Article 1. Purpose and Scope of the Law

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

2. The provisions of this Law have been harmonised with the provisions of the EU legal acts indicated in the annex to this Law.

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

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

Article 2. Definitions

As used in this Law:

1. Manifestly unfounded Asylum Application means an application by an alien for asylum in the Republic of Lithuania in which he has not established a prima facie case for refugee status, there is clearly no substance to the applicant’s claim to fear persecution in the country of origin or it is based on false or misleading representations or is an abuse of asylum procedures and it is clear that for the above-mentioned reasons the applicant is excluded from refugee status as he meets none of the criteria established in this Law for granting asylum in the Republic of Lithuania.

2. Travel document of a stateless person means a document issued in accordance with the provisions of 1954 Convention relating to the Status of Stateless Persons to a stateless person not
considered as a national by any foreign state who is lawfully staying in the Republic of Lithuania, granting the right to depart from and return to the Republic of Lithuania for the period of validity of the document.

3. Residence permit of a citizen of a Member State of the European Communities means a document granting any person who is a citizen of an EU Member State and the person’s family member the right to reside in the Republic of Lithuania.

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

4(1). Residence permit in the Republic of Lithuania of a family member of a citizen of an EU Member State (hereinafter - an EU residence permit) means the document granting a member of the family of the citizen of an EU Member State, who is not a citizen of an EU Member State, the right to live in the Republic of Lithuania.

5. A citizen of an EU Member State means an alien having citizenship of an EU Member State.

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

6(1). Fictitious adoption means the adoption procedure carried out with respect to a citizen of the Republic of Lithuania or an alien legally residing in the Republic of Lithuania or an alien who is not a citizen of an EU Member State in order to receive a residence permit for the Republic of Lithuania and not seeking to create other legal consequences of adoption established by the legal acts of the Republic of Lithuania.

6(2). Fictitious registered partnership means a registered partnership contracted by a citizen of the Republic of Lithuania or an alien legally residing in the Republic of Lithuania and an alien who is not an EU member state national when it is contracted in order to receive a residence permit for the Republic of Lithuania and not seeking to create other legal consequences of a registered partnership established by the legal acts of the Republic of Lithuania.
7. **Return to a foreign country** means transfer of an alien to his country of origin or a foreign country to which he has the right to depart on the decision agreed with that state according to the procedure established by legal acts;

7(1). **Humanitarian reasons** means reasons as they are defined in paragraph 1 subparagraphs 1 to 4 of Article 18 of this Law.

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

9. **Obliging to depart from the Republic of Lithuania** means a decision taken in the manner prescribed by legal acts obliging an alien to depart voluntarily within the specified time period from the territory of the Republic of Lithuania.

10. **Travel document** means the passport of a foreign national or a travel document equivalent to it, intended for travelling to a foreign country and recognised in the Republic of Lithuania.

11. **State of origin** means the state of nationality of the alien or, where the nationality of the alien may not be established or if the alien is a stateless person, the state where he has his permanent place of residence.

12. **Temporary territorial refuge** means the right granted to an alien according to the procedure established by this Law to stay in the Republic of Lithuania pending the examination of the asylum application.

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


15. **The right of a long term resident of the Republic of Lithuania to reside in the European Community** (hereafter - permit to permanently reside) – means a document entitling the alien to reside in the Republic of Lithuania and certifying the alien’s official status of permanent resident.

16. **Unaccompanied minor alien** means an alien under the age of 18, who enters the territory of the Republic of Lithuania unaccompanied by parents or any other adult responsible for him by law or who is left unaccompanied by any of the above-mentioned persons after he has entered the territory of the Republic of Lithuania.
17. **Refugee's travel document** means travel document issued to the refugee in accordance with the provisions of 1951 Convention relating to the Status of Refugees, granting the refugee the right to travel outside and return to the territory of the Republic of Lithuania for the period of validity of the document.

18. **Refugee** means an alien who has been granted the status of a refugee admitted as such in the Republic of Lithuania in the manner established by this Law.

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

20. **Asylum applicant** means an alien who has lodged an asylum application according to the procedure established in this Law.

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

22. **Family members of an asylum applicant** means the spouse of the asylum applicant or the person with whom a registered partnership has been contracted, the children of the couple or of one of them (adopted children irrespective of whether they have been adopted according to the legal acts of the Republic of Lithuania) (hereinafter - children) under the age of 18, on condition that they are unmarried as well as the father (adoptive father), mother (adoptive mother) or guardian (curator) of the minor asylum applicant, in so far as the family already existed in the country of origin and during the examination of the asylum application the family members are present on the territory of the Republic of Lithuania.

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

24. **Safe country of origin** means the alien’s country of origin in which, on account of the legal situation, the application of the law and the general political circumstances, it can be safely assumed that neither persecution on the grounds of race, religion, nationality, belonging to a certain social group or due to political convictions nor inhuman or degrading treatment or punishment or violation of the fundamental human rights are being practised.

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

26. **Family members** means the spouse or the person who has concluded partnership agreement or an agreement equivalent to it, in so far as the family already existed in the country of origin, the children of the couple or of one of them (adopted children irrespective of whether they have been adopted as defined under the laws of the Republic of Lithuania) under the age of 18, on condition that they are unmarried and dependent as well as relatives according to direct ascending line who have been dependent for at least one year and unable to make use of the support of other family members residing in a foreign country.

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

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

27(2) **The Schengen Convention** means the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 19 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on gradual implementation of abolition of checks at their common borders

27(3) **The Schengen State** means the state which has acceded to the Schengen Convention or the state in which the complete Schengen acquis is applied.

27(4) **The Schengen Visa** means the visa valid in the Schengen states and issued according to the Schengen acquis.

28. **Authorised representative** means a person who, under the laws of the state of nationality or permanent residence of an minor alien, is responsible for the minor during his stay on the territory of the Republic of Lithuania.

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

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

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

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

33. **Visa** means authorisation in the form of a sticker affixed on the alien’s travel document or decision entitling the holder to cross the state border.

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

1. In the Republic of Lithuania aliens shall enjoy the rights and freedoms provided by the Constitution of the Republic of Lithuania, international agreements, laws of the Republic of Lithuania and legal acts of the European Union.

2. In the Republic of Lithuania aliens shall be equal before the law without distinction as to sex, race, nationality, language, religion, origin, social status, religion, convictions or views.


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

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

The lawful stay and residence of aliens in the Republic of Lithuania shall be controlled by the police in conjunction with other law enforcement institutions, public and municipal authorities and agencies of the Republic of Lithuania.

**CHAPTER TWO**

**ENTRY OF ALIENS INTO THE REPUBLIC OF LITHUANIA**
Article 5. Entry of Aliens into the Republic of Lithuania


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

3. If an alien lodges an Asylum Application in the Republic of Lithuania, the decision on the alien’s admission or refusal of admission into the Republic of Lithuania shall be made by the Migration Department under the Ministry of the Interior of the Republic of Lithuania (hereinafter - the Migration Department).

Article 6. Obligation to Have a Valid Travel Document

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

2. At the border control post an alien must produce a valid travel document.

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

Article 7. Became invalid as from the day of entry in force in the Republic of Lithuania of the Schengen Convention.

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

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

2. The decision to refuse an alien admission into the territory of the Republic of Lithuania shall be taken by the State Border Protection Service under the Ministry of the Interior (hereinafter - State Border Protection Service).
3. The procedure regulating the passing of decisions regarding the refusal of the aliens’ admission into the territory of the Republic of Lithuania and the enforcement of the decisions shall be established by the Minister of the Interior.

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

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

2. Admitting an alien into the Republic of Lithuania the State Border Protection Service officers must ascertain whether he meets the conditions set in this Law and whether there are reasons specified in this Law precluding the alien’s admission into the Republic of Lithuania.

3. When exercising control over the entering aliens, the State Border Protection Service shall cooperate with the relevant public authorities and institutions of the Republic of Lithuania, foreign state institutions and international organisations in compliance with the international treaties which have come into effect in respect of the Republic of Lithuania and other legal acts.

**Article 10. Unlawful Entry in the Republic of Lithuania**

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

1) enters into the Republic of Lithuania despite having been included on the list of aliens for whom an alert has been issued for the purpose of refusing entry in the Republic of Lithuania;

2) enters the Republic of Lithuania not through the border control post;

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

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

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

**CHAPTER THREE**

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

**SECTION ONE**

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

2. The alien to whom visa-free travel regime is applied shall be entitled to enter the Republic of Lithuania and stay in it without a visa up to 3 months in each half year from the first day of entry in the Republic of Lithuania or any other Schengen state.

3. The alien in possession of a valid Schengen visa shall be entitled to enter the Republic of Lithuania and stay in it for the time period specified in the visa, but not longer than 3 months from the first day of entry in the Republic of Lithuania or any other Schengen state.


5. The alien who is not indicated in paragraph 4 of this Article but is in possession of a residence permit issued by another Schengen state shall be entitled during the period of validity of the residence permit to enter the Republic of Lithuania and stay in it without a visa up to 3 months in each half year from the first day of entry in the Republic of Lithuania or any other Schengen state which did not issue the said residence permit.

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

7. Crew members of ships that dock at the ports of the Republic of Lithuania and sailors who come to the ship at the time of visa validity and are entered in the assembly list shall be subject to the provisions of paragraph 2 of this Article.
Article 12. Types of the Visa

1. There shall be the following types of the visa:
   1) the Schengen visa;
   2) the national visa.

Article 12(1). The Schengen Visa

The Schengen Visa shall be issued to an alien possessing a valid travel document, when its time of validity is not less than 3 months longer than the term of validity of the visa applied for. The provision may be not complied with due to humanitarian reasons, national interests or international obligations, if the time of validity of the alien’s travel document is longer than the period of visa validity and the alien complies with the conditions of issuing of visas established by the Schengen acquis. This paragraph of the Article shall be implemented according to the procedure established in paragraph 8 of Article 21 of this Law.

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

3. The Schengen visas may be single-entry, double-entry or multiple-entry.

4. A group of aliens may be issued a group visa.

5. An alien may be issued a visa with limited territorial validity.

Article 12(2). Types of Schengen Visas

Types of Schengen visas shall be:

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

Article 13. Airport Transit Visa (A)

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

2. Citizens of the states specified in the list indicated paragraph 1 of Annex 3 of the Common Consular Instructions of 22 December 2005 on visas for the diplomatic missions and consular posts of the contracting parties to the Schengen Convention (2005/C 326/01) (hereinafter -
Common Consular Instructions) or persons who are not citizens of the states but are in possession of travel documents issued by the competent institutions shall be required to possess the airport transit visa.

