

Atspausdinta iš e-seimas.lrs.lt

Consolidated version valid as of 1 April 2022

**REPUBLIC OF LITHUANIA
LAW
ON THE LEGAL STATUS OF FOREIGNERS**

29 April 2004 No IX-2206

(As last amended on 17 March 2022 – No XIV-946)

Vilnius

**CHAPTER I
GENERAL PROVISIONS**

Article 1. Purpose and scope of the Law

1. This Law shall lay down the procedure of foreigners' entry and departure, stay and residence, granting of asylum and temporary protection in the Republic of Lithuania, the procedure of integration and lodging of appeals against the decisions concerning the legal status of foreigners and other issues relating to the legal status of foreigners in the Republic of Lithuania, as well as regulate conditions and the procedure of the granting and revocation of the status of an electronic resident of the Republic of Lithuania.

2. The provisions of this Law have been harmonised with provisions of the legal acts of the European Union listed in the Annex to this Law.

2¹. Nationals of the EU Member States and of the European Free Trade Association States shall be subject to the provisions of Chapters I, II, V, VI, VII, IX, X and XI of this Law, whereas their family members and other persons who enjoy the right of free movement under legal acts of the European Union shall be subject also to the provisions of Section One of Chapter III of this Law.

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

4. The provisions of other laws of the Republic of Lithuania shall apply to legal relationships governed by this Law to the extent they are not covered by this Law, apart from the exceptions specified in paragraphs 5, 6 and 7 of this Article.

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

6. The provisions of this Law regulating work permits and residence permits in the Republic of Lithuania and the integration of foreigners shall apply to the relationships related to the

resettlement/relocation of foreigners from a humanitarian crisis-hit foreign state or part thereof to the Republic of Lithuania for permanent residence and the integration of these foreigners to the extent that they are not covered by the Law of the Republic of Lithuania on Resettlement of Persons to the Republic of Lithuania.

7. The provisions of this Law regulating work permits and residence permits in the Republic of Lithuania shall apply to legal relationships related to the implementation of investment contracts concluded in accordance with the procedure laid down in Article 13¹ of the Law of the Republic of Lithuania on Investments or major project investment contracts concluded in accordance with the procedure laid down in Article 15⁵ of the Law on Investments to the extent that they are not covered by the Law on Investments.

Article 2. Definitions

1. *Repealed as of 1 December 2015.*

2. **Travel document of a stateless person** means a document granting the right to exit from and return to the Republic of Lithuania for the duration of validity of the document, which is issued in accordance with the provisions of the 1954 Convention relating to the Status of Stateless Persons to a stateless person not possessing the nationality of any foreign state but holding a document which entitles to reside in the Republic of Lithuania.

2¹. **Representative** means a natural or legal person appointed, in accordance with the procedure laid down by legal acts of the Republic of Lithuania, as the guardian/curator of a legally incapable foreigner or an unaccompanied minor foreigner.

3. **Higher professional qualification** means a qualification attested by evidence of a higher education diploma or by at least five years of professional experience of a level comparable to a higher education qualification and which is relevant in the profession or sector specified in a contract of employment or the employer's binding job offer to recruit a foreigner under a contract of employment.

4. **Family members of a national of an EU Member State** means a person's spouse or a person with whom a registered partnership has been contracted, his direct descendants who are under the age of 21 or are dependants, including direct descendants of the spouse or of the 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 national of an EU Member State, of the spouse or of the person with whom the person has contracted a registered partnership.

4¹. *Repealed as of 1 January 2013.*

5. **National of an EU Member State** means a foreigner possessing the nationality of one of the states forming part of the European Union.

6. **Shell entity** means a legal person registered in the Register of Legal Entities or a branch or representative office of a foreign legal person or another organisation (hereinafter: an 'undertaking established in a foreign state') which have been established or acquired with the aim of obtaining a residence permit in the Republic of Lithuania for a foreigner, rather than pursuing in the Republic of Lithuania the activities specified in the documents of incorporation of this legal person or in the regulations of the branch or representative office of the undertaking established in a foreign state.

6¹. **Registered partnership of convenience** means a registered partnership contracted between a citizen of the Republic of Lithuania or a foreigner lawfully residing in the Republic of Lithuania and a foreigner who is not a national of an EU Member State, when it is contracted

with the aim of obtaining a residence permit in the Republic of Lithuania, rather than seeking to create other legal consequences of a registered partnership specified by legal acts of the Republic of Lithuania.

6². **Marriage of convenience** means a marriage contracted between a citizen of the Republic of Lithuania or a foreigner lawfully residing in the Republic of Lithuania and a foreigner who is not a national of an EU Member State with the aim of obtaining a residence permit to reside in the Republic of Lithuania, rather than seeking to create other legal consequences of marriage specified by legal acts of the Republic of Lithuania.

6³. **Fake adoption** means the adoption procedure carried out by a citizen of the Republic of Lithuania or a foreigner lawfully residing in the Republic of Lithuania and a foreigner who is not a national of an EU Member State with the aim of obtaining a residence permit in the Republic of Lithuania, rather than seeking to create other legal consequences of adoption specified by legal acts of the Republic of Lithuania.

6⁴. **Final decision** means a decision taken in respect of a foreigner in accordance with the procedure established by this Law and not appealed against within the time limit laid down by this Law or a decision regarding which all possibilities of appeal have been exhausted in accordance with the procedure established by law.

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

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

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

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

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

10¹. **Travel authorisation** means a decision taken in accordance with Regulation (EU) 2018/1240.

11. **Country of origin** means the country whose nationality a foreigner possesses or, where it is impossible to determine the nationality of the foreigner or where the foreigner is a stateless person, the country where he has his permanent place of residence.

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

11². *Repealed as of 1 July 2019.*

12. *Repealed as of 1 December 2015.*

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

13. **Work permit in the Republic of Lithuania** (hereinafter: a '**work permit**') means a document granting a foreigner the right to take up employment in the Republic of Lithuania for a period specified therein.

14. **Temporary residence permit in the Republic of Lithuania** (hereinafter: a '**temporary residence permit**') means a document granting a foreigner to temporarily reside in the Republic of Lithuania for a period specified therein.

14¹. **Electronic resident of the Republic of Lithuania** (hereinafter: an '**e-resident**') means a foreigner who seeks access to the administrative, public or commercial services provided in the Republic of Lithuania by electronic (remote) means and who has been granted the status of an e-resident in accordance with the procedure laid down by this Law.

15. **Permit of a long-term resident of the Republic of Lithuania to reside in the European Union** (hereinafter: a '**permanent residence permit**') means a document granting a foreigner the right to reside in the Republic of Lithuania and certifying the foreigner's permanent resident status.

15¹. **Material reception conditions** means the provision of housing, food and clothing to foreigners in the Republic of Lithuania and/or the granting of social benefits for these purposes, as well as a cash allowance in the cases specified in this Law.

16. **Unaccompanied minor foreigner** means a foreigner below the age of 18 who enters the Republic of Lithuania unaccompanied by parents or other legal representatives or who, after he has entered the Republic of Lithuania, is left unaccompanied until effectively placed under the curatorship by the above-mentioned persons.

16¹. **Minor foreigner** means a foreigner below the age of 18.

17. **Refugee's travel document** means a travel document issued to a refugee in accordance with the provisions of the 1951 Convention relating to the Status of Refugees, granting the refugee the right to leave and return to the territory of the Republic of Lithuania for the duration of validity of the document.

17¹. **Refugee Reception Centre** means a budgetary institution providing that ensure social, accommodation services and other services ensuring reception conditions to asylum applicants, foreigners who have been granted asylum in the Republic of Lithuania, unaccompanied minor foreigners, foreigners being present or former victims of crimes related to trafficking in human beings, foreigners who have been resettled/relocated to the territory of the Republic of Lithuania by a decision of the Government of the Republic of Lithuania. The rights and obligations of the owner of the Refugee Reception Centre shall be exercised by the Ministry of Social Security and Labour of the Republic of Lithuania.

18. **Refugee** means a foreigner who has been granted refugee status in the Republic of Lithuania in accordance with the procedure laid down in this Law.

18¹. **Subsequent application for asylum** means a foreigner's application for asylum lodged after a final decision has been taken on his previous application for asylum or a decision has been taken to terminate the examination of the application for asylum and it is no longer possible to resume the examination of the application for asylum.

18². **Vulnerable person** means a person with special needs (such as a minor, a disabled person, a person over the age of 75, a pregnant woman, a single parent with minor children, a person suffering from mental and behavioural disorders, a victim of trafficking in human beings or a person who has been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

18³. **Intra-corporate transfer** means the temporary secondment for occupational or training purposes of a foreigner who, at the time of application for a temporary residence permit, resides outside the territory of the Member States from an undertaking established outside the territory of a Member State to which the foreigner is bound by a work contract to a host undertaking established in the Republic of Lithuania and the mobility of this foreigner between the host undertakings established in the Member States under the conditions laid down in this Law.

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

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

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

21. *Repealed as of 1 March 2015.*

22. **Family members of an asylum applicant** mean the spouse of the asylum applicant or the person with whom a registered partnership has been contracted, unmarried minor children (adopted children irrespective of whether they have been adopted according to the legal acts of the Republic of Lithuania) of the couple or of one of them, as well as the father/adoptive father, mother/adoptive mother (hereinafter: 'father, mother') or the guardian/curator of an unmarried minor asylum applicant, where the family already existed in the country of origin and pending the examination of the application for asylum the family members are present on the territory of the Republic of Lithuania or, for the purposes of implementation of Section Two of Chapter IV of this Law, of another EU Member State.

23. **Asylum in the Republic of Lithuania** means refugee status or subsidiary protection granted to a foreigner in the Republic of Lithuania on the grounds and in accordance with the procedure laid down by this Law.

23¹. **Reception conditions** shall mean the totality of the guarantees provided to asylum applicants in the Republic of Lithuania.

23². **Host undertaking** means a representative office, branch of an undertaking established in a foreign state other than an EU Member State or an undertaking belonging to the same group of undertakings, as defined in the Law of the Republic of Lithuania Law on Consolidated Financial Reporting by Groups of Undertakings, a representative office or branch thereof (hereinafter: an 'undertaking belonging to the same group of undertakings') established in the Republic of Lithuania or in another EU Member State and to which a foreigner is transferred within the framework of an intra-corporate transfer.

