sup>	Example	<u>Please choose one as follows:</u> No change Enhanced rights: specify Reduced rights: specify	<u>Please choose one as follows:</u> No change Enhanced rights: specify Reduced rights: specify	<u>Please choose one as follows:</u> No change Enhanced rights: specify Reduced rights: specify	<u>Please choose one as follows:</u> No change Enhanced rights: specify Reduced rights: specify	<u>Please choose one as follows:</u> No change Enhanced rights: specify Reduced rights: specify	<u>Please choose one as follows:</u> No change Enhanced rights: specify Reduced rights: specify	<u>Please choose one as follows:</u> No change Enhanced rights: specify Reduced rights: specify	<u>Please choose one as follows:</u> No change Enhanced rights: specify Reduced rights: specify
Family	Education	Reduced rights. Persons may work only for up to 20 hours per week.	No change	Enhanced rights. Foreign students may apply for scholarships.	Reduced rights. A student is issued a TRP for a period of his/her studies, but not longer than for one year.	No change	No change	Reduced rights. Persons are not entitled to family reunification.	No change
Family	Research	Reduced rights. Persons may take up employment at a higher education and research institution or as teachers.	No change	No change	Enhanced rights. The first TRP is issued for a period of up to 2 years.	No change	No change	Enhanced rights. Persons may bring their family with them straight away.	No change

<sup>2</sup> Please add as many rows as necessary

Family	Highly qualified worker	<i>Reduced rights. Requirement for salary levels; for the first 2 years, a person may work only with the same employer.</i>	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. The first TRP is issued for a period of up to 3 years.</i>	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. Persons may bring their family with them straight away.</i>	<i>No change</i>
Family	Employee	<i>Reduced rights. Requirement to work with the same employer.</i>	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. The first TRP is issued for a period of up to 2 years.</i>	<i>No change</i>	<i>No change</i>	<i>No change. Only for persons having reasonable prospects of obtaining a PRP.</i>	<i>No change</i>
Family	Business owner	<i>Reduced rights. Requirements for business and for employees</i>	<i>No change</i>	<i>No change</i>	<i>No change. Enhanced rights. If an alien invests EUR 260 000, the first temporary residence permit is issued for a period of 3 years.</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>
Business owner	Family	<i>Enhanced rights. Family members are not subject to the requirement for business and for employees</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>
Business owner	Research	-	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. The first</i>	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. Persons</i>	<i>No change</i>

					<i>TRP is issued for a period of up to 2 years.</i>			<i>may bring their family with them. If an alien invests EUR 260 000, he may bring his/her family with him straight away.</i>	
Business owner	Education	<i>Reduced rights. Persons may work only for 20 hours starting from the second year of studies.</i>	<i>No change</i>	<i>Enhanced rights. Persons may be paid scholarships.</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>Reduced rights. Persons are not entitled to family reunification.</i>	<i>No change</i>
Business owner	Highly qualified worker	-	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. The first TRP is issued for a period of up to 3 years.</i>	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. Persons may bring their family with them straight away.</i>	<i>No change</i>
Business owner	Employee	-	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. The first TRP is issued for a period of up to 2 years.</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>
Education	Family	<i>Enhanced rights. No restrictions apply.</i>	<i>No change</i>	<i>Reduced rights. Persons may not apply for scholarships for aliens.</i>	<i>Enhanced rights. A TRP is renewed for a period of 2 years.</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>
Education	Research	<i>Enhanced rights. Persons may work full-time.</i>	<i>No change</i>	<i>Reduced rights. Persons may not apply for scholarships for</i>	<i>Enhanced rights. The first TRP is issued for a period of up to</i>	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. Persons may bring their family</i>	<i>No change</i>