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

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

An alien possessing a transit visa may pass in transit through the territory of the Republic of Lithuania each time staying in the Republic of Lithuania not longer than 5 days from the first day of entry in the Republic of Lithuania or any other Schengen state.

**Article 15. Short-stay Visa (C)**

An alien possessing a short-stay visa may enter the Republic of Lithuania and stay in its territory for a period whose total duration does not exceed three months in any six-month period from the first day of entry in the Republic of Lithuania or any other Schengen state.

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

1. A group visa is a transit visa or a short-stay visa shall be issued to an alien for a maximum of thirty days issued to a group of aliens formed prior to the decision to travel to the Republic of Lithuania to a group of aliens between 5 and 50 people, provided that the members of the group enter the territory, stay there and leave it as a group. A group visa shall be affixed to the group passport.

2. The visa with limited territorial validity shall be valid only in the Republic of Lithuania and/or in several other Schengen states and may be issued when one of the following grounds is present:
   1) the alien’s travel document is not recognised by one or several Schengen states;
   2) the conditions for entering are not fully complied with but the entering by the alien is necessary due to humanitarian reasons, national interests or international obligations. The visa shall not be issued if the alien’s presence in the Republic of Lithuania would cause a threat to state security, public policy, public health or international relations;
3) this is a case of urgency (due to humanitarian reasons, national interests or international obligations) and no other Schengen state/states is/are consulted or when the consultations on the issue of visas have failed;

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

Article 17. National Visa (D)

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

2. A national visa may be single entry and multiple entry. The national visa shall be issued to the alien upon submitting a document evidencing that he has sickness insurance coverage.

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

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

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

Article 18. Grounds for Extension of the Stay in the Republic of Lithuania being in Possession of the Schengen Visa

1. For the alien, for whom the issued Schengen visa expires, the duration of the stay in the Republic of Lithuania possessing the visa may be extended due to one of the reasons which emerged following the issue of the visa:

   1) illness, other acute health impairment or condition of the organism owing to which the alien is unable to leave the Republic of Lithuania;

   2) professional activity;

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

   4) force majeure.

2. The alien’s stay in the Republic of Lithuania in possession of the Schengen visa which has been extended may not exceed 3 months in every six months from the first day of entry in the Republic of Lithuania or any other Schengen state.
**Article 19. Grounds for Refusing the Issue of a Visa**

An alien shall be refused the issue of a visa if:

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

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

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

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

5) he is on the national list of aliens for whom an alert has been issued for the purpose of refusing entry in the Republic of Lithuania;

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

7) he has humiliated by action, word or deed the visa issuing officers, employees or the State of the Republic of Lithuania;

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

9) he has not submitted documents testifying to his being covered by health insurance, when the documents are required during the journey.

**Article 20. Grounds for the Annulment of a Visa**

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

1) applying for a visa, the alien misrepresented the information;

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

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


1. An alien shall submit his documents for the issue of a visa to the diplomatic mission or consular post of the Republic of Lithuania and, in the absence of such, the documents for the issue
of the Schengen visa shall be submitted to the diplomatic mission or consular post of the Schengen state representing the Republic of Lithuania. In the cases established by the Minister of the Interior in conjunction with the Minister of Foreign Affairs the alien may also submit documents for the issue of a visa at the border checkpoint, at the institution authorised by Minister of the Interior or at the Ministry of Foreign Affairs of the Republic of Lithuania.

2. The Republic of Lithuania may represent another/other Schengen state/states or be represented by another/other Schengen state/states on issuing Schengen visas.

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

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

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

3) by the State Border Protection Service on issuing short-stay visas and transit visas or refusal to issue such, on annulling all types of visas;

4) by the Migration Department on the issue of short-stay or national visas or refusal to issue such, on annulling all types of visas.

4. In the cases provided by the Schengen acquis the Schengen visa shall be issued to an alien and the time of stay in the Republic of Lithuania possessing a visa shall be extended only following the consultations of the Migration Department with other Schengen states.

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

6. The list of State institutions and agencies where aliens are issued visas shall be approved by the Minister of the Interior in conjunction with the Minister of Foreign Affairs.

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

8. Common Consular Instructions established by the Minister of the of Interior in conjunction with the Minister of Foreign Affairs shall be applied to submitting documents for the receipt of the visa and for issuing the visa as well as for the procedure of issuing of the visa at the Border, for visa annulment procedure to the extent it is in compliance with the Common Consular Instructions.
Article 22. Invalid Visa
A visa shall be invalid:
1) upon its expiry;
2) if lost;
3) if annulled;
4) if containing elements of counterfeiting;
5) upon the issue of a new visa;
6) upon the issue of a residence permit;
7) if damaged for technical or other reasons and therefore unsuitable for use;
8) if the travel document to which it was affixed becomes invalid.

Article 23. Illegally Staying in the Republic of Lithuania
An alien’s staying in the Republic of Lithuania shall be deemed illegal if the alien:
1) has been staying in the Republic of Lithuania for a period exceeding the period of visa-less stay set for aliens in paragraphs 2, 4, 5 Article 11 of this Law;
2) is staying in the Republic of Lithuania overstaying his visa;
3) is staying in the Republic of Lithuania holding an annulled visa;
4) holds counterfeit travel document;
5) holds a falsified visa;
6) is staying in the Republic of Lithuania without a visa if it is required;
7) is staying in the Republic of Lithuania without a valid travel document, save for asylum applicants;
8) has illegally entered the Republic of Lithuania.

SECTION TWO
RESIDENCE OF ALIENS IN THE REPUBLIC OF LITHUANIA

Article 24. Residence Permit in the Republic of Lithuania
A residence permit in the Republic of Lithuania (hereinafter – residence permit) shall grant an alien the right to reside in the Republic of Lithuania, to choose a place of residence in the Republic of Lithuania, to change the place of residence, to depart from and return to the Republic of Lithuania during the period of validity of the residence permit.
Article 25. Types of Residence Permits

Aliens shall be issued the following residence permits:

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

Article 26. Conditions of Issue or Replacement of Residence Permit

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

1) meets the conditions of entry set in Schengen Borders Code;

2) has a valid document evidencing he has sickness insurance coverage when in the cases established by the Government of the Republic of Lithuania he is not covered by compulsory health insurance, or in the cases and according to the procedure established by the Government of the Republic of Lithuania he has the confirmed commitment of a citizen of the Republic of Lithuania or an alien residing in the Republic of Lithuania to pay the charges for the health care services provided to him during his residence in the Republic of Lithuania;

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

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

5) as necessary, produces the list of visits and stays in foreign states.

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

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

4. The provisions as to whether or not the alien complies with the condition of entry provided for in subparagraph (e) of paragraph 1 of Article 5 of the Schengen Borders Code, i.e. whether or not the alien is considered to pose a threat to public policy, state security, public health or international relations of any of the Member States shall not be applied in case of replacement of the permanent residence permit.

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

6. If, when issuing the residence permit for the first time, it is established that another Schengen state has entered alert in the central Schengen information system for the purposes of refusing the alien entry according to provisions of the Schengen convention, this Schengen state must be consulted by the Migration Department and its interests must be taken into account. The residence permit may be issued for the humanitarian reasons or due to international obligations only.

7. The Migration Department shall consult other Schengen states about issuing the residence permit to such an alien, when the Republic of Lithuania has entered an alert for the purpose of refusing him entry in the Republic of Lithuania. If another Schengen state after consultations with the Republic of Lithuania issues the alien a residence permit or if he is already in possession of the valid residence permit issued by one of the contracting states, the alert in the central Schengen information system for the purposes of refusing the alien entry shall be withdrawn, but the data about the alien must be transferred to the national list of aliens prohibited entering the Republic of Lithuania.

**Article 27. Alien’s Adequate Means of Subsistence for being Issued a Residence Permit**

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

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

1. When issuing an alien a residence permit for the first time, the alien shall usually be issued a temporary residence permit, except in the cases established by this Law.
2. An alien who applies for the first time for the issue of a residence permit shall lodge an application for the issue of a residence permit with the diplomatic mission or consular post of the Republic of Lithuania abroad.

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

Article 29. Replacement of a Residence Permit

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

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

Article 30. Repealed as of 16 December 2006.

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

1. An alien who holds a residence permit, for whom a child is born during the period of his residence in the Republic of Lithuania, must within 3 months from the date of the birth of the child apply to the institution authorised by the Minister of the Interior for the issue of a residence permit to a child.

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

Article 32. Unaccompanied Minor Aliens

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

2. The unaccompanied minor aliens, regardless of the lawfulness of their stay on the territory of the Republic of Lithuania, shall have the following rights:
1) to be supplied with free accommodation and be supported in the manner established by the Minister of Social Security and Labour of the Republic of Lithuania;

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

3) to receive free immediate medical aid in the manner prescribed by the Health Minister;

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

5) to receive legal assistance guaranteed by the State, unless the laws of the Republic of Lithuania provide otherwise;

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

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

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

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

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

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

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

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

4) regarding the replacement of a temporary residence permit – not later than within 2 months from the day of filing of an application with the relevant institution.
2. The terms of examination of the applications specified in subparagraphs 1 to 3 of paragraph 1 of this Article may be extended for a not longer than three months period if this is necessary due to the complexity of the examination of the application.

3. The permanent residence permit shall be replaced for an alien not later than within 1 month from the day of filing of an application with the relevant institution.

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

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

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

3. In case of illness or for other serious reasons beyond the alien’s control, about the presence of which the alien must notify the Migration Department in writing, the period of validity of the decision referred to in paragraph 1 of this Article may be extended, but for not longer than up to three months.

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

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

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

2) the data which he submitted in order to receive a residence permit is not realistic or unlawfully obtained or false documents have been submitted or there is serious ground to believe that a marriage of convenience or an adoption of convenience has been concluded;

3) the alien is on the list of aliens for whom an alert has been issued for the purpose of refusing entry in the Republic of Lithuania;

4) (repealed as of 23 February 2008);

5) he does not possess adequate means of subsistence for the stay in the Republic of Lithuania. In the case provided for in subparagraph 1 of paragraph 1 of Article 46 of this Law it shall be also refused to issue or replace the alien’s residence permit if the alien does not have adequate means of subsistence for the studies and a return trip to his country;

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

7) he does not possess a valid document evidencing mandatory sickness insurance if in the cases provided for by laws he is not insured by compulsory health insurance;

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

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

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

2. An alien who has been refused the issue or replacement of a residence permit may file an application for the issue of a residence permit after at least one year from the taking of the decision to refuse the issue or replacement of a residence permit and after the disappearance of the reasons for which the issue or replacement of the residence permit was refused.