23³. **Host entity** means a Lithuanian higher education and research institution (hereinafter: a 'higher education and research institution'), a voluntary service organiser or another undertaking, body or organisation hosting a foreigner for the purpose of studies, research and experimental development, traineeships or voluntary service.

24. **Safe country of origin** means the country of origin of a foreigner in which the legal situation, the application of the law and the political circumstances are such that no person is subjected to persecution for reasons of race, religion, nationality, membership of a particular social group or political opinion and no one is tortured, subjected to cruel, inhuman or degrading treatment or punishment, as well as in which fundamental human rights and freedoms are not violated and there is no threat by reason of indiscriminate violence in situations of international or internal armed conflict.

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

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

25². **Seasonal work** means a work that is tied to a recurring event or pattern of events linked to seasonal conditions or a certain time of the year during which required labour levels are significantly above those necessary for usually ongoing operations.

26. **Family members** mean the spouse or the person with whom a registered partnership has been contracted, minor children/adopted children (hereinafter: 'children'), including the minor children of the spouse or of the person with whom a registered partnership has been contracted, on condition that they are unmarried and are dependent on their parents, as well as direct relatives in the ascending line who have been dependent for at least one year and are unable to use the support of other family members residing in a foreign state.

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

27¹. **Schengen *acquis*** means the totality of legal acts consisting of the Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, the Schengen Convention, protocols and agreements of Member States on the accession to the Convention implementing the Schengen Agreement, the decisions and declarations of the Schengen Executive Committee, other legal acts adopted on the basis of the Schengen Agreement and the Schengen Convention.

27². **Schengen Convention** means the Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on gradual implementation of abolition of checks at their common borders.

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

27⁴. **Schengen visa** means a visa issued by a Schengen State in accordance with the provisions of Regulation (EC) No 810/2009 (hereinafter: the '**Visa Code**') and the Schengen *acquis*.

27⁵. **Right to remain in the territory of the Republic of Lithuania** means the right of a foreigner to stay temporarily in the territory of the Republic of Lithuania pending the examination of the issue of his legal status in accordance with this Law.

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

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

28². **Researcher** means a foreigner who holds a higher education qualification entitling to participate in doctoral programmes or a Doctor of Science degree and intends to conduct research and experimental development work under a contract of employment concluded with a higher education and research institution.

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

29¹. **Resettlement/relocation of foreigners to the territory of the Republic of Lithuania** means the transfer of foreigners meeting the criteria established by this Law for the granting of asylum from the territory of an EU Member State or a third country to the territory of the Republic of Lithuania at European Union level or under bilateral agreements with the EU Member States or third countries.

29². *Repealed as of 20 September 2016.*

30. **Foreigner's registration certificate** means a document confirming the right of a foreigner to remain in the territory of the Republic of Lithuania and the right to take up employment (when such right is acquired).

31. **Detention of a foreigner** shall mean the temporary accommodation of a foreigner at the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (hereinafter: the 'State Border Guard Service'), while restricting his freedom of movement on the grounds and within the time limits laid down by this Law.

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

33. **Visa** means an authorisation in the form of a sticker affixed in a foreigner's travel document entitling to enter, stay in or transit through the Republic of Lithuania.

34. Other concepts used in this Law shall be interpreted as they are defined in the Visa Code, Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC and Regulation (EU) 2018/1240.

Article 3. Rights and obligations of foreigners in the Republic of Lithuania

1. Foreigners in the Republic of Lithuania shall enjoy the rights and freedoms provided for by the Constitution of the Republic of Lithuania, international treaties, laws of the Republic of Lithuania and legal acts of the European Union.

2. Foreigners in the Republic of Lithuania shall be equal before the law, irrespective of their sex, race, ethnic background, language, origin, social status, belief, convictions or views.

3. Foreigners in the Republic of Lithuania must observe the Constitution of the Republic of Lithuania, laws and other legal acts of the Republic of Lithuania.

4. At the request of officers of a law enforcement institution or of civil servants of the Migration Department under the Ministry of the Interior of the Republic of Lithuania (hereinafter: the 'Migration Department'), a foreigner must produce documents confirming his identity (a travel document, a residence permit or any other document) as well as other documents indicating the purpose and conditions of his stay in the country and evidencing the lawfulness of the foreigner's stay in the Republic of Lithuania.

5. Foreigners illegally staying in the Republic of Lithuania who are not asylum applicants shall have the following rights:

1) to be provided, free of charge, in a language that they understand with information about their legal status in the Republic of Lithuania;

2) to have access to state-guaranteed legal aid in accordance with the procedure established by the Minister of the Interior during the court hearing of a motion to detain a foreigner or to provide to him an alternative to detention;

3) to receive free basic medical aid;

4) to study, in the case of minor foreigners, under pre-primary and general education programmes in accordance with the procedure established by the Minister of Education, Science and Sport. The right to study under a pre-primary and general education programme(s) shall be ensured not later than within three months from the establishment of the presence of minor foreigners in the Republic of Lithuania;

5) to have access to material reception conditions other than the right to receive a cash allowance and, for vulnerable persons, also the right to avail of reception conditions meeting their special needs. This provision shall apply to foreigners detained or accommodated in the facilities designated by institutions of the Republic of Lithuania;

6) to receive a food allowance in the amount of 60 per cent of state-supported income in the event that no catering service is provided, in accordance with the procedure established by the Minister of Social Security and Labour, for as long as they reside at the Refugee Reception Centre;

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

Article 4. Control of foreigners' stay, residence in the Republic of Lithuania and transit through the territory of the Republic of Lithuania

1. State policy in the area of control over the stay and residence of foreigners in the Republic of Lithuania shall be formulated, its implementation shall be coordinated and controlled by the Ministry of the Interior of the Republic of Lithuania.

2. The stay and residence of foreigners in the Republic of Lithuania shall be controlled by the Migration Department and the State Border Guard Service in cooperation with state and municipal institutions and agencies of the Republic of Lithuania. The police and the State Border Guard Service shall control the movement of nationals of the Russian Federation from the territory of the Russian Federation to the Kaliningrad Region of the Russian Federation and back across the territory of the Republic of Lithuania.

3. The assessment of a threat that a foreigner represents to national security shall be carried out by the State Security Department of the Republic of Lithuania, while the assessment of a threat

to public policy or to the community shall be carried out by the police or the State Border Guard Service.

4. Upon receipt of a foreigner's application for the issue of a residence permit in the Republic of Lithuania (hereinafter: a 'residence permit'), the Migration Department must, when deciding on the granting of asylum in the Republic of Lithuania or temporary protection to the foreigner, obtain an assessment of the institutions as referred to in paragraph 3 of this Article as to whether there are any threats posed to national security, public policy or the community as referred to in paragraph 3 of this Article. The residence permit shall be issued to the foreigner only upon receipt of the conclusions of these institutions that the foreigner does not represent a threat to national security and public policy or the community. Asylum in the Republic of Lithuania or temporary protection shall be granted to a foreigner only upon receipt of a conclusion that this foreigner does not represent a threat to national security and the conclusion that the foreigner who is granted subsidiary protection in accordance with the procedure laid down in this Law does not constitute a danger to the community and that the foreigner who is granted refugee status or temporary protection has not been convicted of a grave crime by a final judgment and does not constitute a danger to the community. The conclusions referred to in this paragraph shall be provided not later than within 14 calendar days from the receipt of the application. If, for compelling reasons, the State Security Department and the police or the State Border Guard Service cannot provide the conclusions referred to in this Article within the set time limit, they shall inform the Migration Department thereof. The total duration of the time limit for the submission of conclusions may not exceed 28 calendar days from the receipt of the application.

5. The State Security Department, having evidence that a foreigner who has been issued a visa, a residence permit or another document confirming the right of the foreigner's residence in the Republic of Lithuania as referred to in this Law represents a threat to national security, shall immediately inform thereof the Migration Department, which shall, not later than within 14 calendar days from receipt of this information, revoke the visa or withdraw the residence permit issued to the foreigner or the right of the foreigner to reside in the Republic of Lithuania and immediately inform the foreigner thereof.

6. The police or the State Border Guard Service, having established that a foreigner who has been issued a visa, a residence permit or another document confirming the right of a foreigner's residence in the Republic of Lithuania as referred to in this Law represents a threat to public policy, shall immediately inform thereof the Migration Department, which shall, not later than within 14 calendar days from receipt of this information, revoke the visa or withdraw the residence permit issued to the foreigner or the right of the foreigner to reside in the Republic of Lithuania and immediately inform the foreigner thereof.

7. The State Security Department, having evidence that a foreigner who has been granted refugee status, subsidiary or temporary protection represents a threat to national security, or the police or the State Border Guard Service, having established that the foreigner who has been granted subsidiary protection constitutes a danger to the community, the foreigner who has been granted refugee status or temporary protection has been convicted by a final judgment of a grave crime and constitutes a danger to the community, shall immediately notify the Migration Department thereof. The Migration Department shall take a decision on the withdrawal of refugee status, subsidiary or temporary protection not later than within 14 calendar days from receipt of this information, upon receipt of oral or written explanations from the foreigner. Where the Migration Department takes a decision to withdraw refugee status, additional or temporary protection, a procedure for appealing against this decision must be clarified to the foreigner.

Article 4¹. Letter of commitment of a natural or legal person regarding a foreigner invited to the Republic of Lithuania

A natural person or a legal person (as an inviting person) shall, when inviting a foreigner to the Republic of Lithuania, undertake to arrange for the foreigner, during the period of his stay or residence in the Republic of Lithuania, a medical insurance cover meeting the requirements set out the Visa Code or in this Law and to reimburse the expenditure incurred by the State as referred to in Article 131(3) of this Law and the expenditure incurred by the State in connection with the health care of the foreigner.

**CHAPTER II
ENTRY OF FOREIGNERS INTO THE REPUBLIC OF LITHUANIA****Article 5. Entry of foreigners into the Republic of Lithuania**

1. The provisions of Regulation (EU) 2016/399 (hereinafter: the ‘Schengen Borders Code’) shall apply to foreigners entering and exiting the Republic of Lithuania.