				<i>aliens.</i>	<i>2 years.</i>			<i>with them straight away.</i>	
Education	Highly qualified worker	<i>Enhanced rights. Persons may work full-time.</i>	<i>Enhanced rights.</i>	<i>Reduced rights. Persons may not apply for scholarships for aliens.</i>	<i>Enhanced rights. The first TRP is issued for a period of up to 3 years.</i>	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. Persons may bring their family with them straight away.</i>	<i>No change</i>
Education	Employee	<i>Enhanced rights. Persons may work full-time.</i>	<i>Reduced rights.</i>	<i>Reduced rights. Persons may not apply for scholarships for aliens.</i>	<i>Enhanced rights. The first TRP is issued for a period of up to 2 years.</i>	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. Persons are entitled to family reunification after 2 years.</i>	<i>No change</i>
Education	Business owner	<i>Enhanced rights. Persons may work.</i>	<i>No change</i>	<i>Reduced rights. Persons may not apply for scholarships for aliens.</i>	<i>Enhanced rights. A TRP is renewed for a period of 2 years. If an alien invests EUR 260 000, the first permit is issued for a period of 3 years.</i>	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. Persons are entitled to family reunification after 2 years or, if they invest EUR 260 000, straight away.</i>	<i>No change</i>
Research	Family	<i>Enhanced rights. No restrictions apply.</i>	<i>No change</i>	<i>No change</i>	<i>Reduced rights. A TRP is issued for a period of one year and renewed for a period of 2 years.</i>	<i>No change</i>	<i>No change</i>	<i>Reduced rights. Only for persons having reasonable prospects of obtaining a PRP.</i>	<i>No change</i>
Research	Education	<i>Reduced rights. Persons may</i>	<i>No change</i>	<i>No change</i>	<i>Reduced rights. A TRP is issued</i>	<i>No change</i>	<i>No change</i>	<i>Reduced rights. Persons</i>	<i>No change</i>

		<i>work only for 20 hours starting from the second year of studies.</i>			<i>for a period of studies, but not longer than for one year.</i>			<i>are not entitled to family reunification.</i>	
Research	Highly qualified worker	-	<i>Enhanced rights</i>	<i>No change</i>	<i>Enhanced rights. The first TRP is issued for a period of up to 3 years.</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>
Research	Employee	-	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>Reduced rights. Only for persons having reasonable prospects of obtaining a PRP.</i>	<i>No change</i>
Research	Business owner	-	<i>No change</i>	<i>No change</i>	<i>No change. Enhanced rights, if an alien invests EUR 260 000. The first permit is issued for a period of up to 3 years.</i>	<i>No change</i>	<i>No change</i>	<i>Reduced rights. Only for persons having reasonable prospects of obtaining a PRP. If an alien invests EUR 260 000, he is entitled to family reunification straight away.</i>	<i>No change</i>
Highly qualified worker	Family	<i>Enhanced rights. No restrictions apply.</i>	<i>Reduced rights</i>	<i>No change</i>	<i>Reduced rights. The first TRP is issued for a period of one year.</i>	<i>No change</i>	<i>No change</i>	<i>Reduced rights. Only for persons having reasonable prospects of</i>	<i>No change</i>

								<i>obtaining a PRP.</i>	
Highly qualified worker	Education	<i>Reduced rights. Persons may work only for 20 hours starting from the second year of studies.</i>	<i>Reduced rights</i>	<i>Enhanced rights. Persons may apply for scholarships.</i>	<i>Reduced rights. A TRP is issued for a period of studies, but not longer than for one year.</i>	<i>No change</i>	<i>No change</i>	<i>Reduced rights. Persons are not entitled to family reunification.</i>	<i>No change</i>
Highly qualified worker	Research	<i>No change</i>	<i>Reduced rights</i>	<i>No change</i>	<i>Reduced rights. The first TRP is issued for a period of up to 2 years.</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>
Highly qualified worker	Employee	<i>No change</i>	<i>Reduced rights</i>	<i>No change</i>	<i>Reduced rights. The first TRP is issued for a period of up to 2 years.</i>	<i>No change</i>	<i>No change</i>	<i>Reduced rights. Only for persons having reasonable prospects of obtaining a PRP.</i>	<i>No change</i>
Highly qualified worker	Business owner	-	<i>Reduced rights</i>	<i>No change</i>	<i>Reduced rights. A TRP is issued for a period of one year and is renewed for a period of up to 2 years.</i>  <i>No change. If an alien invests EUR 260 000, the first permit is issued for a period of 3 years.</i>	<i>No change</i>	<i>No change</i>	<i>Reduced rights. Only for persons having reasonable prospects of obtaining a PRP. If an alien invests EUR 260 000, he is entitled to family reunification straight away.</i>	<i>No change</i>