3. The provisions of subparagraph 1 of paragraphs 1 of this Article shall not be applied in case of replacement of a temporary residence permit.

4. The provisions of paragraphs 1 and 2 of this Article shall not be applied in case of replacement of temporary residence permit.

**Article 36. Data Notification**

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

   1) documents confirming the alien’s personal identity or citizenship;

   2) the alien’s marital status;

   3) the alien’s place of residence.

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

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

   2) the State Tax Inspectorate under the Ministry of Finance of the Republic of Lithuania – of an alien in possession of temporary residence permit who has terminated economic-commercial or any other declared activity in the Republic of Lithuania;
3) the educational establishment - about expulsion of the alien in possession of a temporary residence permit or his discontinuation of studies at the educational establishment;

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

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

6) the Prison Department under the Ministry of Justice of the Republic of Lithuania about the alien detained for the preliminary investigation period or is serving the court-imposed sentence.

**Article 37. An Alien’s Passport**

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

**Article 38. Travel document of a Stateless Person**

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

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

An alien’s residence in the Republic of Lithuania shall be considered as illegal if the alien:

1) is residing in the Republic of Lithuania without a residence permit except in cases where the alien has been granted temporary territorial asylum under this Law;

2) is residing in the Republic of Lithuania holding an invalid residence permit;

3) is residing in the Republic of Lithuania holding a withdrawn residence permit;

4) holds a forged residence permit;

5) holds a falsified travel document.

**SECTION THREE**

**TEMPORARY RESIDENCE OF ALIENS IN THE REPUBLIC OF LITHUANIA**
Article 40. Grounds for the Issue and Replacement of a Temporary Residence Permit

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

1) the alien has retained his right to citizenship of the Republic of Lithuania in the manner prescribed by the Law on Citizenship of the Republic of Lithuania;
2) the alien is a person of Lithuanian descent;
3) is a case of family reunification;
4) the alien intends to take up employment in the Republic of Lithuania;
5) the alien intends to engage in lawful activities in the Republic of Lithuania;
6) the alien intends to get access to education, to study at an educational establishment, to participate in internship, training, to take part in vocational training;
7) the alien has been put under guardianship/curatorship or has been appointed guardian/curator;
8) the alien may not be expelled from the Republic of Lithuania according to the procedure established by this Law or his expulsion from the Republic of Lithuania has been postponed according to the procedure established in Article 132 of this Law;
9) the alien has been granted subsidiary protection in the Republic of Lithuania in the manner prescribed by this Law;
10) the alien has been granted temporary protection in the Republic of Lithuania in the manner prescribed by this Law;
11) the alien is unable to leave because he is in a dangerous state of health and needs immediate emergency medical aid. The list of such states of health shall be drawn up by the Minister of Health of the Republic of Lithuania;
12) he shall be allowed to remain in the Republic of Lithuania as he is or has been a victim of human trafficking and cooperates with the pre-trial investigation body or with the court in the fight against trafficking in human beings or in combating the offences of trafficking in human beings. The provision shall be applied only to adult aliens;
13) he intends to carry out research and/or experimental development works as the researcher under employment contract concluded with the research institution registered in the Republic of Lithuania.

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

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

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

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

5. An alien in possession of a temporary residence permit must, following the change of the circumstances which conditioned the ground for the issue of the permit, obtain a new temporary residence permit.

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

Article 41. Issue of a Temporary Residence Permit to an Alien who has Retained the Right to Citizenship of the Republic of Lithuania

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

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

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

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

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

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

1. A temporary residence permit may be issued to an alien in the event of family reunification if:
1) the alien’s parents or one of them who are citizens of the Republic of Lithuania are residing in the Republic of Lithuania;

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

3) the alien’s child who is a citizen of the Republic of Lithuania is residing in the Republic of Lithuania;

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

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

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

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

8) if particularly difficult circumstances related to divorce or dissolution of a registered partnership or death of a family member, regulated according to the procedure laid down in paragraph 5 of Article 51 of this Law, emerge. In this case the application to issue a temporary residence permit must be filed before the divorce or dissolution of the registered partnership or the day of death of the family member, if the alien has not yet been granted a temporary residence permit for family reunification, or not later than within 6 months after the divorce or dissolution of the registered partnership or the day of death of the family member, if before the divorce or dissolution of the registered partnership or the day of death of the family member the alien held a temporary residence permit issued for family reunification. The temporary residence permit of one year’s duration may be granted under this paragraph.

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

3. In the cases provided for in subparagraphs 2, 4 to 7 of paragraph 1 of this Article the family member of the alien may be granted or replaced a temporary residence permit if he satisfies the conditions laid down in subparagraphs 2 to 4 of paragraph 1 of Article 26 of this Law or is the person whom they are joining the alien for family reunification ensures according to the procedure laid down by laws that his family member satisfies the said conditions.
4. If a temporary residence permit is issued to the alien according to subparagraph 5 of paragraph 1 of this Article, it must be established according to the procedure laid down by the Minister of the Interior whether or not the concluded marriage is not a marriage of convenience.

5. In the event of family reunification an alien shall be issued a residence permit for the same period as the alien who entered for residence.

6. The alien indicated in subparagraphs 2, 5 and 6 of paragraph 1 of this Article, whose family members enter for family reunification, must have resided in the Republic of Lithuania for the last 2 years, hold a temporary residence permit valid for at least one year and have reasonable prospects of obtaining the right to permanently reside in the Republic of Lithuania, regulated according to the procedure provided for in paragraph 5 of Article 51 of this Law. The provision shall not apply when the family members join the alien who has been granted the refugee status in the Republic of Lithuania or who has a temporary residence permit issued on the ground established in subparagraph 13 of paragraph 1 of Article 40 of this Law.

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

8. The right to family reunification shall not rest with the aliens who have filed applications for the granting of refuge in the Republic of Lithuania until their application has not yet been finally decided as well as the aliens who have been granted subsidiary or temporary protection in the Republic of Lithuania.

**Article 44. Issuance of a Temporary Residence Permit to an Alien who Intends to Pursue an Activity as an Employed Person**

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

   1) holds a work permit or

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

2. An alien who intends to pursue an activity as an employed person work shall be issued a temporary residence permit for one year.

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

4. Upon the expiry of validity of a work permit an alien must depart from the Republic of Lithuania.
Article 45. Issue of a Temporary Residence Permit to an Alien who Intends to Engage in Lawful Activities

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

1) registers an enterprise, agency or organisation in the Republic of Lithuania as the owner or co-owner who owns at least 10% of the statutory capital or voting rights and his stay in the Republic of Lithuania is necessary seeking to attain the aims of the enterprise, agency, organisation and carrying out other activities;

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

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

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


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

1. A temporary residence permit may be issued to an alien who intends to get education, study at an educational establishment, to take part in an internship programme, to undergo in-service training, to take part in vocational training in the Republic of Lithuania if he:

1) has been enrolled as a full-time student at a higher educational establishment;

2) has been enrolled as a secondary school pupil

3) has been invited to take part in an internship programme;

4) has been invited to undergo in-service training;

5) has been enrolled in the list of participants in vocational training programme.

2. The alien indicated in paragraph 1 of this Article shall be issued a temporary residence permit for the period of training, studies, taking part in internship programme, in-service training, vocational training period, but for no longer than one year. A temporary residence permit may be replaced provided that the alien meets the conditions set in paragraph 1 of Article 26 of this Law and submits documents confirming that he has not been removed from the lists of students, pupils,
participants in internship or in-service programmes or that when studying he keeps to the restrictions laid down in paragraph 4 of this Article.

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

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

5. Became invalid as from 16 December 2006.

**Article 47. Issue of a Temporary Residence Permit in Case an Alien has been Put under Guardianship/Curatorship**

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

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

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

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

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

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

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

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

1. An alien shall be issued a temporary residence permit provided that he has been granted temporary protection in the Republic of Lithuania according to the procedure established by this Law.
2. A temporary residence permit shall be issued to an alien for the period set by the Government of the Republic of Lithuania for which temporary protection in the Republic of Lithuania has been granted.

Article 49(1) Issue of a Temporary Residence Permit to an Alien who Cooperates with the Pre-trial Investigation Body or the Court, Combating Trafficking in Human Beings or Crimes Linked to Trafficking in Human Beings

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

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

3. The temporary residence permit indicated in paragraph 1 of this Article may be replaced for an alien if the pre-trial investigation body or the court mediates for issuing it.

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

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

6. The alien, issued the temporary residence permit on the ground provided for by subparagraph 12 of paragraph 1 of Article 40 of this Law, having received the permit to work shall be entitled to work during the validity of the residence permit.

Article 49(2). The Issue of the Temporary Residence Permit Works to the Alien who Intends to Perform Research and/or Experimental Development Works as Researcher

1. The temporary residence permit may be issued to an alien who intends to perform research and/or experimental development works as researcher under the employment contract concluded with a scientific research institution. Also he must present the written commitment of the institution valid for six more months from the end of the contract of employment, so that in case the alien chooses to unlawfully stay in the Republic of Lithuania, the institution would reimburse the
expenses connected with the alien’s stay and return, when the expenses are reimbursed with state funds.

2. The application to issue the temporary residence permit may be submitted by the alien or the scientific research institution.

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

4. During research and/or experimental development works the alien shall be entitled to perform pedagogical work at a higher educational establishment according to the procedure established by the laws of the Republic of Lithuania.

5. After the alien discontinues scientific research and/or experimental development work or upon the termination of the alien’s employment contract concluded with a scientific research institution, he must depart from the Republic of Lithuania.

Article 50. Grounds for Withdrawing a Temporary Residence Permit

1. A temporary residence permit of an alien shall be withdrawn if:
   1) the permit has been obtained by fraud;
   2) it transpires that there are grounds specified in paragraph 1 of Article 35 of this Law;
   3) there are serious grounds to believe that a marriage of convenience has been concluded;
   4) a marriage has been dissolved;
   5) an alien’s work permit in the Republic of Lithuania has been withdrawn;
   6) an employment contract with the alien has been terminated;
   7) it is established that the enterprise, agency or organisation whose owner or co-owner the alien is does not perform the declared activities and/or the alien’s stay in the Republic of Lithuania is not necessary in the pursuit of the objectives and conduct of activities of the enterprise, agency or organisation;
   8) the alien’s lawful activity in the Republic of Lithuania has been terminated or completed;
   9) the alien has discontinued his studies, participation in internship programme, in-service training, or professional training programme;
   10) the alien has been exempted from the duties of the guardian/curator according to the procedure established by the laws of the Republic of Lithuania or guardianship/curatorship has expired;
11) an opportunity is provided for the expulsion of the alien from the Republic of Lithuania if the temporary residence permit has been issued under subparagraph 8 of paragraph 1 of Article 40 of this Law;

12) the subsidiary or temporary protection granted to the alien has been withdrawn in the manner prescribed by this Law;

13) the alien departs to reside or has been residing in a foreign country for a period in excess of 6 months;

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

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

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

17) research and/or experimental development work is discontinued or the alien’s contract of employment concluded with research institution is terminated.