2. The presence of foreigners in the transit zones of international airports of the Republic of Lithuania (hereinafter: ‘transit zones’) shall not be considered as entry into the territory of the Republic of Lithuania. The presence of foreigners who have lodged an application for asylum at border crossing points, in transit zones or shortly after the illegal crossing of the state border of the Republic of Lithuania in the temporary accommodation facilities referred to in paragraph 6 of this Article shall not be considered as entry into the territory of the Republic of Lithuania pending a decision to admit an asylum applicant into the Republic of Lithuania.

3. If a foreigner lodges an application for asylum at a border crossing point, in a transit zone or shortly after the illegal crossing of the state border of the Republic of Lithuania, the Migration Department shall, within 48 hours from the lodging of such an application, take a decision to admit the asylum applicant into the Republic of Lithuania, with the exception of the asylum applicants to whom Article 76(4) or Article 77(1) of this Law applies.

4. Foreigners, with the exception of the asylum applicants who have lodged an application for asylum at border crossing points, in transit zones or shortly after the illegal crossing of the state border of the Republic of Lithuania and in respect of whom a decision to admit them into the Republic of Lithuania has not been taken, shall have the right to remain in the Republic of Lithuania pending an appeal stipulated in Article 138 of this Law or, where the adoption of measures securing the claim is requested within this period, pending a ruling of the relevant administrative court regarding the adoption of the measures securing the claim or when the enforcement of the decision appealed against is suspended pursuant to Article 139(1) of this Law. Applicants for asylum who have lodged an application for asylum at the border crossing points, in the transit zones or shortly after the illegal crossing of the state border of the Republic of Lithuania and in respect of whom a decision to admit them into the Republic of Lithuania has not been taken shall have the right to remain in the temporary accommodation facilities referred to in paragraph 6 of this Article pending an appeal specified in Article 138 of this Law or, where the adoption of measures securing the claim is requested within this period, pending a ruling of the relevant administrative court regarding the adoption of the measures securing the claim or when the enforcement of the decision appealed against is suspended pursuant to Article 139(1) (2) of this Law.

5. The provisions of paragraph 4 of this Article shall not apply in cases when the stay of a foreigner, except for an asylum applicant, in the Republic of Lithuania represents a threat to national security or to the community. The provision of paragraph 4 of this Article shall not apply to a national of an EU Member State, his family member or another person who enjoys

the right of free movement under legal acts of the European Union in cases when his stay in the Republic of Lithuania represents an extreme threat to national security.

6. Asylum applicants who have lodged applications for asylum at border crossing points, in transit zones or shortly after the illegal crossing of the state border of the Republic of Lithuania shall, pending a decision to admit them into the Republic of Lithuania, be temporarily accommodated by the State Border Guard Service at the border crossing points, in the transit zones or at the State Border Guard Service.

7. The conditions and procedure for providing temporary accommodation to the asylum applicants referred to in paragraph 6 of this Article in temporary accommodation facilities referred to in the same paragraph shall be established by the Minister of the Interior.

8. If no final decision has been taken within 28 days from the lodging of an application for asylum by an asylum applicant temporarily accommodated in the temporary accommodation facilities referred to in paragraph 6 of this Article, the Migration Department shall take a decision to admit such an asylum applicant into the Republic of Lithuania.

9. Where, pursuant to paragraph 3 or 8 of this Article, a decision is taken to admit an asylum applicant into the Republic of Lithuania and at least one ground for the foreigner's detention as referred to in Article 113(4) of this Law exists, the State Border Guard Service shall apply to a court for the detention of the foreigner or provision of an alternative to detention.

10. A foreigner who has been issued a temporary residence permit on the ground laid down in Article 40(1)(41) of this Law and his family members who have been issued temporary residence permits by virtue of family reunification with this foreigner may enter the Republic of Lithuania from another EU Member State to which the foreigner has left to take up highly qualified employment and which has refused to issue a temporary residence permit to him also in the cases when the temporary residence permit is no longer valid in the Republic of Lithuania or the temporary residence permit in the Republic of Lithuania was withdrawn pending the examination of the foreigner's application for the issue of a temporary residence permit in that EU Member State. A decision on the admission of these foreigners into the Republic of Lithuania shall be taken by the Migration Department upon receipt of a request from another EU Member State which has refused to issue a temporary residence permit to the foreigner. The legal status of these foreigners in the Republic of Lithuania shall be determined in accordance with this Law.

11. A foreigner who has been issued a temporary residence permit on the ground laid down in Article 40(1)(4²) of this Law, with the exception of a temporary residence permit issued pursuant to Article 44²(9) of this Law, and his family members who have been issued temporary residence permits by virtue of family reunification with this foreigner may enter the Republic of Lithuania from another EU Member State in which the foreigner has been transferred to the host undertaking within the framework of an intra-corporate transfer also where a temporary residence permit in the Republic of Lithuania is no longer valid or a temporary residence permit in the Republic of Lithuania was withdrawn during the period of intra-corporate transfer of the foreigner to the host undertaking in another EU Member State. A decision on the admission of these foreigners into the Republic of Lithuania shall be taken by the Migration Department upon receipt of a request from another EU Member State to which the foreigner has been transferred within the framework of an intra-corporate transfer. The legal status of these foreigners in the Republic of Lithuania shall be determined in accordance with this Law.

12. A foreigner who has been issued a temporary residence permit on the ground laid down in point 6 or 13 of Article 40(1) of this Law and the members of his family who have been granted temporary residence permits by virtue of family reunification with this foreigner may enter the Republic of Lithuania from another EU Member State to which the foreigner left to pursue part of his studies or to conduct part of his research and experimental development also where a

temporary residence permit in the Republic of Lithuania became invalid or was withdrawn during the period of stay in another EU Member State. A decision on the admission of these foreigners into the Republic of Lithuania shall be taken by the Migration Department upon receipt of a request from another EU Member State which has imposed the obligation to leave upon the foreigner. The legal status of these foreigners in the Republic of Lithuania shall be determined in accordance with this Law.

Article 6. Obligation to be in possession of a valid travel document

1. In order to enter the territory of the Republic of Lithuania and stay therein, a foreigner must be in possession of a valid travel document unless otherwise established in treaties of the Republic of Lithuania and legal acts of the European Union or by the Government of the Republic of Lithuania.
2. When crossing the external borders of the European Union or the internal borders of the European Union during temporary reintroduction of border control at such borders, a foreigner must produce a valid travel document at a border crossing point.
3. The procedure regulating the recognition of valid travel documents of foreigners entitling the foreigners to enter the Republic of Lithuania and the list of such documents shall be established and approved by the Minister of Foreign Affairs together with the Minister of the Interior.

Article 6¹. Requirements for a foreigner's medical insurance

Where a foreigner who enters the Republic of Lithuania or seeks to reside in it must hold medical insurance in accordance with the requirements of this Law, the foreigner's medical insurance must cover any expenses for basic medical aid as defined in the Law of the Republic of Lithuania on the Health System and the expenses which may arise due to the foreigner's return to a foreign state for health reasons (transportation, including the escort by a healthcare professional(s)) and be valid during the entire period of the foreigner's stay or residence in the Republic of Lithuania.

Article 7. *Repealed on the day of entry into force of the Schengen Convention for the Republic of Lithuania.*

Article 8. Refusal of a foreigner's admission into the Republic of Lithuania

1. The conditions for refusal of a foreigner's admission into the Republic of Lithuania shall be defined in compliance with the Schengen Borders Code.
2. A decision to refuse a foreigner's admission into the Republic of Lithuania shall be taken by the State Border Guard Service. The decision to refuse a foreigner's admission into the Republic of Lithuania shall not be taken in respect of a foreigner who has lodged an application for asylum in the Republic of Lithuania.
3. (Repealed).

Article 9. Control of foreigners entering the Republic of Lithuania

1. The State Border Guard Service shall, in accordance with the procedure laid down by legal acts of the Republic of Lithuania, control the entry of foreigners into the Republic of Lithuania

across the external borders of the European Union as well as across the internal borders of the European Union during temporary reintroduction of border control.

2. When admitting a foreigner into the Republic of Lithuania, officers of the State Border Guard Service must establish whether he fulfils the conditions set out in the Schengen Borders Code and whether there are grounds laid down in the Schengen Borders Code precluding the foreigner's admission into the Republic of Lithuania.

3. When exercising control of the entry of foreigners, the State Border Guard Service shall cooperate with the relevant state institutions and agencies of the Republic of Lithuania, foreign institutions and international organisations in compliance with the international treaties that have come into effect for the Republic of Lithuania and other legal acts.

Article 10. Unlawful entry into the Republic of Lithuania

The entry of a foreigner into the Republic of Lithuania shall be considered unlawful if the foreigner:

- 1) has entered in breach of provisions of the Schengen Borders Code;
- 2) has entered despite having been placed on the national no-entry list.

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

SECTION ONE TRAVEL AUTHORISATION AND VISAS

Article 11. Requirement to be in possession of a travel authorisation under visa-free travel regime and requirement to be in possession of a visa

1. The entry into and stay in the Republic of Lithuania of a foreigner who is not a national of an EU Member State shall be subject to provisions of Regulation (EU) 2018/1806 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (hereinafter: 'Regulation (EU) 2018/1806'). In the cases established by Regulation (EU) 2018/1806, the Government of the Republic of Lithuania may grant exemptions from the visa requirement.

2. A foreigner enjoying visa-free travel shall have the right to enter the Republic of Lithuania and stay in the Republic of Lithuania subject to being in possession of a valid travel authorisation if it is required under Regulation (EU) 2018/1240, however, he may stay in the Republic of Lithuania and any other Schengen State for a maximum of 90 days in a 180-day period. A foreigner being in possession of a travel permit with limited territorial validity issued in accordance with Article 44 of Regulation (EU) 2018/1240 and granting the right to stay in the territory of the Republic of Lithuania may enter and stay in the Republic of Lithuania for a maximum of 90 days from the date of first entry on the basis of this authorisation.