Employee	Family	<i>Enhanced rights. No restrictions apply.</i>	<i>No change</i>	<i>No change</i>	<i>Reduced rights. A TRP is issued for a period of one year and is renewed for a period of up to 2 years.</i>	<i>No change</i>	<i>No change</i>	<i>???</i>	<i>No change</i>
Employee	Education	<i>Reduced rights. Only starting from the second year of studies.</i>	<i>No change</i>	<i>Enhanced rights. Persons may apply for scholarships.</i>	<i>Reduced rights. A TRP is issued for a period of studies, but not longer than for 1 year.</i>	<i>No change</i>	<i>No change</i>	<i>Reduced rights. Persons are not entitled to family reunification.</i>	<i>No change</i>
Employee	Research	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. Persons may bring their family with them straight away.</i>	<i>No change</i>
Employee	Highly qualified worker	<i>No change</i>	<i>Enhanced rights</i>	<i>No change</i>	<i>Enhanced rights. The first TRP is issued for a period of up to 3 years.</i>	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. Persons may bring their family with them straight away.</i>	<i>No change</i>
Employee	Business owner	-	<i>No change</i>	<i>No change</i>	<i>Reduced rights. A TRP is issued for a period of one year and is renewed for a period of up to 2 years. Enhanced rights. If an alien invests EUR 260 000, the first permit</i>	<i>No change</i>	<i>No change</i>	<i>Enhanced rights. If an alien invests EUR 260 000, he is entitled to family reunification straight away.</i>	<i>No change</i>

					<i>is issued for a period of 3 years.</i>				
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*Q3. If the criteria to change status from within the territory of the (Member) State allowed by your national system differ from those of first time applicants, please list the procedural facilitations in place (in comparison with criteria for first time applicants listed in Section 1) by filling in the table below. EMN NCPs are asked to use the pre-compiled box marked 'example' as reference (and add as many rows as possible switches).*

In Lithuania, change of status is viewed as applying for the issue of a new temporary residence permit, hence in most cases an alien changing status is subject to the same criteria as when entering for the first time, with the exception of several minor facilitations:

- In the case of change of status, an alien is no longer required to present a certificate of no criminal order from a third country (it is presented only when applying for the issue of a first TRP);
- The aliens who enter for highly qualified employment and change their status to employee are no longer required to submit from anew documents on recognition of an alien's qualifications;
- When changing to the status of employee, the aliens who have acquired education in Lithuania and are in possession of a residence permit issued for studies are not required to submit a copy of a document attesting to one-year work experience in a qualification-related occupation over the last 2 years.

In other cases, the same requirements as when applying for the first time apply.

From	Into	Procedural facilitations when compares with first time applicants from the country of origin
Example	Example	<ul style="list-style-type: none"> <li>• Possibility to apply online</li> <li>• Shortened processing time</li> <li>• Shortened decision time</li> <li>• Reduced fees</li> <li>• Reduced documentary requirements</li> <li>• Reduced prove of means to support</li> <li>• Extended duration of residence permit</li> <li>• Possibility to stay beyond the expiration of the previous residence permit ("tolerated status" for those who have applied before the permit expires)</li> </ul>
Select	Select	
Select	Select	
Please add as many rows as necessary!		

*Q4. What is/are the main actor(s) and institution(s) involved in the development of such measures? If multiple authorities are involved, how are they coordinated?*

The Ministry of the Interior is responsible for legislation in the field of migration through cooperation with other competent authorities (for example, the Ministry of Education and Science with regard to students, the Ministry of Social Security and Labour with regard to employees and highly qualified workers). Consultations are also undertaken with other institutions subordinate to it (for example, the Migration Department, the State Border Guard Service).

*Q5. Do specific institutional communication channels (i.e. Migration Agencies' websites) offer information on the possibility to change status?*

Complete information on the procedure for issuing and renewing a temporary residence permit is available on the website of the Migration Department ([www.migracija.lt](http://www.migracija.lt)). There are no special instruments designed to facilitate

changes of status.

### Section 3.2: Aims of national policies to permit changes of status without leaving the territory of the (Member) State

*Q6a. Have the measures in place in your Member State been driven by any specific policy goals (i.e. addressing labour shortages, reducing unemployment, retaining talents, harnessing entrepreneurial skills of third-country nationals, tackling bottleneck occupations, general economic performance targets, etc.)?*

Yes. The amendments to the LLSA permitting an alien who has completed studies in Lithuania to remain in the country for a period of 6 months following completion of training or studies pursue the goal of facilitating conditions for such persons to remain and take up employment in Lithuania.