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

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

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

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

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

3. The decision on the replacement of a temporary residence permit to an alien shall be made by the Migration Department, the temporary residence permits shall be replaced to aliens by the institutions authorised by the Minister of the Interior.
4. The decision on the withdrawal of an alien’s temporary residence permit shall be made by the Migration Department.

5. The procedure regulating the submission of documents for the receipt of a temporary residence permit and the issue, replacement, withdrawal for aliens of temporary residence permits as well as the procedure for assessment whether a marriage of convenience has been entered into or a fictitious registered partnership has been contracted or a fictitious adoption has been carried out seeking that the alien be issued a temporary residence permit shall be established by the Minister of the Interior upon agreement thereof with the Minister of Foreign Affairs.

**Article 52. Invalid Temporary Residence Permit**

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

**SECTION FOUR**

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

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

1. An alien may be issued a permanent residence permit if:
   1) the alien has retained the right to citizenship of the Republic of Lithuania according to the procedure established by the Republic of Lithuania Law on Citizenship;
   2) the alien is a person of Lithuanian descent;
   3) the alien has entered the Republic of Lithuania for residence joining a citizen of the Republic of Lithuania as his family member;
   4) the alien has lost citizenship of the Republic of Lithuania but is living in the Republic of Lithuania;
5) the alien is a child under the age of 18, born in the Republic of Lithuania and his parents or one of them is a citizen of the Republic of Lithuania whose place of residence has been declared in the Republic of Lithuania or who holds a permanent residence permit;

6) the alien is a child under the age of 18, born not in the Republic of Lithuania and his parents or one of them are citizens of the Republic of Lithuania whose place of residence has been declared in the Republic of Lithuania or who holds a permanent residence permit;

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

8) the alien has been living in the Republic of Lithuania for a continuous period of the last 5 years holding a temporary residence permit;


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

1) the alien changes his personal data;

2) the permanent residence permit has become unsuitable for use;

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

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

5) the permanent residence permit has been lost.

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

4. A permanent residence permit shall be formulated for an alien for a five-year period and shall be replaced after the lapse of the period.

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

6. The permanent residence permit shall be issued on the grounds set in subparagraph 8 of paragraph 1 and paragraph 5 of this Article may be issued if the alien has passed an examination in the state language and an examination in the basic principles of the Constitution of the Republic of Lithuania. The procedure of examination in the state language and in the basic principles of the Constitution of the Republic of Lithuania and of the issuing the relevant certificates shall be established by the Government the Republic of Lithuania.
7. Family members entering for residence with the alien referred to in subparagraphs 1 and 2 of paragraph 1 of this Article and residing under his roof shall be issued permanent residence permits.

8. Persons who have reached the age of 75, persons acknowledged to be capable of work by 0-25 % (until 30 June 2007- Group I disabled) and persons to whom the level of special needs has been established according to the procedure established by legal acts, as well as persons with severe chronic psychic disorders shall be exempt from the requirements of paragraph 6 of Article 53 of this Law.

**Article 54. Grounds for Withdrawing Residence Permit**

1. An alien’s permanent residence permit may be withdrawn if:
   
   1) the permit has been obtained by fraud;
   
   2) the alien’s residence in the Republic of Lithuania may constitute a threat to state security or public policy;
   
   3) the alien has been residing in a non EU Member State for a period exceeding 12 consecutive months.

   2. (Became invalid as of 16 December 2006.)

   3. If an alien’s permanent residence permit is withdrawn, permanent residence permits of the alien’s family members living under his roof shall also be withdrawn except in the cases where they are entitled to reside in the Republic of Lithuania on other grounds set by this Law.

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

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

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

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

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

4. The decision on the withdrawal of a permanent residence permit shall be made by the Migration Department on the grounds established in subparagraphs 1 and 3 of paragraph 1 of Article 54 of this Law.
5. The decision on the withdrawal of the permanent residence permit on the grounds established in subparagraph 2 of paragraph 1 of Article 54 of this Law shall be made by Vilnius District Administrative Court.

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

**Article 56. Invalid Permanent Residence Permit**

A permanent residence permit shall be invalid:

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

**SECTION FIVE**

**ALIENS’ WORK IN THE REPUBLIC OF LITHUANIA**

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

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

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

3. A work permit may be issued to an alien if there is no specialist in Lithuania meeting the employer’s qualification requirements.
4. The Minister of Social Security and Labour, in conjunction with the Minister of the Interior, shall set the conditions and procedure where under an alien may be issued a work permit during his/her stay in the Republic of Lithuania.

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

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

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

1. An alien shall be exempt from the obligation to obtain a work permit if:
   1) the alien holds a temporary residence permit in the Republic of Lithuania issued under subparagraphs 1 to 3, 7, 9, 10 of paragraph 1 of Article 40 of this Law;
   2) the alien holds a permanent residence permit.

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

**Article 59. Grounds for Issuing a Work Permit**

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

**Article 60. Time Limits for Examining an Application to Issue a Work Permit**

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

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

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

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

3. An alien who enters the Republic of Lithuania for employment as an intern or trainee shall be issued a work permit for a period of one year and its period of validity may be extended on an exceptional basis, when the period of internship or traineeship is longer than one year and the extension is necessary for acquiring qualification in an appropriate area.
Article 62. Entry into Employment by Aliens

1. An alien may pursue employment in the Republic of Lithuania under an employment contract or, if the alien’s permanent place of employment is in a foreign country, the alien may be sent for temporary employment in the Republic of Lithuania.

2. An employer may conclude a contract of employment only with an alien in possession of a work permit, except in cases specified in Article 58 of this Law.

3. An alien’s pay shall not be less than that paid to a resident of the Republic of Lithuania for performing equal work.


Article 63. Grounds for Withdrawing a Permit to Work in the Republic of Lithuania

An alien’s work permit shall be withdrawn:

1) if the permit has been obtained by fraud;

2) upon the termination of the alien’s contract;

3) in case of termination of employment by the employer in a foreign country, who had sent the alien for temporary employment in the Republic of Lithuania;

4) the alien’s temporary residence permit is withdrawn.

Article 64. Undeclared Work or Illegal Engagement in other Activities in the Republic of Lithuania

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

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

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

3) studies at an educational establishment, takes part in an internship programme, undergoes in-service training, takes part in vocational training without a temporary residence permit except in cases specified in subparagraph 2 of paragraph 2 of Article 32 and paragraph 2 of Article 71 of this Law.
CHAPTER IV
GRANTING ASYLUM IN THE REPUBLIC OF LITHUANIA

SECTION ONE
LODGING AN ASYLUM APPLICATION

Article 65. An Alien’s Right to Apply for and be Granted Asylum in the Republic of Lithuania

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

Article 66. Forms of Asylum

The forms of asylum granted in the Republic of Lithuania according to the procedure established by this Law and other legal acts shall be as follows:

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

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

1. An alien’s application for refugee status or subsidiary protection in the Republic of Lithuania (hereinafter - Asylum Application) may be submitted:

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

2. An alien shall be entitled to personally submit an Asylum Application. On behalf of the family members who are minors the application may be submitted by any family member who is of age.

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

4. The procedure regulating examination of the aliens’ applications for asylum, decision making and enforcement of decisions shall be laid down by the Minister of the Interior.
Article 68. Non-disclosure of Information

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

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

Article 69. Actions of the Institution following the Receipt of Asylum Application

1. A public employee authorised by the state institution or agency which has been filed an alien’s Asylum Application shall:

   1) indicate in the Asylum Application or in the application record, if the application has not been submitted in writing, the date, time and place of filing thereof;
   2) collect all the available documents and travelling tickets of the asylum applicant;
   3) carry out inspection of the asylum applicant’s person and his personal belongings according to the procedure established by the laws of the Republic of Lithuania;
   4) question the asylum applicant;
   5) take the fingerprints of the asylum applicant;
   6) take pictures of the asylum applicant.

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

3. Having performed the actions specified in paragraph 1 of this Article a public servant authorised by the state institution or agency to which the asylum application has been submitted shall forthwith transmit to the Migration Department via electronic communications facilities the asylum application or the record thereof, if the application was not submitted in writing, copies of the collected asylum applicant’s documents and travelling tickets and the record of questioning, whereas the taken fingerprints shall be transmitted to the institution authorised by the Minister of the Interior.

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

5. Actions listed in paragraphs 1 and 3 of this Article shall be performed within 24 hours from the moment of filing of the Asylum Application.
Article 70. Exemption from Liability for Illegal Entry and Stay in the Republic of Lithuania

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

Article 71. Rights and Duties of an Asylum Applicant in the Republic of Lithuania while his Asylum Application is being Examined

1. During the examination of an asylum applicant’s Asylum Application in the Republic of Lithuania the applicant shall have the following rights:

1) to be accommodated at the Foreigners’ Registration Centre or Refugee Reception Centre and to use the services provided by them;

2) to manage and have notarised documents relating to the examination of the Asylum Application;

3) to make use of legal aid guaranteed by the state, unless the laws of the Republic of Lithuania establish otherwise;

4) to receive compensation for the use of means of public transport where the use is linked to the examination of the Asylum Application;

5) to make use of the interpreter’s services free of charge;

6) to receive free immediate medical aid and social services at the Foreigners’ Registration Centre or Refugee Reception Centre;

7) to receive a monthly monetary allowance in the manner laid down by the Minister of Social Security;

8) to apply to and meet representatives of the Office of the UNHCRU;

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

2. Asylum applicants who are minors shall be entitled to study at schools of general education and vocational schools.

3. Duties of an asylum applicant:

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

2) to fulfil the duties prescribed for the asylum applicant by the decisions of the Migration Department and the court;
3) to allow the performance of health screening;

4) during the examination of the asylum application to submit all the available documents and realistic full explanation of the motives of the Asylum Application, the asylum applicant’s personality as well as the circumstances of his entry and stay in the Republic of Lithuania;

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

4. State funds of the Republic of Lithuania shall be allocated for implementing the rights of the asylum applicants specified in paragraphs 1 and 2 of this Article; resources of international organisations, EU structural funds, resources of humanitarian assistance funds established by natural and legal persons of the Republic of Lithuania may also be used to the extent the asylum applicant is unable to guarantee them by the resources and property subject to declaration.