3. A foreigner in possession of a valid Schengen visa (with the exception of an airport transit visa and a visa with limited territorial validity which is not valid in the territory of the Republic of Lithuania) may enter the Republic of Lithuania and stay in the Republic of Lithuania for the period specified in the Schengen visa, however, his stay in the Republic of Lithuania and any other Schengen State may not last longer than 90 days in any 180-day period.

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

5. A foreigner who is not specified in paragraph 4 of this Article but who is in possession of a residence permit or a national visa issued by any other Schengen State shall have the right, during the period of validity of the residence permit or the national visa, to enter the Republic of Lithuania and stay in the Republic of Lithuania without a visa for a maximum of 90 days in any 180-day period.

6. A foreigner who is in possession of a valid temporary residence permit issued by another EU Member State as an intra-corporate transferee shall have the right to enter and stay in the Republic of Lithuania without a visa for a maximum of 90 days in any 180-day period, as well as to take up employment with the host undertaking established in the Republic of Lithuania. Where a foreigner is in possession of a temporary residence permit issued by another EU Member State other than a Schengen State, the host undertaking established in the Republic of Lithuania must give to the Migration Department an advance notice in writing of the intra-corporate transfer of this foreigner, including the movement between host undertakings in other EU Member States, the duration of the transfer and the address(es) of the host undertaking(s).

7. A foreigner who is in possession of a valid temporary residence permit or national visa issued by another EU Member State for the purpose of studies and who is covered by a programme financed by the European Union or its Member States which promotes the mobility of third-country nationals in the European Union or by an agreement between two or more higher education institutions may enter to continue part of his studies and stay in the Republic of Lithuania without a visa for a maximum of 360 days. This foreigner shall also have the right to take up employment in compliance with the restriction specified in Article 46(4) of this Law.

8. A foreigner who is in possession of a valid temporary residence permit or national visa issued by another EU Member State for the purpose of conducting research and experimental development works may enter and stay in the Republic of Lithuania without a visa for a maximum of 180 days in a 360-day period in order to conduct part of his research and experimental development works at a higher education and research institution. This foreigner shall also have the right to take up employment as a teacher.

9. Family members of a foreigner being in possession of a valid temporary residence permit or national visa issued by another EU Member State for the purpose of conducting research and experimental development works, where they are in possession of a valid temporary residence permit or national visa issued by another EU Member State, shall have the right to enter the Republic of Lithuania and stay in the Republic of Lithuania during the same period as the foreigner.

10. Mere possession of a travel authorisation or a visa shall not confer an automatic right of entry into the Republic of Lithuania.

11. Civilian crew members of ships calling at ports of the Republic of Lithuania who are in possession of seafarers' identity documents issued in compliance with the following conventions of the International Labour Organization: the Seafarers' Identity Documents Convention (No 108) adopted on 13 May 1958 or the Seafarers' Identity Documents Convention (Revised) (No 185) adopted on 16 June 2003, or the Convention of the International Maritime Organization on Facilitation of International Maritime Traffic adopted on 9 April 1965, as well as civilian seafarers who come to ships during the period of validity of a visa, who appear on the crew list and who are in possession of the seafarers' identity documents referred to in this paragraph shall be permitted to go ashore in the Republic of Lithuania without a visa and stay within the area of

the municipality where their ships call while the ships are in port, but no longer than for six months.

Article 12. Types of visas

There shall be the following types of visas:

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

-

Article 12¹. Schengen visa

1. The procedures and conditions set out in the Visa Code shall apply to the issue of a Schengen visa.
2. A foreigner who holds an authorisation for the purpose of seasonal work issued in accordance with Article 62¹ of this Law for a period of up to 90 days may, on this ground, apply for the issue of a Schengen visa.
3. A foreigner applying for the issue of a Schengen visa shall have his biometric identifiers, namely, his facial image and ten fingerprints, collected and entered in the Register of Foreigners, except in the cases provided for in the Visa Code.

Article 12². *Repealed as of 1 January 2013*

Article 13. *Repealed as of 1 January 2013*

Article 14. *Repealed as of 1 January 2013*

Article 15. *Repealed as of 1 January 2013*

Article 16. *Repealed as of 1 January 2013*

Article 17. National visa

1. A national visa shall be issued to a foreigner whose purpose of entry into the Republic of Lithuania is long-term stay in the Republic of Lithuania. The foreigner being in possession of a national visa may enter the Republic of Lithuania and stay in the Republic of Lithuania over the entire period of validity of the national visa, which may not exceed 12 months.
2. A foreigner lodging an application for the issue of a national visa shall have his biometric identifiers, namely, his facial image and ten fingerprints, collected and entered in the Register of Foreigners, except in the cases where such a requirement does not apply to the lodging of an application for the issue of Schengen visas in compliance with the Visa Code or in respect of a foreigner being in possession of a diplomatic passport on the basis of reciprocity.
3. A national visa may be issued to a foreigner who holds a proof of possession of medical insurance. In addition to the other requirements for a foreigner's medical insurance set out in Article 6¹ of this Law, the foreigner's medical insurance must be valid in all Schengen States

and the amount of insurance shall be at least EUR 30 000. The requirement to hold a proof of possession of medical insurance shall not apply to the appointed members of diplomatic missions, consular posts of foreign states and representations of international organisations entering the Republic of Lithuania for accreditation purposes and their family members, nor to foreigners who are holders of diplomatic passports.

Article 18. *Repealed as of 1 January 2013*

Article 19. Grounds for refusal, annulment and revocation of a national visa

1. A foreigner shall be refused a national visa and the issued national visa shall be annulled where:

- 1) he does not fulfil the conditions of entry set out in the Schengen Borders Code;
- 2) he does not justify the purpose and conditions of the intended stay in the Republic of Lithuania or there are reasonable doubts as to the reliability of the statements made;
- 3) there are reasonable doubts as to the authenticity of the documents submitted or the veracity of their contents, or he has presented documents containing signs of counterfeiting or documents which have been unlawfully acquired or are counterfeit;
- 4) the data which he has submitted in order to obtain a national visa are false;
- 5) his stay in the Republic of Lithuania may represent a threat to national security, public policy or public health;
- 6) it has been decided to obligate him to leave, to return or to expel him from a Schengen State;
- 7) he has humiliated by an action, word of mouth or in writing the visa issuing officers and civil servants regarding their activities or the State of the Republic of Lithuania;
- 8) there are serious reasons for considering that he has committed a crime against peace, a crime against humanity or a war crime, as defined in laws of the Republic of Lithuania, international treaties or other instruments of international law, or that he has instigated or otherwise participated in committing such crimes;
- 9) he has not provided a proof of possession of medical insurance, where he is required to hold it during the travel;
- 10) there are serious reasons for considering that the foreigner presents a risk of illegal immigration;
- 11) he fails to present a work permit, where he is required to hold it;
- 12) another Schengen State has entered in respect of the foreigner in the Schengen Information System an alert for refusal of admission in accordance with the provisions of Regulation (EC) No 1987/2006, an alert for refusal of entry and stay in accordance with the provisions of Regulation (EU) 2018/1861, or an alert on return in accordance with the provisions of Regulation (EU) 2018/1860 accompanied by an entry ban or he is placed on the national no-entry list;
- 13) he fails to provide evidence that he has sufficient resources to cover subsistence costs and/or does not receive regular income both for the duration of the intended stay in the Republic of Lithuania and for the return to his country of origin or residence;
- 14) he has not paid the fine(s) imposed in accordance with the procedure laid down by laws of the Republic of Lithuania, the amount (sum) of which exceeds the amount of one base social benefit;

15) it is established that a natural or legal person inviting a foreigner to enter the Republic of Lithuania has failed to comply, within the preceding one year, with the obligations laid down in this Law in respect of the entry and stay of foreigners in the Republic of Lithuania.

16) it is established that the foreigner is/was invited by a shell entity.

2. A national visa may be revoked at the request of the visa holder.

Article 20. *Repealed as of 1 January 2013*

Article 20¹. Taking of decisions on travel authorisations

Decisions on the issue or refusal, annulment or revocation of a travel authorisation shall be taken by the State Border Guard Service in compliance with the provisions of Regulation (EU) 2018/1240 and in accordance with the procedure established by the Minister of the Interior and coordinated with the Minister of Foreign Affairs.

Article 21. Issue of a visa, refusal of a visa, holding of consultations, annulment and revocation of a visa

1. Documents for the issue of a visa shall be submitted to a diplomatic mission or consular post of the Republic of Lithuania or, in the absence of such, documents for the issue of a Schengen visa shall be submitted to a diplomatic mission or consular post of a Schengen State representing the Republic of Lithuania. In the cases specified by the Minister of the Interior together with the Minister of Foreign Affairs, the documents for the issue of a visa may be also be submitted at a border crossing point, at the Migration Department or at the Ministry of Foreign Affairs of the Republic of Lithuania.

2. The Republic of Lithuania may represent any other Schengen State(s) or be represented by any other Schengen State(s) on the issues relating to the issue of visas under the agreements concluded with any other Schengen State(s).

3. Decisions on the issue or refusal of a visa, annulment or revocation thereof shall be taken:

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

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

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

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

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

3¹. The institutions referred to in points 1, 2 and 4 of paragraph 3 of this Article shall, when examining an application for the issue of a visa, have the right to request additional documents supporting the information provided by a foreigner and/or employer, an educational institution or the host entity, as well as the data indicated in the application for the issue of a visa.

4. In the cases provided for in the Visa Code, a Schengen visa shall be issued to a foreigner only after consultation of the Migration Department with other Schengen States.
5. In the cases and in accordance with the procedure laid down in paragraph 9 of this Article, a Schengen visa and a national visa shall be issued to a foreigner only after consultation of the Migration Department with other state institutions.
6. A decision on the extension of a Schengen visa or refusal to extend it shall be taken by the Migration Department.
7. The list of state institutions and agencies which issue visas to foreigners shall be approved by the Minister of the Interior together with the Minister of Foreign Affairs.
8. A foreigner may also submit documents for the issue of a visa through a commercial intermediary accredited by a diplomatic mission or consular post of the Republic of Lithuania, an honorary consul authorised by the Minister of Foreign Affairs or an external service provider selected by the Ministry of Foreign Affairs of the Republic of Lithuania.
9. The Minister of the Interior together with the Minister of Foreign Affairs shall lay down a procedure for submitting supporting documents, holding consultations, issuing a visa or refusing to issue it, extending or refusing to extend a visa, annulling and revoking a visa, also accrediting commercial intermediaries and selecting external service providers. This procedure shall apply to the extent that the Visa Code does not govern these matters.