*Q6b. If yes, please explain the rationale behind their design/implementation, whether such decision were based on a needs assessment and if specific indicators/target were identified.*

*In case a report/publication exists, please summarise the main findings here and include a reference to the assessment in an annex to your national report. If no, please provide also any other evidence/indicator that may be available in your Member State in this regard (media reporting, media debates, assessment by experts/academics, etc.).*

No

*Q7a. Have any evaluations or studies in your Member State considered the effectiveness of national measures allowing third-country nationals to change status from within the territory of the (Member) State? Did the evaluations or studies investigate how (Member) States have addressed the change in / loss of rights?*

**No**

*Q7b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report. If no, please provide also any other evidence/indicator that may be available in your (Member) State in this regard (media reporting, media debates, assessment by experts/academics, etc.).*

No

*Q8a. Have any evaluations or studies in your (Member) State considered the impact of such national measures to national economy?*

**No**

*Q8b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report. If no, please provide also any other evidence/indicator that may be available in your (Member) State in this regard (media reporting, media debates, assessment by experts/academics etc.).*

Not applicable

*Q9. How are such changes of status perceived in your (Member) State? Please support your argument based on existing evidence (policy documents, political discourses, media coverage, NGO campaigns, case law examples etc.).*

Information is not available.

*Q10a. Is there any evidence or are there any indications that such changes of status contribute to the prevention of irregular stays or to reduce irregularity in your (Member) State?*

There is no such evidence. On the contrary, authorities are discussing the possibility of certain changes of status being linked with abuse.

*Q10b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report. If no, please provide also any other evidence/indicator that may be available in your (Member) State in this regard (media reporting, media debates, assessment by experts/academics etc.).*

No

## **Section 4: Challenges, good practices and lessons learned**

*Section 4.1 examines the existing challenges and obstacles for the design and implementation of specific policies allowing third-country nationals to change status whilst remaining on the territory of the Member State as experienced by the legislator / policy maker / practitioner. EMN NCPs may also report on any challenges /barriers reported by third-country national applicants if available through available studies / evaluations (primary research is not expected).*

*This section should (to the extent possible) understand the obstacles to status change (or the current mainstream legal requirements that prevent status change from within the territory of the (Member) State. EMN NCPs are asked to address any obstacle related to the eligibility criteria or to other macro-level areas such as labour market needs, employment, integration, etc. EMN NCPs are asked to present the findings and analysis of any existing studies or evidence collected in any other way and to provide any available statistics in the corresponding tables Annex 1.*

*Section 4.2 aims to highlight any good practices of the (Member) States that have successfully implemented and managed measures allowing third-country nationals to switch status without leaving the territory of the (Member) State. This section can include also lessons learned from the practical implementation of specific policies, programmes or schemes for the targeted categories of third-country nationals: lessons learned may address also assessments of the expected and/or unintended (positive and negative) consequences of specific measures.*

### **Section 4.1: Challenges and obstacles to measures to enable third-country nationals to change status whilst remaining on the territory of the (Member) State**

*Q11. What are the main challenges/obstacles related to the change of status for third-country nationals whilst remaining on the territory of your (Member) State?*

*EMN NCPs are not required to engage with immigrant communities, but reference to existing evidence-based research/literature/studies will be necessary to duly complete the table.*

*Please use the space below for information applicable to **all changes** and/ or the table below for change-specific information if required.*

Experts point out that in some cases, changes of status may be linked with abuse. This is particularly noticeable upon tightening entry requirements. For instance, upon tightening requirements for engaging in lawful activity (business owners) in 2014 an increase in status changes from lawful activity to family or employee status was observed. The experts also note that there were cases when status was changed from lawful activity to highly-qualified worker. Aliens used to indicate that their salary would be 3 times above the average amount of earnings in Lithuania and thus avoided the requirement to apply for a decision on conformity of highly qualified employment to needs of the labour market. In certain cases, it may be the case that a higher salary is agreed upon only for an

alien to obtain a temporary residence permit, and there is a risk of salary reduction after a residence permit is issued.

Until 2015, the most common cases of abuse were changes of immigration status from employee, student and family to that of engaging in lawful activity (business owner), as requirements for business owners were less stringent. In this way, aliens were looking for the most favourable ground for residence in Lithuania. However, the tightening of requirements for this ground of entry is likely to result in a decrease in the number of status changes to this ground.