5. If it transpires that the asylum applicant had sufficient means for implementing the rights established in paragraph 1 of this Article at the time when these basic needs were being covered for him, he must refund the related expenses of the state.

SECTION TWO
EU MEMBER STATES RESPONSIBLE FOR DETERMINING THE STATE RESPONSIBLE FOR EXAMINING AN ASYLUM APPLICATION

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

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

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

3. Upon determining that the Republic of Lithuania is responsible for examining the asylum application, the application shall be examined as to the substance.
Article 73. Actions Connected with Determination of the State Responsible for Examining the Asylum Application and Transfer of an Asylum Applicant to the EU Member State

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

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

3. Having taken a decision that the responsibility for the examination of the asylum applications rests with an EU Member State, the Migration Department shall cooperate with the competent institutions of this State with a view to transferring to it the asylum applicant.

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

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

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

Article 75. Issue of Travel document to an Asylum Applicant who is being Transferred to an EU Member State

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

2. The decision on the issue of a *laissez-passer* shall be taken by the Migration Department.
SECTION THREE
PROCEDURE FOR GRANTING ASYLUM IN THE REPUBLIC OF LITHUANIA

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

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

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

3. The decision indicated in paragraph 1 of this Article shall be taken within 48 hours from the moment of lodging of the asylum application or from the moment of the asylum applicant’s transfer to the Republic of Lithuania from any of the EU Member States. Extension of the deadline for 24 hours shall be possible where determination of the reasons indicated in paragraph 2 of Article 77 of this Law is sought.

4. By decision of the Migration Department the period of temporary territorial asylum shall be extended in case of failure, due to objective reasons, to transfer the asylum applicant to any European Union Member State within the set time period. Such a decision shall be taken within 48 hours from the moment when it transpires that that the asylum applicant has not been transferred to any European Union Member State. The asylum application of such an asylum applicant shall be examined as to substance in the manner set by this Law.

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

1. If an asylum applicant comes from a safe third country, by decision of the Migration Department he shall be refused temporary territorial asylum and his asylum application shall not be examined as to substance. Such an asylum applicant shall be obliged to depart from the Republic of Lithuania to a safe third country, he shall be expelled or re-fouled to it.

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

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

Article 78. Issue of Alien’s Registration Certificate
1. The Migration Department shall within 48 hours issue the asylum applicant who has been
granted temporary territorial asylum with an alien’s registration certificate.
2. The alien’s registration certificate shall be issued to an asylum applicant irrespective of
his age.

Article 79. Accommodation of the Asylum Applicant in the Republic of Lithuania
1. The Migration Department shall take a decision on the accommodation of the asylum
applicant, except in cases where the asylum applicant has been detained or a measure alternative to
detention has been imposed on him according to the procedure established by the laws of the
Republic of Lithuania.

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

3. Unaccompanied minor asylum applicant shall be provided with accommodation at the
Refugee Reception Centre according to the procedure set by the Minister of the Interior and
Minister of Social Security and Labour, unless this is objected to by his temporary guardian
(curator) or other lawful representative.

4. The Foreigners’ Registration Centre is an agency intended for keeping the aliens detained
on the grounds specified in this Law and for accommodating the asylum applicants, carrying out
investigation as regards personal identity of aliens detained or accommodated at the Centre, the
circumstances of their entry in the Republic of Lithuania, managing record-keeping of aliens,
carrying out expulsion of aliens from the Republic of Lithuania. The Foreigners’ Registration
Centre shall be set up, re-organised and liquidated by the Minister of the Interior.
5. The Refugee Reception Centre is a budgetary agency providing social services, intended for accommodating aliens who have been granted asylum in the Republic of Lithuania and unaccompanied minor aliens as well as for implementing social integration of the aliens who have been granted asylum. The Refugee Reception Centre shall be set up, re-organised and liquidated by the Minister of Social Security and Labour.

Article 80. Examination of the Asylum Applicant’s Asylum Application as to Substance

The Asylum Application shall be examined as to substance by the Migration Department, conducting investigation with the aim of establishing whether or not the asylum applicant meets the requirements set in Articles 86 and 87 of this Law and whether or not there are reasons specified in Article 89 of this Law.

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

1. An asylum application must be examined as to substance within 3 months from the date of taking of the decision by the Migration Department on the granting of temporary territorial asylum or on the extension of temporary territorial asylum in the cases specified in paragraph 4 of Article 77 of this Law.

2. The deadline for examining an asylum application as to substance may be extended by decision of the Migration Department where objective reasons preclude examination of the asylum application by the set deadline, but the time period of examination of the application as to substance shall not exceed 6 months from the date of taking by the Migration Department of the decision on the granting of temporary territorial asylum or on the extension of temporary territorial asylum in cases specified in paragraph 4 of Article 76 of this Law.

3. The time limits for examining an asylum application as to substance shall no apply where the asylum application is examined as to substance according to the procedure set in paragraph 2 of Article 77 of this Law. Should it be established that the asylum application is manifestly unfounded it must examined within 48 hours. The deadline may be extended but for no longer than 7 days.

Article 82. Questioning Asylum Applicants and Notifying them of the Decisions

1. When an asylum applicant’s asylum application is examined as to substance, the asylum applicant’s questioning shall be carried out in the absence of his family members. If the asylum applicant so desires, during his questioning his right to legal assistance guaranteed by the state and the right to interpreter’s services shall be ensured. A minor asylum applicant must be questioned in
the presence of his lawful representative or temporary guardian (curator) and his right to legal assistance guaranteed by the state must be safeguarded.

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

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

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

2. Paragraph 1 of this Article shall not be applied and the information that cannot be confirmed by written proof shall be rejected if in the course of examination of asylum applicant’s application the asylum applicant misleads the investigation, delays it by his acts or failure to act, tries to cheat or if contradictions are established between facts indicated by the asylum applicant that have a decisive effect when granting the asylum.

**Article 84. Suspending and Resuming Examination of Asylum Application**

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

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

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

4. If the examination of an asylum applicant’s asylum application is suspended on the grounds specified in paragraph 1 or 2 of this Article, the asylum applicant shall without delay but not later than within 24 hours from the resumption of examination of the asylum application submit a detailed description of the motives of his acts or failure to act.
5. The Foreigners’ Registration Centre or the Refugee Reception Centre or the territorial police agency shall investigate the asylum applicant’s acts or failure to act and the validity of the circumstances specified in his written explanation concerning the emergence of the consequences indicated in paragraphs 1 and 2 of this Article, where such has been received, and, having established that by his acts or failure to act the asylum applicant delays the examination of the asylum application, shall submit a conclusion to the Migration Department suggesting to recognise the asylum applicant’s asylum application as manifestly invalid.

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

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

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

Article 85. Termination of Examination of Asylum Application

1. The examination of an asylum applicant’s Asylum Application shall be terminated if:

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

2) a month has lapsed from the day of making of the decision to suspend the examination of the asylum applicant’s Asylum Application;

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

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

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

Article 86. Granting Refugee Status
1. Refugee status shall be granted to the asylum applicant who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it, unless there are conditions specified in Article 88 of this Law.

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

**Article 87. Granting Subsidiary Protection**

1. Subsidiary protection may be granted to an asylum applicant who is outside his country of origin and is unable to return to it owing to a well-founded fear that:
   
   1) he will be tortured, subjected to cruel, inhuman or degrading treatment or punishment;
   2) there is a threat that his human rights and fundamental freedoms will be violated;
   3) his life, health, safety or freedom is under threat as a result of endemic violence which spread in an armed conflict or which has placed him at serious risk of systematic violation of his human rights.

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

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

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

1) the alien is receiving from organs or agencies of the United Nations (other than the Office of the UNHCR) protection or assistance;

2) the alien is recognised by the competent authorities of the country in which he has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country;

3) there are serious grounds to believe that the alien has committed a serious non-political crime prior to his arrival in the Republic of Lithuania or has been accused of the commission of acts contrary to the purpose and principles of the United Nations Organisation;
4) there are serious grounds to believe that the alien has committed a war crime or crime against humanity or committed genocide within the meaning defined in the laws of the Republic of Lithuania, international treaties and other sources of international law;

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

6) the alien’s presence in the Republic of Lithuania may constitutes a threat to state security or public policy or he has been recognised by an effective court sentence guilty of commission of a grave or a very grave crime, when the asylum applicant applies to grant subsidiary protection.

Article 89. Issue of Documents to Aliens who have been Granted Asylum in the Republic of Lithuania

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

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

3. For departure to a foreign country from the Republic of Lithuania an alien who is in permanent residence in the Republic of Lithuania shall be issued refugee’s travel documents in the manner prescribed by the Minister of the Interior.

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

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

   1) has voluntarily re-availed himself of the protection of the country of his nationality;
   2) has voluntarily re-acquired his lost nationality;
   3) has acquired a new nationality and enjoys the protection of the country of his new nationality;
   4) has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution;
5) can no longer continue to refuse to avail himself of the protection of the country of his nationality because the circumstances in connection with which he has been recognised as a refugee in the Republic of Lithuania have ceased to exist;

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

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

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

9) has been granted refugee status in the Republic of Lithuania although the status should not be granted or, upon granting him the refugee status the circumstances indicated in Article 88 of this Law were disclosed.

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

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

2) departs to settle for residence in a foreign country;

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

4) if the alien’s stay in the Republic of Lithuania constitutes a threat to state security or public policy;

5) if he obtained subsidiary protection although it should not have been granted when the circumstances indicated in Article 88 of this Law were disclosed.