Article 21¹. Notification of a foreigner being in possession of a national visa

The following must notify the Migration Department of a foreigner not later than within seven days:

- 1) the employer – of the termination of an employment contract with the foreigner being in possession of a national visa, of the foreigner's non-entry or non-employment if more than ten days have elapsed after the date indicated by the employer when the foreigner was due to enter the Republic of Lithuania;
- 2) an educational institution or the host entity – of the cessation of the training, studies, traineeship, up-skilling, volunteering activities of the foreigner being in possession of a national visa if more than ten days have elapsed after the date indicated by the educational institution or the host entity when the foreigner was due to enter the Republic of Lithuania.

Article 22. Invalid visa

1. A visa shall be invalid:

- 1) upon the expiry of the period of its validity;
- 2) if it is lost;
- 3) if it is annulled;
- 4) if it contains signs of counterfeiting;
- 5) upon the issue of a new visa;
- 6) upon the issue of a residence permit;
- 7) if it is damaged due to technical or other reasons and therefore is not fit for use;
- 8) *repealed as of 1 December 2015;*
- 9) if it is revoked.

2. If a valid visa is affixed in an invalid travel document, it shall be deemed valid if such a document is accompanied by another travel document which is valid.

Article 22¹. Right to remain in the territory of the Republic of Lithuania

1. The right to remain in the territory of the Republic of Lithuania shall be granted to foreigners who have entered the Republic of Lithuania and who are:

- 1) unaccompanied minor foreigners;
- 2) asylum applicants.

2. Unaccompanied minor foreigners and asylum applicants shall have the right to remain in the territory of the Republic of Lithuania pending a decision concerning their legal status. While considering the issue of determination of an EU Member State responsible for examining an application for asylum, asylum applicants shall have the right to remain in the territory of the Republic of Lithuania pending their transfer to another EU Member State responsible for examining their application for asylum.

3. The right to remain in the territory of the Republic of Lithuania shall not preclude the taking and enforcement of decisions on the return of foreigners to a foreign state and expulsion from the Republic of Lithuania on the grounds laid down in Articles 125 and 126 of this Law.

Article 23. Illegal stay in the Republic of Lithuania

The stay of a foreigner in the Republic of Lithuania shall be considered illegal if the foreigner:

- 1) has stayed in the Republic of Lithuania for a period exceeding the period of stay established for foreigners in paragraphs 2 to 9 and 11 of Article 11 of this Law;
- 2) stays in the Republic of Lithuania after the expiry of the period of validity of his travel authorisation or visa;
- 3) stays in the Republic of Lithuania under an annulled or revoked travel authorisation or visa;
- 4) is in possession of a counterfeit travel document;
- 5) is in possession of a counterfeit visa;
- 6) stays in the Republic of Lithuania without a travel authorisation or a visa, where he is required to be in possession of a travel authorisation or a visa;
- 7) stays in the Republic of Lithuania without a valid travel document;
- 8) has unlawfully entered the Republic of Lithuania;
- 9) is placed on the national no-entry list, or another Schengen State has entered in respect of the foreigner in the Schengen Information System an alert for refusal of admission in accordance with the provisions of Regulation (EC) No 1987/2006, an alert for refusal of entry and stay in accordance with the provisions of Regulation (EU) 2018/1861, except in the case provided for in the Visa Code, when a visa with limited territorial validity is issued to the foreigner, or the case provided for in Regulation (EU) 2018/1240, when a travel authorisation with limited territorial validity is issued to the foreigner and these circumstances transpire during the foreigner's stay in the Republic of Lithuania.

SECTION TWO RESIDENCE OF FOREIGNERS IN THE REPUBLIC OF LITHUANIA

Article 24. Residence permit in the Republic of Lithuania

1. A residence permit shall grant a foreigner the right to reside in the Republic of Lithuania, to choose a place of residence in the Republic of Lithuania, to change the place of residence, to leave and return to the Republic of Lithuania during the period of validity of the residence permit.

2. A foreigner's biometric identifiers, namely, his facial image and two fingerprints, shall be electronically recorded in a residence permit, except in the cases provided for in Regulation (EC) No 1030/2002. The Minister of the Interior shall specify the format of a residence permit pursuant to Regulation (EC) No 1030/2002.

Article 25. Types of residence permits

Foreigners shall be issued the following residence permits:

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

Article 26. Conditions of issue or renewal of a residence permit

1. A residence permit may be issued or renewed to a foreigner if the foreigner:

- 1) fulfils the conditions of entry set out in the Schengen Borders Code;
- 2) holds a valid proof of possession of medical insurance when, in the cases established by laws of the Republic of Lithuania, he is not covered by compulsory health insurance or, in the cases and in accordance with the procedure laid down by the Government of the Republic of Lithuania, he holds a verified letter of commitment of a citizen of the Republic of Lithuania or a foreigner residing in the Republic of Lithuania to cover expenses for the health services provided to him during the period of his residence in the Republic of Lithuania;
- 3) has sufficient resources and/or receives regular income being sufficient to cover subsistence costs in the Republic of Lithuania;
- 4) presents a written pledge that he will declare his place of residence at the accommodation with the living floorspace of not less than 7 square meters per each adult person who has declared his place of residence thereat;
- 5) produces a list of his visits and stays in foreign states;
- 6) provides detailed information about himself, (former and/or existing) ties with persons residing in the Republic of Lithuania (including nationals of other foreign states residing in the Republic of Lithuania), as well as ties with intelligence, security and/or military institutions of foreign states.

2. The conditions set out in points 2 to 5 of paragraph 1 of this Article shall not apply to a foreigner for whom a representative has been appointed in accordance with the procedure laid down by legal acts of the Republic of Lithuania, also a foreigner who is unable to leave the Republic of Lithuania or is unable to return to his country of origin due to the circumstances referred to in Article 1301 of this Law, a foreigner who is allowed to remain in the Republic of Lithuania for residence because he is or was a victim of trafficking in human beings or illegal employment and cooperates with a pre-trial investigation body or a court in combating trafficking in human beings or crimes related to trafficking in human beings or illegal employment, in the cases of particularly exploitative employment conditions or the employment of a minor or in the interests of national security, nor to a foreigner who, according to the Law

of the Republic of Lithuania on Citizenship, has the right to reinstate citizenship of the Republic of Lithuania or is of Lithuanian descent.

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

3¹. When a temporary residence permit is issued to a foreigner who intends to pursue training or studies, also when a temporary residence permit is renewed for such a foreigner, the living floorspace of adequate accommodation per person who intends to declare his place of residence at the said residential premises (including the persons who have already declared the place of residence at that premises) must be not less than 4 square metres.

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

4. If a foreigner fails to provide or refuses to provide the information referred to in point 6 of paragraph 1 of this Article, his application for the issue of a residence permit shall not be accepted.

5. The provisions of paragraph 1 of this Article, except for the obligation of a foreigner to be in possession of a valid travel document provided for in Article 6(1) of this Law, shall not apply in case of renewal of a permanent residence permit.

6. If, when issuing or renewing a residence permit, it is established that another Schengen State has entered in respect of a foreigner in the Schengen Information System an alert for refusal of admission in accordance with the provisions of Regulation (EC) No 1987/2006, an alert for refusal of entry and stay in accordance with the provisions of Regulation (EU) 2018/1861, or an alert on return in accordance with the provisions of Regulation (EU) 2018/1860 accompanied by an entryban, the Migration Department must consult this Schengen State and take account of its interests. The residence permit may only be issued or renewed for humanitarian reasons or because of international obligations.

7. The Migration Department shall consult other Schengen States on issuing a residence permit or a national visa to a foreigner in respect of whom the Republic of Lithuania has issued an alert for refusal of admission in accordance with the provisions of Regulation (EC) No 1987/2006, an alert for refusal of entry and stay in accordance with the provisions of Regulation (EU) 2018/1861, or an alert on return in accordance with the provisions of Regulation (EU) 2018/1860 accompanied by an entry ban. If, after consultations with the Republic of Lithuania, another Schengen State issues a residence permit or a national visa to the foreigner or if he is already in possession of a valid residence permit or a valid visa issued by one of the Contracting States, the alert for refusal of admission in accordance with the provisions of Regulation (EC) No 1987/2006 or the alert for refusal of entry and stay in accordance with the provisions of Regulation (EU) 2018/1861 shall be deleted from the Schengen Information System.

Article 27. Foreigner's means of subsistence for obtaining a residence permit

The amount of means of subsistence that may be considered sufficient for a foreigner applying for a residence permit in the Republic of Lithuania shall be determined by the Minister of Social Security and Labour.

Article 28. Issue of a residence permit

1. When issuing a residence permit to a foreigner for the first time, the foreigner shall usually be issued a temporary residence permit, except in the cases specified by this Law.
2. A foreigner who is legally staying in the territory of the Republic of Lithuania may lodge an application for the issue of a residence permit with the Migration Department, however, the lodging of such an application shall not entitle the foreigner to stay in the territory of the Republic of Lithuania pending the examination of the foreigner's application and the taking of a decision thereon.
3. A foreigner may lodge an application for the issue of a residence permit on the grounds laid down in points 1 and 2 of Article 40(1) of this Law with a diplomatic mission or consular post of the Republic of Lithuania abroad or, if legally staying in the territory of the Republic of Lithuania, with the Migration Department.
4. A foreigner subject to an intra-corporate transfer shall lodge an application for the issue of a temporary residence permit on the ground laid down in Article 40(1)(42) of this Law with a diplomatic mission or consular post of the Republic of Lithuania outside the territory of the EU Member States or, if legally staying in the territory of the Republic of Lithuania, with the Migration Department in accordance with the requirements set out in Article 44²(5) and (6) of this Law. In the case referred to in Article 44²(9) of this Law, a foreigner subject to an intra-corporate transfer may lodge an application for the issue of a temporary residence permit with a diplomatic mission or consular post of the Republic of Lithuania located in another EU Member State or, if legally staying in the territory of the Republic of Lithuania, with the Migration Department.
5. *Repealed as of 1 March 2021.*

Article 29. Renewal of a residence permit

1. A residence permit issued to a foreigner shall be renewed on the grounds laid down by this Law.
2. A foreigner must lodge an application for the renewal of a residence permit with the Migration Department.