From	Into	Challenges for national authorities in the design and implementation of measures allowing third-country nationals to change status. <i>If possible studies should be included (sourced as appropriate)</i>	Challenges for applicant to change status at both application stage (e.g. requirements, waiting times, fees, etc.) <i>If possible, the views of the immigrant community and studies should be included (sourced as appropriate)</i>
Business owner	Employee	Upon tightening entry requirements for engaging in lawful activity (business owners), an increase in the number of aliens applying for a change of status from lawful activity to family or (highly qualified) employee has been observed. Experts also point out that there have been requests to change status from business owner to that of highly qualified worker who is paid not less than 2, but not more than 3 amounts of average monthly earnings in the whole economy, however in such cases the Lithuanian Labour Exchange does not adopt a decision on conformity of highly qualified employment to needs of the Lithuanian labour market.	Aliens criticise such a procedure when they may not change their status to highly qualified worker without leaving the country in cases when a labour market test needs to be carried out. A labour market test needs to be carried out if a person is paid a salary not less than 2, but not more than 3 amounts of average monthly earnings in the whole economy.
Employee	Business owner	Until 2015, Lithuania applied rather liberal requirements to business owners. Therefore, only few cases of status change from that of employee, student or family to business owner were observed.	Upon tightening the requirements for business owners, the number of cases when aliens seek to change their immigration status from the current status to business owner has decreased.
Other (please specify)	Other (please specify)		

Please add as many rows as necessary!

## Section 4.2: Good practices and lessons learned

If there are specific examples of good practices worth highlighting, EMN NCPs are kindly asked to fill in the box below:



In 2014, an amendment to the LLSA was adopted stipulating that the aliens who have completed training or studies in Lithuania are allowed to remain in Lithuania for a further period of 6 months and to seek employment. A number of students avail of this provision of the Law. Approximately 70-80 aliens apply annually for changing of their status from student to employee. Experts point out that it is of benefit to Lithuania when the aliens who have already become well integrated and who have completed their studies remain in Lithuania.

## **Section 5: Conclusions**

*The Synthesis Report will outline the key findings, main observations of the Study, present conclusions relevant for policymakers at national and EU level and identify policy pointers for future actions. Specific conclusions drawn by (Member) State should be included in the Top Line Factsheet to prevent duplication of efforts.*

## ANNEX 1: Statistics

Immigration status		2010	2011	2012	2013	2014
From	To					
Family reunification	Highly qualified employment	0	0	0	0	0
	Employment	6	7	6	6	5
	Education	9	12	8	11	8
	Lawful activity	22	22	23	28	26
	Research	1	0	1	0	0
	Asylum	0	0	0	0	1
Employment	Family	47	18	13	16	23
	Highly qualified employment	0	0	0	20	39
	Education	3	1	0	2	3
	Lawful activity	54	38	31	69	58
	Research	1	0	0	0	0
	Asylum	0	0	0	0	0
Highly qualified employment	Family	0	0	0	0	0
	Employment	0	0	0	0	0
	Education	0	0	0	0	0
	Lawful activity	0	0	0	0	2
	Research	0	0	0	0	0
Lawful activity	Family	59	43	20	44	68
	Highly qualified employment	0	0	0	2	4
	Employment	34	7	12	12	20
	Education	4	2	0	4	7
	Research	0	0	0	0	0
	Asylum	0	1	0	1	2
Education	Family	32	25	24	19	41
	Highly qualified employment	0	0	0	1	0
	Employment	10	15	8	12	12
	Lawful activity	51	27	32	32	48
	Research	0	0	2	0	1
	Asylum	1	0	0	1	0
Research	Family	0	0	0	2	0
	Highly qualified employment	0	0	0	0	0
	Employment	0	0	0	0	0
	Education	0	0	1	0	0
	Lawful activity	0	0	0	0	0
Asylum	Family	1	0	0	0	0
	Lawful activity	0	0	0	0	01

TOTAL		334	218	181	282	368
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Source: Migration Department, Register of Aliens

This annex provides statistics on the topic of change of status. Data for Tables A1-A3; and A5-A6 will be compiled centrally from sources indicated. However, if no data are available centrally, (Member) States are welcomed to provide their national data.