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

4. If the refugee status or provisional protection in the Republic of Lithuania is withdrawn for an alien, he shall also be entitled to make use of the state guaranteed legal aid, unless the laws of the Republic of Lithuania provide otherwise.
Article 91. Cooperation with International Organisations

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

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

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

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

SECTION FOUR

GRANTING TEMPORARY PROTECTION IN THE REPUBLIC OF LITHUANIA

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

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

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

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

4. Where an alien is entitled to be granted temporary protection in the Republic of Lithuania, but there are serious grounds to believe that there are reasons for refusing temporary protection, the
Article 93. Reasons for Excluding Persons from Temporary Protection in the Republic of Lithuania

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

1) there are serious grounds for considering that the alien has committed a crime against peace or a war crime, or performed genocide, as defined in the legal acts of the Republic of Lithuania, International treaties and other instruments of international law;

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

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

4) there are reasonable grounds for regarding the alien as a danger to state security or public policy of the Republic of Lithuania;

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

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

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

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

1) to lodge an Asylum Application in the Republic of Lithuania in the manner prescribed by this Law;

2) to have access to free accommodation in the place designated by the Government of the Republic of Lithuania;
3) to be provided with all the necessary information regarding their legal status in the Republic of Lithuania in their native language or in a language which they understand;

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

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

6) to receive emergency care and necessary assistance in terms of social care;

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

2. Minors enjoying temporary protection in the Republic of Lithuania shall be entitled to study at schools of general education and vocational schools according to the procedure specified by the Minister of Education and Science.

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

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

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

1) to comply with the requirements of the Constitution, laws and other legal acts of the Republic of Lithuania;

2) to allow the performance of health screening;

3) to produce all the available documents and submit authentic information documents pertaining to the alien’s person;

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

6. State funds of the Republic of Lithuania shall be allocated for implementing the rights of the asylum applicants specified in paragraphs 1 and 2 of this Article; resources of international organisations, EU structural funds, resources of humanitarian assistance funds established by natural and legal persons of the Republic of Lithuania may also be used to the extent the asylum applicant is unable to guarantee them by the resources and property subject to declaration.
7. If it transpires that the asylum applicant had sufficient means for implementing the rights established in paragraph 1 of this Article at the time when these basic needs were being covered for him, he must refund the related expenses of the state.

Article 95. Issue of Personal Documents to Aliens who have been Granted Temporary Protection in the Republic of Lithuania

1. The Migration Department shall issue aliens who have been granted temporary protection in the Republic of Lithuania temporary residence permits which shall be valid for the entire duration of the protection.

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

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

1. Temporary protection granted to an alien the Republic of Lithuania shall be withdrawn if:
   1) the alien can return to his country of origin;
   2) the alien departs to a foreign country for residence;
   3) the reasons specified in paragraph 1 of Article 93 of this Law are disclosed.

2. The decision concerning the withdrawal of temporary protection for an alien in the Republic of Lithuania shall be taken by the Migration Department.

CHAPTER V
LEGAL STATUS OF NATIONALS OF EU MEMBER STATES IN THE REPUBLIC OF LITHUANIA

Article 97. Entry in the Republic of Lithuania

1. An alien who is a national of one of the Member States of the EU may be admitted to the Republic of Lithuania and stay therein for a period not exceeding three months in any calendar half-year from the first day of entry in the Republic of Lithuania. Such an alien seeking employment or intending to engage in any other lawful activity in the Republic of Lithuania may stay in the Republic of Lithuania for another three months.

2. Family members of an EU Member State national may be admitted to the Republic of Lithuania together with a national of an EU Member State or come on a visit to him and stay in the Republic of Lithuania for a period specified in paragraph 1 of this Article.
Article 98. Grounds for Refusing a National of an EU Member State Entry in the Republic of Lithuania

A national of an EU Member State shall be refused entry in the Republic of Lithuania if:

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

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

Article 99. Residence in the Republic of Lithuania

1. A national of an EU Member State who enters the Republic of Lithuania for residence for a time period in excess of 3 months in a 6-month period and meets at least one of the grounds set in paragraph 1 of Article 101 of this Law

2. Family members of the national of the EU Member State who are not citizens of an EU Member State, upon entering the Republic of Lithuania for residence for longer than 3 months in a 6-month period accompanying the national of the EU Member State or joining him must be issued the EU residence permit.

3. The procedure regulating the issue of the certificate for an EU member state national confirming his right to reside in the Republic of Lithuania and the issue of the EU residence permit, extension and withdrawal of the EU residence permit to the family members of the EU member state national shall be established by Minister of the Interior.

4. Decisions on the issue for an EU member state national of the certificate confirming his right to reside in the Republic of Lithuania, the issue, validity, extension and withdrawal of the EU residence permits shall be made and the certificate confirming the right to reside in the Republic of Lithuania shall be issued to the EU member state national, the EU residence permits shall be issued, extended and withdrawn by the institution authorised by the Minister of the Interior.

Article 100. Time Limits of Examination of Applications for the Issue or Extension of the EU Residence Permit

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

Article 101. Grounds for Residence in the Republic of Lithuania of a EU Member State National and his Family Member
1. A national of a Member State of the European Union shall have the right to reside in the Republic of Lithuania if he:

1) is an employee or self-employed person;

2) is possession of adequate means of subsistence for himself and for his family members to reside in the Republic of Lithuania and is in possession of a valid medical insurance document;

3) is a student, pupil, trainee, attends retraining courses or vocational training courses, has adequate means of subsistence to stay in the Republic of Lithuania for himself or his family members if they accompany or join him and is in possession of a valid medical insurance document;

4) is a family member of the EU member state national who accompanies him or joins him.

2. Members of the family of a citizen of the Republic of Lithuania who are not citizens of the EU member state shall be entitled to be issued an EU residence permit national shall be entitled to be issued an EC residence permit when they enter the Republic of Lithuania accompanying a national of an EU Member State or join him from the territory of another EU member state, exercising the right to freedom of movement in the EU.

3. In the case specified in subparagraph 3 of paragraph 1 of this Article only the spouse, the person with whom registered partnership has been contracted, the dependent children, and the dependent relatives in the direct ascending line shall be entitled to residence as family members of the EU member state national who are not nationals of the EU member state.

Article 101⁽¹⁾. The Right of Residence in the Republic of Lithuania Resulting for Family Members of the EU Member State Nationals

1. The right of residence in the Republic of Lithuania shall result for the family members of the EU national in the following cases:

1) after the death or departure from the Republic of Lithuania of the EU member state national, when the family members are EU member state nationals and meet the grounds established in paragraph 1 of Article 101 of this Law;

2) after the death of an EU member state national, when the family members are not EU member state nationals, if they resided in the Republic of Lithuania as family members for at least one year before the death of the EU member state national;

3) after the annulment of the marriage, divorce or rescission of the contract of registered partnership, when the family member is the EU member state national and meets the grounds set in paragraph 1 of Article 101 of this Law;

4) after the annulment of the marriage, divorce or rescission of the contract of registered partnership, when the family member is not a national of the EU member state, if the marriage or
registered partnership lasted at least 3 years, one year from the period in the Republic of Lithuania, or if the children of EU member state have been placed under guardianship/curatorship of the family member or if the dissolution of the marriage occurred through the fault of the other spouse (the EU member state national);

5) after the death or departure from the Republic of Lithuania of the EU member state national - for his children regardless of their citizenship and for one of the parents who holds the children under his guardianship until the end of the relevant formal education programme started by the children.

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

Article 102. Validity of the EC Residence Permit

The EU residence permit shall be executed for the period of 5 years or for the intended period of residence in the Republic of Lithuania of the EU member state national, if the period is shorter than 5 years.

Article 103. Exemption from the Obligation to Obtain a Work Permit

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

Article 104. Grounds for Permanent Residence

1. The national of an EU Member State who has been legally resident in the Republic of Lithuania for the last 5 years or who has been retained the right to citizenship of the Republic of Lithuania according to the procedure established by the Law on Citizenship or who is a person of Lithuanian descent or entered the Republic of Lithuania for residence accompanying the citizen of the Republic of Lithuania as his family member, shall acquire the right to permanently reside in the Republic of Lithuania.

2. The family members of the EU member state national specified in paragraph 1 of this Article shall also acquire a right to permanently reside in the Republic of Lithuania if they have been legally resident in it with an EU member state national for the last 5 years or if they are retained the right to reside in the Republic of Lithuania under paragraph 1 of Article 101 of this Article or they are family members of the EU member state national who has retained the right to
citizenship of the Republic of Lithuania according to the procedure established by the Law on Citizenship or are family members of the person of Lithuanian descent.

3. The Minister of the Interior shall establish exceptional cases when the right to permanently reside in the Republic of Lithuania is granted to an EU member state national and his family members who have been legally resident in the Republic of Lithuania for less than 5 years.

4. The EU member state national shall be issued a certificate of the form established by the Minister of the Interior confirming his right to permanently reside in the Republic of Lithuania.

5. A family member of the EU member state national who is not a EU member state national shall be issued the EU residence permit to certify his right to reside in the Republic of Lithuania which shall be executed for the period of 10 years to be extended after the expiration of the period.

6. Absence from the Republic of Lithuania for more than 6 months in a year’s time may be grounds for not granting the right of permanent residence in the Republic of Lithuania except in cases when absence from the Republic of Lithuania is linked with serious reasons (due to pregnancy, childbearing, acute illness, studies, professional training or assignment to a third country or in other cases established under paragraph 8 of this Article).

7. The acquired right to permanently reside in the Republic of Lithuania shall be lost if a person departs from the Republic of Lithuania for over 2 consecutive years.

8. The procedure regulating the issue to the EU member state national of a certificate confirming his right to permanently reside in the Republic of Lithuania and the issue, extension and withdrawal of the EU residence permit to family members of the EU member state national, who are not EU member state nationals shall be established by the Minister of the Interior.

Article 105. Became Invalid as from 16 December 2006.

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

1. The right of the EU member state national and/or his family members to reside in the Republic of Lithuania may be withdrawn if the stay in the Republic of Lithuania of this national and/or his family members would constitute a threat to state security or public policy.

2. If the right to reside in the Republic of Lithuania of the EU Member State national is withdrawn, the right of his family members shall also be withdrawn, except in cases when they are entitled to reside in the Republic of Lithuania on other grounds set by this Law.

3. The decision to withdraw the right to reside in the Republic of Lithuania on the ground provided for in paragraph 1 of this Article shall be made by Vilnius district administrative court.
4. Upon withdrawal of the right to reside in the Republic of Lithuania, the EU member state national and/or his family members must depart from the Republic of Lithuania or shall be expelled according to the procedure established by this Law or other legal acts.

CHAPTER VI
INTEGRATION AND NATURALISATION OF ALIENS

Article 107. Integration of Aliens
1. The Republic of Lithuania shall provide for aliens holding a residence permit conditions for integration into political, social, economic and cultural life of the state in accordance with the procedure established by laws.

2. State resources of the Republic of Lithuania shall be allocated for implementing the Lithuanian State policy in the sphere of alien integration; resources of international organisations, EU structural funds, humanitarian assistance funds established by natural and legal persons, non-governmental organisations may also be used for the purpose.