Article 30. *Repealed as of 16 December 2006*

Article 31. Issue of a residence permit to a foreigner's child born in the Republic of Lithuania

1. A foreigner being in possession of a residence permit to whom a child is born during the period of his residence in the Republic of Lithuania must, within three months from the birth of the child, apply to the Migration Department for the issue of a residence permit to the child.
2. A child born during the period of a foreigner's residence in the Republic of Lithuania shall be issued the same type of a residence permit as the one held by both or one of the child's parents. The permit shall be valid for the duration of validity of the permit of one of the child's parents.

Article 32. Unaccompanied minor foreigners

1. Unaccompanied minor foreigners, regardless of the legitimacy of their stay in the territory of the Republic of Lithuania, must be appointed a representative without delay in accordance with the procedure laid down by legal acts of the Republic of Lithuania for the duration of their stay in the Republic of Lithuania.
2. When appointing a representative for an unaccompanied minor foreigner, a court shall not be requested to grant permission to take the child away from his legal representatives.
3. Where a legal person is appointed as a representative of an unaccompanied minor foreigner, it shall, not later than on the next working day following the adoption of an order of the director of the municipal administration on the child's placement under temporary guardianship/curatorship, designate an employee responsible for performing the duties of a representative in respect of the unaccompanied minor foreigner.
4. Unaccompanied minor foreigners, regardless of the legitimacy of their stay in the territory of the Republic of Lithuania, shall have the following rights:
 - 1) to be provided with free accommodation and be supported in accordance with the procedure laid down by the Minister of Social Security and Labour of the Republic of Lithuania;
 - 2) to study under a pre-school, pre-primary, general education or vocational training programme(s) in accordance with the procedure established by the Minister of Education, Science and Sport. The right to study under a pre-school, pre-primary, general education or vocational training programme(s) shall be ensured not later than within three months from the establishment of the presence of an unaccompanied minor foreigner in the Republic of Lithuania;
 - 3) to receive free (state-guaranteed) health care referred to in the Law of the Republic of Lithuania on the Health System;
 - 4) to be provided with free social services in accordance with the procedure established by the Minister of Social Security and Labour, with the exception of the case referred to in paragraph 5 of this Article;
 - 5) to have access to state-guaranteed legal aid, unless the laws of the Republic of Lithuania provide otherwise;
 - 6) to contact representatives of non-governmental or international organisations of the Republic of Lithuania;
 - 7) other rights guaranteed by international treaties, laws and other legal acts of the Republic of Lithuania.
5. Social services shall be provided to unaccompanied minor foreigners who have been issued a permanent or temporary residence permit in the Republic of Lithuania in compliance with the Law of the Republic of Lithuania on Social Services.
6. Having received information on an unaccompanied minor foreigner, the Migration Department must, together with the organisations referred to in point 6 of paragraph 4 of this Article and the representative of the unaccompanied minor foreigner, immediately organise a search for his family members and issue a foreigner's registration certificate to him not later than within two days from the receipt of the information on the identified unaccompanied minor foreigner.
7. The issue of the legal status of an unaccompanied minor foreigner in the Republic of Lithuania shall be addressed concurrently with the search for his family members.

8. Non-asylum seeking unaccompanied minor foreigners shall be provided with accommodation by a decision of the State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour in accordance with the procedure established by the Minister of Social Security and Labour, the Minister of the Interior and the Minister of Health.

Article 33. Time limits for examining an application for the issue or renewal of a residence permit, for re-personalisation of a temporary residence permit and for issuing, renewing or refusing to issue or renew such a permit

1. A foreigner's application for the issue or renewal of a residence permit must be examined and a residence permit must be issued, renewed or refused:

1) regarding the issue of a temporary residence permit, except in the cases referred to in points 2, 3 and 4 of this paragraph – not later than within four months from the lodging of an application with the relevant institution;

2) regarding the issue of a temporary residence permit – not later than within three months from the lodging of an application with the relevant institution:

a) on the ground laid down in Article 40(1)(4²) of this Law, when the foreigner is subject to an intra-corporate transfer, and in the case referred to in Article 44²(1)(3) of this Law, also on the grounds laid down in points 13, 15 and 16 of Article 40(1) of this Law;

b) to a family member of the foreigner referred to in sub-point a of this point. This provision shall not apply to a family member of a foreigner who has completed his studies and applies for the issue of a temporary residence permit on the ground laid down in Article 40(1)(15) of this Law;

c) on the ground laid down in Article 40(1)(5) of this Law in the case referred to in Article 45(1)(8) of this Law, also on the ground laid down in Article 40(1)(6) of this Law in the case referred to in point 1 or 3 of Article 46(1) of this Law;

3) regarding the issue of a temporary residence permit - not later than within two months from the lodging of an application with the relevant institution:

a) when the foreigner intends to take up highly qualified employment, except in the cases referred to in sub-point a of point 4 of this paragraph;

b) on the ground laid down in Article 40(1)(4²) of this Law, when the foreigner is subject to an intra-corporate transfer, and in the case referred to in point 1 or 2 of Article 44²(1) of this Law;

1) on the ground laid down in Article 40(1)(5¹) of this Law;

1) on the grounds laid down in points 2¹ and 2² of Article 45(1) of this Law;

e) to a family member of the foreigner referred to in sub-points a, b, c and d of this point;

4) regarding the issue of a temporary residence permit - not later than within one month from the lodging of an application with the relevant institution:

a) when the foreigner intends to take up highly qualified employment and in the case referred to in sub-point a or b of Article 44¹(1)(3) of this Law;

b) to a family member of the foreigner referred to in sub-point a of this point;

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

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

2. A foreigner's application for the renewal of a permanent residence permit must be examined and the permanent residence permit must be renewed or its renewal must be refused not later than within one month from the lodging of the application with the Migration Department.
3. In the cases specified in Article 40(2) of this Law, an application for the re-personalisation of a temporary residence permit must be examined and the temporary residence permit must be re-personalised not later than within ten working days from the lodging of the said application with the Migration Department.
4. In the absence of sufficient data and/or documents supporting an application for the issue or renewal of a residence permit, also where there are doubts as to the information provided by the employer regarding a foreigner's qualification and its relevance to the workplace or regarding work experience, the Migration Department shall, not later than within one month from the receipt of the application for the issue or renewal of the residence permit in the cases referred to in paragraph 1 of this Article and not later than within ten working days from the receipt of an application for the renewal of a permanent residence permit in the cases referred to in paragraph 2 of this Article, notify in writing the person who has lodged the said application and set a reasonable time limit for providing the necessary data and/or documents. The time limit for examining the application for the issue or renewal of a residence permit shall be suspended from the dispatch of the said notification and resume running from the receipt at that institution of the data and/or documents necessary to take a decision on the issue or renewal of the residence permit.

Article 34. *Repealed as of 1 July 2019*

Article 34¹. Issue, renewal and re-personalisation of a residence permit as a matter of urgency

1. At the request of a foreigner, an application for the issue or renewal of a residence permit may be examined and the document may be issued or renewed as a matter of urgency. When examining the foreigner's application for the issue or renewal of a residence permit and issuing or renewing this document as a matter of urgency, the time limits laid down in Article 33(1) of this Law shall be halved.
2. In the cases specified in Article 40(2) of this Law, an application for the re-personalisation of a temporary residence permit shall be examined at the request of a foreigner and the temporary residence permit shall be re-personalised as a matter of urgency within a period of half the time limit laid down in Article 33(3) of this Law.
3. At the request of a foreigner, an application for the renewal of a permanent residence permit may be examined and the permanent residence permit may be renewed as a matter of urgency within a period of half the time limit laid down in Article 33(2) of this Law.
4. The cases when a foreigner's application for the issue or renewal of a residence permit is not examined as a matter of urgency shall be determined by the Minister of the Interior.
5. *Repealed as of 1 March 2021.*

Article 35. Grounds for refusing the issue or renewal of a foreigner's residence permit

1. A foreigner shall be refused the issue or renewal of a residence permit if:
 - 1) his residence in the Republic of Lithuania may represent a threat to national security, public policy or public health;

2) the data which he has submitted in order to obtain the residence permit are false or the documents submitted have been obtained fraudulently or are counterfeit, or there are serious grounds for believing that a marriage of convenience, a registered partnership of convenience has been contracted, a fake adoption has been effected or an undertaking of which the foreigner is a participant, as defined in the Civil Code of the Republic of Lithuania (hereinafter: a 'participant'), or the manager, the host undertaking established in the Republic of Lithuania to which the foreigner is transferred within the framework of an intra-corporate transfer or the host entity is a shell entity;

3) another Schengen State has entered in respect of the foreigner in the Schengen Information System an alert for refusal of admission in accordance with the provisions of Regulation (EC) No 1987/2006, an alert for refusal of entry and stay in accordance with the provisions of Regulation (EU) 2018/1861, or an alert on return in accordance with the provisions of Regulation (EU) 2018/1860 accompanied by an entry ban and there are no grounds for issuing a residence permit for humanitarian reasons or because of international obligations or he is placed on the national no-entry list;

4) *repealed as of 23 February 2008;*

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

6) he has not submitted a written pledge that he will declare his place of residence at the accommodation which will meet the requirement for living floorspace per person;

7) he does not hold a valid proof of possession of medical insurance when, in the cases established by laws of the Republic of Lithuania, he is not covered by compulsory health insurance or, in the cases and in accordance with the procedure established by the Government of the Republic of Lithuania, he holds no verified letter of commitment of a citizen of the Republic of Lithuania or a foreigner residing in the Republic of Lithuania to cover expenses for the health services provided to him during the period of his residence in the Republic of Lithuania;

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

9) the foreigner has repeatedly failed to fulfil the obligations provided for in Article 36(1) or (2) of this Law;