The national data should be provided for Table A4 and Tables A7-A11.

**Table A1: Applicants for international protection (2010-2014)**

	2010	2011	2012	2013	2014
<b><i>Austria</i></b>					
<b><i>Belgium</i></b>					
<b><i>Bulgaria</i></b>					
<b><i>Lithuania</i></b>	495	525	645	400	440

Source: Eurostat (migr\_asyappctza), data extracted XXX

**Table A2: All valid residence permits by reason on 31 December (2010-2014)**

Year	Reason	AT	BE	BG	CY	CZ	DE	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK	NO
2010	Total																												
	Family reasons																												
	Education reasons																												
	Remunera ted activities reasons																												
2011	Total																												
	Family reasons																												
	Education reasons																												
	Remunera ted activities reasons																												
2012	Total																												

Year	Reason	AT	BE	BG	CY	CZ	DE	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK	NO
	Family reasons																												
	Education reasons																												
	Remunera ted activities reasons																												
2013	Total																												
	Family reasons																												
	Education reasons																												
	Remunera ted activities reasons																												
2014	Total																												
	Family reasons																												
	Education reasons																												



Year	Reason	AT	BE	BG	CY	CZ	DE	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK	NO
	Remunera ted activities reasons																												

Source:

Eurostat

(migr\_resvalid),

data

extracted

XXX

**Table A3: Number of "EU Blue Cards" granted (2010-2014)**

(Member) State	2010	2011	2012	2013	2014
<i>Austria</i>					
<i>Belgium</i>					
<i>Bulgaria</i>					
<i>xxx</i>					

Source: Eurostat (migr\_resbc1), data extracted XXX

**Table A4: Issued skilled or highly skilled national labour permits (2010-2014)**

(Member) State	2010	2011	2012	2013	2014
<i>Lithuania</i>	1808	3327	4627	5036	5382

Source:

National

data

**Table A5: Total number of victims of trafficking (identified and presumed) by assistance and protection: residence permit based on Directive 2004/81 as well as other granted residence permits (2010-2012)**

<b>(Member) State</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
<b><i>Austria</i></b>			
<b><i>Belgium</i></b>			
<b><i>Bulgaria</i></b>			
<b><i>Lithuania</i></b>	0	0	0

*Source: Eurostat (2015) Trafficking in Human Beings, Table A12: Number of victims (identified and presumed) by assistance and protection: residence permit based on Directive 2004/81 as well as other granted residence permits*

**Table A6: Change of immigration status permits by reason (2010-2014)**

Year	Change from:	Change to:	AT	BE	BG	CY	CZ	DE	EE	EL	ES	FI	FR	HR	HU	IE	IT	LT	LU	LV	MT	NL	PL	PT	RO	SE	SI	SK	UK	NO
2010	Family status	Education																												
		Remunerated activities																												
	Education	Family																												
		Remunerated activities																												
	Remunerated activities	Family																												
		Education																												
2011	Family status	Education																												
		Remunerated activities																												
	Education	Family																												
		Remunerated activities																												
	Remunerated activities	Family																												
		Education																												
2012	Family status	Education																												
		Remunerated activities																												
	Education	Family																												
		Remunerated activities																												
	Remunerated activities	Family																												
		Education																												
2013	Family status	Education																												
		Remunerated activities																												
	Education	Family																												
		Remunerated activities																												
	Remunerated activities	Family																												
		Education																												
2014	Family status	Education																												
		Remunerated activities																												
	Education	Family																												
		Remunerated activities																												
	Remunerated activities	Family																												
		Education																												

Source: Eurostat (migr\_reschange), data extracted XXXXXX

**Table A7: Change of immigration status permits by reason (2010-2014)**

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
Family status	Research	1	0	1	0	0			
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Education	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Research	Family								
	Education								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Remunerated activities: Blue card	Family								
	Education								
	Research								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Remunerated activities: highly qualified worker	Family								
	Education								
	Research								
	Blue card								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Remunerated activities: Employee	Family								
	Education								
	Research								
	Blue card								

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
	Highly qualified workers								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Remunerated activities: Self- employed	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Business owner	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
	Other (please specify)								
Remunerated activities: Seasonal worker	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Remunerated activities: ICT	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Investor	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								



Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
	Seasonal worker								
	ICT								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
D-type visa holder	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	Asylum								
	Victim of trafficking								
	Other (please specify)								
Asylum	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Victim of trafficking								
	Other (please specify)								
Victim of trafficking	Family								
	Education								
	Research								

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Other (please specify)								
Other (Please specify)	Family								
	Education								
	Research								
	Blue card								
	Highly qualified workers								
	Employee								
	Self-employed								
	Business owner								
	Seasonal worker								
	ICT								
	Investor								
	D-type visa holder								
	Asylum								
	Victim of trafficking								
	Other (please specify)								

*Note: Please do not leave empty cells, but use the following acronyms where required: NI (no information available), NA (not applicable).*

*Eurostat data will be used for switches between three statuses: Family, Education and Remunerated activities.*

*Please use this space to leave any notes if necessary*

**Table A8: Number of persons who have changed immigration status 2 times by type of switch (2010-2014)**

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
		n/a	n/a	n/a	n/a	n/a			

*Note: In order to fill in columns 'change from' and 'change to' please see examples of changes in tables A6 and A7*

**Table A9: Number of persons who have changed immigration status 3 times by type of switch (2010-2014)**

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
		n/a	n/a	n/a	n/a	n/a			

*Note: In order to fill in columns 'change from' and 'change to' please see examples of changes in tables A6 and A7*

**Table A10: Number of persons who have changed immigration status more than 3 times by type of switch (2010-2014)**

Change from:	Change to:	2010	2011	2012	2013	2014	Data includes <u>only</u> main applicants	Data includes main applicants <u>and</u> dependants	Source / further information
		n/a	n/a	n/a	n/a	n/a			

*Note: In order to fill in columns 'change from' and 'change to' please see examples of changes in tables A6 and A7*

**Box A1: Is the processing time set in the national legislation? If yes, does it differ for different groups of migrants – in legislation and/ or in practice?**

If the answer is yes, please fill in the Table A11, specifying in the narrative whether it differs in legislation and/ or practice:

The processing time of applications for a residence permit is set in the law. In general, temporary residence permit is issued within 4 months of the submission of the application.

Exceptions:

If an alien is admitted for highly qualified employment and his/her monthly salary is more than 2, but not more than 3 amounts of average monthly earnings in the whole economy a temporary residence permit is issued within 2 months.

If an alien has invested not less than 260 000 EUR (in an enterprise's equity capital/assets) and created no less than 5 full-time workplaces a temporary residence permit is issued within 2 months.

If an alien is admitted for highly qualified employment and his/her salary is more than 3 amounts of average monthly earnings in the whole economy a temporary residence permit is issued within 1 month.

**Table A11: The average processing time to change the status (the time span between the application for change of status and the granting of the change of status), by purpose of stay in 2014**

From \ Into	Family	Education	Research	Blue cards	Highly qualified worker	Employee	Self-employed	Business owner	Seasonal worker	ICT	Investor	D-type visa holder	Asylum	Victim of trafficking	Other (please specify)
Family		Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:
Education	Select:		Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:
Research	Select:	Select:		Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:
Blue card	Select:	Select:	Select:		Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:
Highly qualified worker	Select:	Select:	Select:	Select:		Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:
Employee	Select:	Select:	Select:	Select:	Select:		Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:
Self-employed	Select:	Select:	Select:	Select:	Select:	Select:		Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:
Business owner	Select:	Select:	Select:	Select:	Select:	Select:	Select:		Select:	Select:	Select:	Select:	Select:	Select:	Select:
Seasonal worker	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:		Select:	Select:	Select:	Select:	Select:	Select:
ICT	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:		Select:	Select:	Select:	Select:	Select:
Investor	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:		Select:	Select:	Select:	Select:
D-type visa holder	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:		Select:	Select:	Select:
Asylum	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:		Select:	Select:

<div>Into</div> <div>From</div>	Family	Education	Research	Blue cards	Highly qualified worker	Employee	Self-employed	Business owner	Seasonal worker	ICT	Investor	D-type visa holder	Asylum	Victim of trafficking	Other (please specify)
Victim of trafficking	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:		Select:
Other (please specify)	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	Select:	

*Note: Please fill in the table using one of the options provided (by clicking on the cell):*

***A few days***

***From a few days to a week***

***Up to two weeks***

***Up to a month***

***More than a month***

***NI – no information available***

***NA – not applicable***