Article 108. Lithuanian State Support for Integration of Aliens
1. The aliens who have been granted asylum in the Republic of Lithuania shall be provided Lithuanian State support for integration according to the procedure established by the Minister of Social Security and Labour.

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

Article 109. Organising Integration of Aliens
1. Implementation of integration of aliens shall be coordinated by an institution authorised by the Government of the Republic of Lithuania in the manner prescribed by the Government of the Republic of Lithuania.

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

3. An institution or agency authorised by the Ministry of Social Security and Labour in conjunction with municipalities and non-governmental organisations shall organise and implement the provision of state support for the integration of aliens.
4. Municipalities and other legal persons who have concluded contracts with the institution authorised by the Minister of Social Security and Labour shall be responsible for the administration of support provided by the Lithuanian State to the integration of aliens who have been granted asylum in the Republic of Lithuania.

**Article 110. Areas of Support by the Lithuanian State for the Integration of Aliens Granted Asylum in the Republic of Lithuania**

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

1) state language teaching;
2) education;
3) employment;
4) provision with accommodation;
5) social protection;
6) health care;
7) provision of information to the public about the integration of aliens.

**Article 111. Naturalisation of Aliens**

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

**CHAPTER VII**

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

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

1. The alien’s freedom of movement in the Republic of Lithuania may be restricted only in order to ensure the interests of state security, public policy, protect public health or morals, prevent crime or safeguard the rights and freedoms of other persons.

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

An alien may be detained on the following grounds:

1) in order to prevent the alien from entering the Republic of Lithuania without a permit:
2) if the alien has illegally entered or stays in the Republic of Lithuania, with the exception of cases when he has filed an application for refuge in the Republic of Lithuania;

3) when it is attempted to return the alien who has been refused entry in the Republic of Lithuania to the country from whence he has come;

4) when the alien is suspected of using forged documents;

5) when a decision has been taken to expel the alien from the Republic of Lithuania or another state to which the Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals (OJ 2004 special edition, Chapter 19, Volume 4, p. 107) applies;

6) in order to stop the spread of dangerous and especially dangerous communicable diseases;

7) when the alien’s stay in the Republic of Lithuania constitutes a threat to state security, public policy or public health.

Article 114. Detention of an Alien

1. An alien may be detained by the police or any other law enforcement institution officer for a period not exceeding 48 hours.

2. An alien shall be detained at the Foreigners’ Registration Centre for a period of over 48 hours on court order.

3. An alien under the age of 18 may be detained only in an extreme case when the alien’s best interests are the main consideration.

Article 115. Measures Alternative to Detention

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

2. Measures alternative to detention shall be as follows:

1) requiring that the alien regularly at the fixed time report at the appropriate territorial police agency;

2) requiring that the alien communicate his whereabouts at the fixed time by communication means to the appropriate territorial police agency;

3) entrusting the guardianship of an unaccompanied minor alien to a relevant social agency;
4) entrusting the guardianship of the alien, pending the resolution of the issue of his
detention, to a citizen of the Republic of Lithuania or an alien legally resident in the Republic of
Lithuania who is related to the alien, provided that the person undertakes to take guardianship of
and to support the alien;

5) accommodating the alien at the Foreigners’ Registration Centre without subjecting him to
restriction of freedom of movement.

3. If the measures alternative to detention, specified in paragraph 2 of this Article imposed
by the order of the court, the territorial police agency shall apply to the court with a proposal to
detain the alien.

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

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

Article 116. Applying to the Court with a Motion to Detain an Alien or to Grant him a
Measure Alternative to Detention

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

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

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

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

Article 117. Appealing the Decision to Detain an Alien
1. An alien shall be entitled to appeal to the Supreme Administrative Court of Lithuania, according to the procedure established by the Law on Administrative Proceedings, the decision of the court to detain him or to extend the detention period or to apply measures alternative to detention with respect to the alien. The appeal may be submitted through the Foreigners’ Registration Centre. The Foreigners’ Registration Centre shall transfer the appeal to the Supreme Administrative Court of Lithuania.

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

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

1. Upon the disappearance of the grounds for the alien’s detention the alien shall be entitled to, whereas the institution which initiated the alien’s detention shall immediately apply to the local court of the locality of his residence with a request for review of the decision to detain the alien.

2. Upon receipt of the application for review of the decision to detain the alien, filed by the alien or the institution which initiated the alien’s detention, the court shall within 10 days from the date of acceptance of the application reconsider the decision concerning the alien’s detention and shall pass one of the following decisions:
   1) to uphold the decision to detain the alien;
   2) to reverse the decision to detain the alien;
   3) to quash the decision to detain the alien.

3. The decisions of the local court listed in paragraph 2 of this Article shall become effective from the date of their passing.

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

**Article 119. End of Detention**

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

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

**CHAPTER VIII**

**IDENTIFICATION OF A PERSON**
Article 120 Identification of a Detained Alien

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

2. When carrying out the identification, an officer of the police or any other law enforcement institution shall have a right to carry a body search and inspect his personal belongings according to the procedure established by the laws of the Republic of Lithuania.

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

Article 121. Photographing and Fingerprinting an Alien

1. For purposes of identification an alien may be photographed and fingerprinted when he:
   1) lodges an application for granting him asylum in the Republic of Lithuania;
   2) has been detained for illegal entry in, stay, residence in the Republic of Lithuania, transit through or departure from the Republic of Lithuania;
   3) is expelled from the Republic of Lithuania or returned to a foreign country.

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

Article 122. DNA Testing

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

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

3. The expenses related to the performance of the DNA test shall be covered by the alien except for the asylum applicants whose DNA test expenses shall be covered by the Republic of Lithuania.
Article 123. Age Determination Test

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

2. The age determination test must be performed with the consent of the alien whose age has to be determined. Determining the age of an alien who is a minor the test shall be performed only with the consent of the alien’s parents, other legal representatives or temporary guardian (curator).

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

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

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

CHAPTER IX

ALIENS’ DEPARTURE FROM THE REPUBLIC OF LITHUANIA

Article 124. Departure from the Republic of Lithuania

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

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

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

Article 125. Obligation to Depart from the Republic of Lithuania

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

1) the alien’s visa has been anulled;

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

Article 126. Grounds for Expulsion from the Republic of Lithuania

1. An alien shall be expelled from the Republic of Lithuania if:
1) the alien has failed to comply with the requirement obliging him to depart from the Republic of Lithuania within a set time period;
2) the alien has entered in or is staying in the Republic of Lithuania illegally;
3) the alien’s stay in the Republic of Lithuania constitutes a threat to state security or public policy;
4) a decision has been taken to expel the alien from another state to which the Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals.

2. Provisions of paragraph 1 of this Article shall not apply to the aliens who may be returned to the country of origin or a foreign country as well as to asylum applicants. Such aliens shall be returned according to the provisions of Article 129 of this Law.

3. (Became invalid as from the day of entry in force in the Republic of Lithuania of the Schengen Convention.)

Article 127. Time Limits and Procedure of Implementing the Decisions regarding Requirement Obliging to Depart, Expulsion, Return and Passage in Transit through the Territory of the Republic of Lithuania

1. The decision obliging the alien to depart from the Republic of Lithuania shall be implemented within 15 days from the day of the serving thereof on the alien. The decision obliging the EU member state national and/or his family members to depart from the Republic of Lithuania must be implemented within one month from the day of serving of the decision.
2. The decision regarding the expulsion of an alien from the Republic of Lithuania must be implemented without delay, unless there are circumstances which allow for the postponement of the implementation of the decision.

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

4. The decision on the expulsion of an alien on the grounds set forth by subparagraphs 1 and 2 of paragraph 1 of Article 126 of this Law shall be taken by the Migration Department, on the expulsion of an alien on the ground set forth by subparagraph 3 of paragraph 1 of Article 126 – by the Vilnius District Administrative Court, while the said decisions shall be implemented by the State Border Protection Service or the police. Implementing the decision on the ground set in subparagraph 4 or paragraph 1 of Article 126 of this Law, the specified institutions shall hold consultations on the implementation of the decisions with the state which passed the decision to expel the alien.

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

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

Article 128. Circumstances Taken into Account when Making a Decision to Expel an Alien or Due to which the Implementation of the Decision on the Expulsion of an Alien from the Republic of Lithuania May be Postponed

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

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

2. The implementation of the decision regarding the expulsion of an alien from the Republic of Lithuania shall be suspended if:
1) the decision regarding expulsion of an alien from the Republic of Lithuania is appealed against in the court, except in cases when the alien must be expelled due to the threat which he constitutes to state security or public policy;

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

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

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

3. With the disappearance of the reasons indicated in paragraph 2 of this Article the decision concerning expulsion of the alien from the Republic of Lithuania must be implemented without delay.

Article 129. Return

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

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

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

4. The question of the alien’s return shall be decided in cooperation with foreign countries and international organisations according to the concluded international treaties.

Article 130. Prohibition to Expel or to Return an Alien

1. It shall be prohibited to expel or to return an alien to a country where his life or freedom is under threat as he may be subjected to persecution on the grounds of race, religion, nationality, political opinion or membership of a social group or to a country from whence he may later be expelled into such a country.

2. An alien shall not be expelled from the Republic of Lithuania or returned to a country where there are serious grounds to believe that in the country the alien will be tortured, subjected to cruel, inhuman or degrading treatment or punishment.
3. The provisions of paragraph 1 of this Article shall not apply with respect to an alien who for serious reasons constitutes a threat to the security of the Republic of Lithuania or who has been convicted by an effective court judgement of a serious or particularly serious crime and constitutes a threat to the public.

4. The alien shall not be expelled from the Republic of Lithuania or returned to a foreign state if he has been granted the cooling-off period according to the procedure established by the Government of the Republic of Lithuania, during which he, as the present or former victim of human trafficking, has to pass a decision on cooperation with the pre-trial investigation body or the court.

**Article 131. Expulsion or Return Resources**

1. An alien shall be expelled or returned from the Republic of Lithuania to the state of origin or foreign state to which he has a right to proceed:
   1) at his own expense;
   2) financed by the resources of the natural or legal person who invited the alien to the Republic of Lithuania;
   3) financed by carriers in the cases established by the laws of the Republic of Lithuania.

2. In the absence of resources specified in paragraph 1 of this Article, the alien shall be expelled from the Republic of Lithuania or returned with the state resources. The said state resources shall be recovered in the manner prescribed by legal acts from the natural or legal persons who invited the alien into the Republic of Lithuania or from the carriers who brought the alien into the Republic of Lithuania or another state which passed a decision to expel the alien shall be addressed requesting the state to repay the funds, to which the Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals applies according to 2004/191/EC Council Decision of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC.