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

11) he has tax arrears in the amount of more than one base social benefit to the state budget of the Republic of Lithuania, municipal budgets or funds, where the State Tax Inspectorate administers the taxes paid thereto, or arrears to the budget of the State Social Insurance Fund, unless the taxes, default interest, fines are paid in instalments or deferred for a foreigner in accordance with the procedure laid down by legal acts of the Republic of Lithuania or these taxes, default interest, fines are the subject of a tax dispute; he fails to fulfil obligations to the customs or has failed to pay the fine(s) imposed in accordance with the procedure laid down by laws of the Republic of Lithuania the amount/sum of which exceeds one base social benefit, unless the fines are paid in instalments or deferred in accordance with the procedure laid down by legal acts of the Republic of Lithuania or the fines are the subject of a tax dispute;

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

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

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

15) there are serious grounds for believing that a residence permit is applied for in order to avoid the application of criminal liability, if laws of the Republic of Lithuania provide for criminal liability for the commission of such a crime, in a foreign state and/or the foreigner will commit criminal acts in the Republic of Lithuania;

16) the employer who submits a binding job offer to recruit the foreigner under a contract of employment, where a temporary residence permit is applied for in accordance with Article 40(1) (4) or (4¹) of this Law, or the host undertaking established in the Republic of Lithuania to which the foreigner is transferred within the framework of an intra-corporate transfer, or the host entity:

a) has been sanctioned for permitting illegal employment, undeclared work or violations of the employment procedure of foreigners pursuant to provisions of the Law of the Republic of Lithuania on Employment and less than one year has elapsed since the payment of the imposed fine was paid or the discharge of the imposed obligation or a judgment of conviction has become effective within the preceding five years in respect of the employment of third-country nationals illegally staying in the Republic of Lithuania. Moreover, where the manager, or a person authorised by the manager, of the employer who submits a binding job offer to recruit the foreigner under a contract of employment, where an application for a temporary residence permit is lodged under point 4 or 4¹ of Article 40(1) of this Law, of the host undertaking established in the Republic of Lithuania to which the foreigner is transferred within the framework of an intra-corporate transfer or of the host entity has been sanctioned for illegal employment, undeclared work or violations of the employment procedure of foreigners pursuant to provisions of the Law on Employment and/or an administrative penalty has been imposed under the Code of Administrative Offences of the Republic of Lithuania for illegal employment and less than one year has elapsed since the payment of the imposed fine or the discharge of the imposed obligation;

b) has tax arrears in the amount of more than one base social benefit to the state budget of the Republic of Lithuania, municipal budgets or funds, where the State Tax Inspectorate administers the taxes paid thereto, or arrears to the budget of the State Social Insurance Fund Board, unless the taxes, default interest, fines are paid in instalments or deferred in accordance with the procedure laid down by legal acts of the Republic of Lithuania or these taxes, default interest, fines are the subject of a tax dispute;

c) fails to fulfil obligations to the customs or has failed to pay the fine(s) imposed in accordance with the procedure laid down by laws of the Republic of Lithuania the amount/sum of which exceeds the amount of one base social benefit, unless the fines are paid in instalments or deferred in accordance with the procedure laid down by legal acts of the Republic of Lithuania or the fines are the subject of a tax dispute;

d) is being wound up, is in bankruptcy or does not pursue any economic activity;

17) he has failed to comply with the conditions, as referred to in Article 11(6) and 44²(6) of this Law in respect of a foreigner subject to an intra-corporate transfer, for movement between the host undertakings established in the EU Member States;

18) the foreigner enrolled in a higher education and research institution under a study programme(s) has collected less than 40 academic credits within the preceding one year of studies and no justified reasons have been presented in accordance with the procedure laid down in paragraph 11 of this Article, fails to comply with the restriction specified in Article 46(4) of this Law during studies or training, or has been expelled from the higher education and research institution in accordance with the procedure for organising studies specified by it.

1¹. A decision to refuse to issue or renew a temporary residence permit on the ground laid down in point 18 of paragraph 1 of this Article may be taken by the Migration Department in respect of a foreigner who has collected less than 40 academic credits within the preceding one year of studies only after consultation with a higher education and research institution at which the foreigner is studying. The higher education and research institution shall, within ten working days from the receipt of a query of the Migration Department, provide information to the Migration Department on the justified reasons why the foreigner has collected less than 40 academic credits within the preceding one year of studies and other relevant information relating to the foreigner's studies.

2. A foreigner who has been refused the issue or renewal of a residence permit may lodge an application for the issue of a residence permit not earlier than one year after the taking of a decision to refuse to issue or renew a residence permit.

3. (Repealed).

4. The provisions of paragraphs 1 and 2 of this Article shall not apply in the case of renewal of a permanent residence permit.

5. Points 5 to 7 of paragraph 1 of this Article shall not apply to the foreigners referred to in Article 26(2) and (3) of this Law.

Article 36. Data notification

1. A foreigner being in possession of a residence permit must, not later than within seven days, notify the Migration Department of:

1) renewal of documents certifying his identity or nationality;

2) change of his family status;

3) change of his place of residence;

4) change in the registered address of a private legal person (hereinafter: an 'undertaking') registered in the Register of Legal Entities or of a branch or a representative office of an undertaking established in a foreign state, where he has been issued a temporary residence permit on the grounds laid down in Article 40(1)(5¹), Article 45(1)(1) to (2²) or Article 49⁵(1)(2) of this Law or where he has been issued a temporary residence permit on the ground laid down in Article 44²(1)(1) of this Law as the manager who will direct the management of the host undertaking;

5) lodging of an application to be enrolled in another higher education and research institution under an equivalent study programme or doctoral studies in accordance with Article 46(6) of this Law.

2. A foreigner who has been issued a temporary residence permit on the ground laid down in Article 40(1)(5¹) of this Law must notify the institution authorised by the Minister of the Economy and Innovation in writing, not later than within seven days from the establishment of the undertaking referred to in Article 451(3) of this Law or from becoming a participant of such an undertaking, of the establishment of the undertaking and of the commencement of the

activities specified in its documents of incorporation or of becoming a participant of the undertaking.

3. The following must notify the Migration Department about a foreigner not later than within seven days:

1) the employer – of the termination of a contract of employment with the foreigner being in possession of a temporary residence permit, of the foreigner's non-entry or non-employment if more than ten days have elapsed after the date indicated by the employer when the foreigner was due to enter the Republic of Lithuania, or of wage reduction of the foreigner recruited for highly qualified employment if the amount of his wage becomes lower than the amount fixed in point 1 or 3 of Article 44¹(1) of this Law;

2) entities authorised to supervise activities of economic operators – of a foreigner in respect of whom a fine in the amount higher than one base social benefit has been imposed for an infringement provided for in laws of the Republic of Lithuania and the said fine has not been paid for longer than one month after the expiry of the time limit laid down for its payment;

3) an educational institution or the host entity – of the cessation of the training, studies, traineeship, up-skilling or voluntary service of the foreigner being in possession of a temporary residence permit or of the foreigner's non-entry if more than ten days have elapsed after the date indicated by the educational institution or the host entity when the foreigner was due to enter the Republic of Lithuania;

4) the Prison Department under the Ministry of Justice of the Republic of Lithuania – of a foreigner detained for the duration of a pre-trial investigation or serving a sentence imposed by a court;

5) an institution authorised by the Minister of Economy and Innovation – of a foreigner who has been issued a temporary residence permit on the ground laid down in Article 40(1)(5¹) of this Law and who has not established an undertaking within the time limit laid down in Article 451(3) of this Law or does not pursue the activities specified in the undertaking's documents of incorporation or who has not become a participant of the undertaking within the time limit laid down in Article 451(3) of this Law, also of a foreigner who has been issued a temporary residence permit on the ground laid down in Article 40(1)(51) of this Law where it transpires that he is no longer a participant of the undertaking or the stay of this foreigner in the Republic of Lithuania is not essential to the activity of the undertaking;

6) the host undertaking established in the Republic of Lithuania – of changes in the conditions applicable to the intra-corporate transfer of a foreigner pursuant to Article 44²(1), (2), (3) and (5) of this Law;

7) a higher education and research institution – of any emerging circumstances which might prevent the performance of a contract of employment concluded with a researcher;

8) state and municipal institutions, agencies and undertakings of the Republic of Lithuania – of any observed signs of a shell entity, a marriage of convenience, a fake adoption or a registered partnership of convenience.

4. *Repealed as of 1 March 2019.*

Article 37. Foreigner's passport

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

competent authorities of his country of origin for objective reasons may be issued a foreigner's passport in accordance with the procedure established by the Minister of the Interior.

2. A foreigner's biometric identifiers, namely, his facial image and two fingerprints, shall be electronically recorded in a foreigner's passport, except in the cases provided for in Regulation (EC) No 2252/2004.

Article 38. Travel document of a stateless person

1. A stateless person who has the right of temporary or permanent residence in the Republic of Lithuania but is not in possession of a travel document valid in a foreign state may be issued a travel document of a stateless person provided for in the 1954 Convention relating to the Status of Stateless Persons in accordance with the procedure established by the Minister of the Interior.

2. A stateless person's biometric identifiers, namely, his facial image and two fingerprints, shall be electronically recorded in the stateless person's travel document, except in the cases provided for in Regulation (EC) No 2252/2004.

Article 39. Unlawful residence in the Republic of Lithuania

A foreigner's residence in the Republic of Lithuania shall be considered unlawful if the foreigner:

- 1) resides in the Republic of Lithuania without a residence permit;
- 2) resides in the Republic of Lithuania under a null residence permit;
- 3) resides in the Republic of Lithuania under a withdrawn residence permit;
- 4) is in possession of a counterfeit residence permit;
- 5) is in possession of a counterfeit travel document.