**Article 132. Issue of a Temporary Residence Permit to an Alien whose Expulsion has been Suspended**

If an alien’s expulsion is suspended due to the circumstances provided for by subparagraphs 2 to 4 of paragraph 2 of Article 128 of this Law and the circumstances have not disappeared within one year from the suspension of the enforcement of the decision to expel the alien, he shall be
issued a temporary residence permit on the grounds set in subparagraph 8 of paragraph 1 of Article 40 of this Law.

**Article 133. Prohibition to Enter the Republic of Lithuania**

1. An alien who has been refused a visa of the Republic of Lithuania or the visa has been annulled, or he has been refused a residence permit or the residence permit has been annulled, who has been refused entry in the Republic of Lithuania, has been obliged to depart, expelled from the Republic of Lithuania or returned to the country of origin or a foreign country, who attempted to illegally depart or departed from the Republic of Lithuania, whose entry in and stay in the Republic of Lithuania would constitute a threat to state security or public policy may be prohibited from entering the Republic of Lithuania for a fixed or an indefinite period of time.

2. The provisions of paragraph 1 of this Article may be derogated from in respect of an alien who gave voluntary consent and was returned to the country of origin or a foreign country to which he had the right to depart.

3. The national list of aliens for whom an alert has been issued for the purpose of refusing entry in the Republic of Lithuania shall be drawn up, administered by the Migration Department who shall present data from the list to the central Schengen information system according to the procedure established by the Government of the Republic of Lithuania.

4. The decision to prohibit (not to prohibit) the alien to enter the Republic of Lithuania shall be taken by the Migration Department.

**Article 134. Alien’s Transfer in Transit through the Territory of the Republic of Lithuania**

1. An alien may be transferred under an international treaty of the Republic of Lithuania or an EU legal act from one foreign country to another foreign country in transit through the territory of the Republic of Lithuania where proof is submitted that he has the right to proceed to the foreign country as well as evidence of necessity of transit through the territory of the Republic of Lithuania.

2. The transfer of an alien through the territory of the Republic of Lithuania shall be prohibited if:

   1) the reasons specified in paragraphs 1 and 2 of Article 130 of this Law are established in the country of transfer;

   2) the alien is suspected, charged or convicted according to the laws of the Republic of Lithuania;

   3) transit through other states or permission to enter the state of destination is impossible;
4) it is necessary to transfer in the Republic of Lithuania to another airport;
5) the assistance required may not be granted at a certain moment due to practical reasons;
6) the transfer of the alien would constitute a threat to state security, public policy or public health of the Republic of Lithuania.

Article 135. Illegal Departure from the Republic of Lithuania

1. An alien’s departure from the Republic of Lithuania shall be considered illegal if the alien:
   1) departs from the Republic of Lithuania otherwise than through the border control post;
   2) departing from the Republic of Lithuania produces another person’s documents or forged documents;
   3) departs from the Republic of Lithuania despite the application with respect to him of restrictions of freedom of movement in the Republic of Lithuania;
   4) attempts to depart from the Republic of Lithuania possessing no valid travel document.

2. An alien who attempted to illegally depart or illegally departed from the Republic of Lithuania may be prohibited from entering the Republic of Lithuania for a definite or an indefinite period of time.

CHAPTER X

APPEALING AGAINST THE DECISIONS ON THE LEGAL STATUS OF ALIENS
AND FILING AN APPLICATION FOR A DECISION TO VILNIUS DISTRICT ADMINISTRATIVE COURT

Article 136. Right of Appeal against a Decision

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

Article 137. Lodging an Appeal

1. An appeal against a decision taken in accordance with this Law may be lodged with the appropriate administrative court in the manner and under the conditions established by the Law on Administrative Proceedings, except in the cases provided for in this Law.

2. An appeal against a decision taken in accordance with this Law, if the decision has been taken on the application submitted on behalf of the family according to paragraph 2 of Article 67 of
this Law, may be lodged by an alien who submitted the application on behalf of the family or by any adult family member.

**Article 138. Time Limits for Lodging an Appeal**

An alien may lodge an appeal against the decision taken under this Law to an appropriate district administrative court within 14 days from the day of service of the decision.

**Article 139. Suspension of Implementation of the Decision Appealed against**

1. The implementation of a decision appealed against shall be suspended when:
   1) the alien’s residence permit is being withdrawn;
   2) the alien who lodged an asylum application is not granted temporary territorial asylum in the Republic of Lithuania and is obliged to depart from the Republic of Lithuania or is expelled from it to a safe third country or the country of origin;
   3) the alien is refused asylum and is obliged to depart from the Republic of Lithuania, is expelled from it or is returned to a foreign country or the country of origin, the examination of the asylum application is terminated or the granted asylum is withdrawn;
   4) the alien is expelled from the Republic of Lithuania.

2. The provisions of subparagraphs 4 of paragraph 1 of this Article shall not apply in cases where the ground for expulsion is connected with the threat to state security or public policy constituted by the alien’s stay in the Republic of Lithuania.

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

**Article 140. Examination of Applications and Requests to Adopt a Decision, Adoption of a Decision and Appealing against it**

1. Courts shall hear the applications and requests to adopt a decision and shall adopt decisions according to the procedure established in the Law on Administrative Proceedings and this Law.

2. The court must hear a complaint or application to issue a decision within 2 months or early within 10 days from the day the court passed the ruling on the admissibility of the appeal.

3. After examining the case the court shall adopt one of the following decisions:
   1) to reject the complaint or request as inadmissible;
   2) uphold the complaint or request.
4. The decision taken may be appealed to the Supreme Administrative Court of Lithuania within 14 days from the announcement of the decision.

**Article 140**

**(1)** Appealing to Vilnius District Administrative Court with a Request to Adopt a Decision to Withdraw the Right of the Alien to Reside in the Republic of Lithuania and/or Expel the Alien from the Republic of Lithuania

1. The State Security Department shall apply to Vilnius district administrative court with a request to adopt a decision to withdraw the alien’s right to reside in the Republic of Lithuania and/or expel the alien from the Republic of Lithuania on the grounds of threat posed to State Security indicated in subparagraph 2 of paragraph 1 of Article 54, subparagraph 8 of paragraph 1 of Article 90, paragraph 1 of Article 106 and subparagraph 3 of paragraph 1 of Article 126.

2. The Police Department under the Ministry of the Interior or the territorial police institution at the behest of the General Commissar of the Police of Lithuania shall apply to Vilnius district administrative court with a request to adopt a decision to withdraw the alien’s right to reside in the Republic of Lithuania and/or expel the alien from the Republic of Lithuania on the grounds of threat he poses to public policy, indicated in subparagraph 2 of paragraph 1 of Article 54, subparagraph 8 of paragraph 1 of Article 90, paragraph 1 of Article 106 and subparagraph 3 of paragraph 1 of Article 126.

3. The application to adopt a decision shall meet the requirements set in the Law on Administrative Proceedings. Administrative cases on the basis of requests specified in paragraph 1 and paragraph 2 of this Article may be examined according to factual data which constitute state or official secret and in the participation of Migration Department. The provisions regarding provided for in the Law on administrative proceedings shall not apply to these provisions.

**CHAPTER XI**

**FINAL PROVISIONS**

**Article 141. Right to Receive Information from State and Municipal Institutions and Agencies**

The Migration Department shall have the right to receive from state and municipal institutions and agencies of the Republic of Lithuania information relating to aliens required for the discharge of functions by the Migration Department in determining the aliens’ legal status in the Republic of Lithuania.
Article 142. Examination of Data relating to Aliens

1. The data relating to aliens whose legal status in the Republic of Lithuania is determined under this Law and other laws of the Republic of Lithuania shall be entered in the Register of Aliens.

2. The founder of the Register of Aliens is the Government of the Republic of Lithuania which shall approve the Regulations of the register.

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

Article 143. Liability of Aliens

Aliens shall be held liable under the laws of the Republic of Lithuania unless otherwise established by the international treaties of the Republic of Lithuania, the EU legal acts or this Law.

Article 144. International Agreements

If international agreements to which the Republic of Lithuania is a party provide otherwise than this Law, provisions of the international agreements shall apply.


Provisions of Chapter V of this Law shall apply to citizens of the EFTA member states and their family members who exercise the right to freedom of movement.

Article 146. Implementation of the Law

1. The procedure for implementing this Law shall be set forth by the Republic of Lithuania Law on the Implementation of the “Law on the Legal Status of Aliens”.

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

1) Republic of Lithuania Law “On Refugee Status in the Republic of Lithuania” (1995);

2) Law Amending Article 15 of Republic of Lithuania Law “On Refugee Status in the Republic of Lithuania” (1996);

3) Law Repealing Article 18 and Amending Article 19 of Republic of Lithuania Law “On Refugee Status in the Republic of Lithuania” (1997);

4) Law Amending Article 5 of Republic of Lithuania Law “On Refugee Status in the Republic of Lithuania” (1998);

5) Republic of Lithuania Law “On the Legal Status of Aliens” (1998);
6) Law Amending Articles 5, 7, 10, 14 of Republic of Lithuania Law “On the Legal Status of Aliens” (1999);

7) Law Amending Articles 19 and 26 of Republic of Lithuania Law “On the Legal Status of Aliens” (2000);


9) Law Amending Article 7 of Republic of Lithuania Law “On the Legal Status of Aliens” (2000);


11) Law Amending Article 8, 9 and 11 of Republic of Lithuania Law “On Refugee Status in the Republic of Lithuania” (2000);

12) Law Amending Republic of Lithuania Law “On the Legal Status of Aliens” (2001);

13) Law Amending Articles 2, 4, 5, 6, 8, 9, 10, 11, 13, 14, 18, 22, 26 of Republic of Lithuania Law “On Refugee Status” and Supplementing the Law with Articles 12, 12, 12, 12, 12, 12, 12 (2002)


Acting for the President of the Republic

ARTŪRAS PAULIAUSKAS


5. Council Resolution of 30 November 1994 on the admission of third-country nationals to the territory of the Member States for study purposes.

6. Council Resolution of 30 November 1994 relating to the limitations on the admission of third-country nationals to the territory of the Member States for the purpose of pursuing activities as self-employed persons.


10. Council recommendation of 22 December 1995 on harmonizing means of combating illegal immigration and illegal employment and improving the relevant means of control.