SECTION THREE TEMPORARY RESIDENCE OF FOREIGNERS IN THE REPUBLIC OF LITHUANIA

Article 40. Grounds for issuing or renewing a temporary residence permit

1. A temporary residence permit may be issued or renewed to a foreigner if:

- 1) the foreigner has the right to reinstate citizenship of the Republic of Lithuania in accordance with the procedure laid down in the Law of the Republic of Lithuania on Citizenship;
- 2) the foreigner is a person of Lithuanian descent;
- 3) it is a case of family reunification;
- 4) the foreigner intends to take up employment in the Republic of Lithuania in accordance with provisions of Article 44 of this Law;
- 4¹) the foreigner intends to take up highly qualified employment in the Republic of Lithuania in accordance with provisions of Article 44¹ of this Law;
- 2) the foreigner is subject to an intra-corporate transfer in accordance with provisions of Article 44² of this Law;

5) the foreigner engages, and intends to continue to engage, in lawful activities in the Republic of Lithuania in accordance with provisions of Article 45 of this Law;

5¹) the foreigner intends to engage in lawful activities linked to the introduction of new technologies or other innovations of significance for the economic and social development of the Republic of Lithuania in accordance with provisions of Article 45¹ of this Law;

6) the foreigner intends to study in the Republic of Lithuania in accordance with provisions of Article 46 of this Law;

7) the foreigner has been placed under guardianship/curatorship or has been appointed as guardian/curator;

8) an unaccompanied minor foreigner is not returned to a foreign state, a foreigner is unable to leave the Republic of Lithuania or is unable to return to his country of origin due to the circumstances referred to in Article 1301 of this Law, or a foreigner cannot be returned to a foreign state or expelled from the Republic of Lithuania in the cases referred to in Article 130(1), (2) and (4) of this Law or the enforcement of the foreigner's expulsion from the Republic of Lithuania is suspended because of the circumstances referred to in Article 132(1) of this Law;

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

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

11) the foreigner is unable to leave due to a dangerous health condition and requires urgent basic medical aid. The list of such health conditions shall be established by the Minister of Health;

12) the foreigner is allowed to remain in the Republic of Lithuania for residence because he is or was a victim of trafficking in human beings or illegal employment and cooperates with a pre-trial investigation body or the court in combating trafficking in human beings or crimes related to trafficking in human beings or illegal employment, in the cases of particularly exploitative employment conditions or the employment of a minor;

13) the foreigner intends to take up employment as a teacher or a researcher under a contract of employment concluded with a higher education and research institution;

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

15) he is a foreigner who has completed his studies, where he has been issued a temporary residence permit in the case referred to in Article 46(1)(1) of this Law, or a researcher who has completed research and experimental development works, where he has been issued a temporary residence permit in the case referred to in Article 49²(1) of this Law;

16) he is a national of Australia, Japan, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Canada, New Zealand or South Korea who intends to take up employment or to engage in other lawful activities in the Republic of Lithuania.

Note from the Register of Legal Acts. The provisions of point 16 of paragraph 1 shall apply from the end of the transitional period provided for in Article 126 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, done at Brussels and London on 24 January 2020.

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

1) the foreigner changes his personal data;

2) the temporary residence permit becomes unfit for use;

3) in the case referred to in paragraph 4 of this Article, the period for which the temporary residence permit has been personalised expires;

4) the temporary residence permit contains inaccurate entries;

5) the temporary residence permit is lost.

3. A foreigner who, on the grounds laid down in paragraph 1 of this Article, is issued a temporary residence permit or has his temporary residence permit renewed must fulfil the conditions set out in Article 26 of this Law.

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

5. A foreigner being in possession of a temporary residence permit must, in the event of changes in the circumstances due to which the permit has been issued, obtain a new temporary residence permit.

6. A family member who enters the Republic of Lithuania for residence accompanying a foreigner who applies for the issue of a temporary residence permit on the ground laid down in point 4¹, 4², 5¹, 13 or 16 of paragraph 1 of this Article or on the ground laid down in point 14 of paragraph 1 of this Article and fulfils the condition set out in Article 43(6)(3) of this Law or on the grounds laid down in points 1 to 2² of Article 45(1) of this Law or who accompanies a foreigner referred to in point 4 or 5 of Article 43(6) of this Law may apply for the issue of a temporary residence permit together with the said foreigner and a temporary residence permit shall be issued to him for the same period as to the foreigner. An application of a family member who enters the Republic of Lithuania for residence accompanying a foreigner who intends to take up employment as a teacher or researcher shall be examined with the application of this foreigner, and decisions on the issue of a permit shall be taken, concurrently if the applications for the issue of a temporary residence permit have been lodged collectively.

Article 41. Issue of a temporary residence permit to a foreigner who has the right to reinstate citizenship of the Republic of Lithuania

1. A foreigner who has the right to reinstate citizenship of the Republic of Lithuania may be issued a temporary residence permit provided that he provides proof of his right to reinstate citizenship of the Republic of Lithuania.

2. A foreigner who has the right to reinstate 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 a foreigner of Lithuanian descent

1. A foreigner of Lithuanian descent may be issued a temporary residence permit if he provides proof of his Lithuanian descent.

2. A foreigner of Lithuanian descent shall be issued a temporary residence permit for five years.

Article 43. Issue of a temporary residence permit to a foreigner by virtue of family reunification

1. A temporary residence permit may be issued to a foreigner by virtue of family reunification if:

1) the foreigner's parents or one of them, being citizens of the Republic of Lithuania, reside in the Republic of Lithuania;

2) both or one of the parents of a minor foreigner, or the spouse of one of them, being the guardian of the minor foreigner, where the spouse is a citizen of the Republic of Lithuania or is in possession of a residence permit, reside in the Republic of Lithuania;

3) the foreigner's child, being a citizen of the Republic of Lithuania, resides in the Republic of Lithuania;

4) the foreigner's child, who has been granted refugee status and has been issued a permanent residence permit, resides in the Republic of Lithuania;

4) the foreigner's child, who has been granted asylum in the Republic of Lithuania and has been issued a residence permit, resides in the Republic of Lithuania;

5) the foreigner's spouse or the person with whom a registered partnership has been contracted and who is a citizen of the Republic of Lithuania or a foreigner being in possession of a residence permit resides in the Republic of Lithuania;

6) the foreigner is a first-degree relative in the direct ascending line of a foreigner being in possession of a residence permit;

7) the foreigner's parents, who have incapacity for work due to pensionable age or disability and are in possession of a permanent residence permit, reside in the Republic of Lithuania;

8) particularly difficult circumstances related to divorce or dissolution of a registered partnership or death of a family member, as governed in accordance with the procedure laid down in Article 51(3) of this Law, have emerged. In this case, an application for the issue of a temporary residence permit must be lodged before the divorce or dissolution of the registered partnership or the death of the family member, where the foreigner has not yet been issued a temporary residence permit by virtue of family reunification or not later than within six months after the divorce or dissolution of the registered partnership or the day of death of the family member, where the foreigner was in possession of a temporary residence permit issued by virtue of family reunification before the divorce or dissolution of the registered partnership or the death of the family member. Pursuant to this point, the temporary residence permit may be issued for a period of one year.

2. Repealed as of 1 March 2021

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

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

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

6. A foreigner referred to in points 2, 5 and 6 of paragraph 1 of this Article, whose family members enter by virtue of family reunification, shall be required to have resided in the Republic of Lithuania for the preceding two years, be in possession of a temporary residence permit valid for at least one year and have reasonable prospects, as governed by the procedure laid down in Article 51(3) of this Law, of obtaining the right to permanently reside in the Republic of Lithuania. This requirement shall not apply when the family members join the foreigner:

- 1) who has been granted asylum in the Republic of Lithuania;
- 2) who is in possession of a temporary residence permit issued on the grounds laid down in point 4¹, 4², 5¹, 13 or 16 of Article 40(1) of this Law;
- 3) who is in possession of a temporary residence permit issued on the ground laid down in 40(1) (14) of this Law. The foreigner may exercise this right if the family has already been formed in the EU Member State in which the foreigner has acquired the long-term resident status;
- 4) who has entered to participate in a traineeship at higher education and research institutions under international treaties of the Republic of Lithuania or under European Union academic exchange programmes with third countries;
- 5) who, being directly involved in projects of importance to the State, has invested in the Republic of Lithuania any assets owned, borrowed or managed and used by the right of trust;
- 6) who is in possession of a temporary residence permit issued on the grounds laid down in points 1 to 2² of Article 45(1) of this Law.

6¹. The requirements of paragraph 6 of this Article shall not apply when family members enter by virtue of family reunification to join a foreigner referred to in points 2 and 5 of paragraph 1 of this Article who is in possession of a temporary residence permit issued in accordance with Article 46(1)(1) of this Law and who is pursuing doctoral studies.

6². A foreigner who lodges an application for the issue of a temporary residence permit concurrently with a foreigner who intends to take up employment as a teacher or a researcher shall provide evidence that he resides in another EU Member State as a family member of a foreigner who is in possession of a valid residence permit or national visa issued by another EU Member State to conduct research and experimental development works.

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

8. The right to family reunification shall not be granted to foreigners:

- 1) who have lodged applications for asylum in the Republic of Lithuania pending a final decision on the granting of asylum;
- 2) who have been granted temporary protection in the Republic of Lithuania;

3) who have been granted asylum in the Republic of Lithuania, if their family members were not granted asylum in the Republic of Lithuania pursuant to points 3 to 5 of Article 88(2) or Article 88(3) of this Law.

Article 44. Issue of a temporary residence permit to a foreigner who intends to take up employment

1. A temporary residence permit may be issued to a foreigner who intends to take up employment in the Republic of Lithuania where he:

1) enters to take up employment as a trainee or an intern and the Employment Service under the Ministry of Social Security and Labour of the Republic of Lithuania (hereinafter: the 'Employment Service') takes a decision, in accordance with the procedure established by the Minister of Social Security and Labour, on the relevance of the foreigner's employment to the needs of the labour market of the Republic of Lithuania;

2) is an employee, working under an open-ended employment contract, of an undertaking established in an EU Member State or a European Free Trade Association State who is posted by the undertaking for temporary employment to the Republic of Lithuania and is covered by social insurance in that (Member) State;

3) fulfils the following conditions:

a) the employer's binding job offer is presented, where under this offer the foreigner is to be recruited under a contract of employment for a period of not less than six months;

b) the employer's information is supplied regarding the foreigner's qualification, its relevance to the workplace and at least one year of work experience within the preceding five years in the qualification obtained, with the exception of the cases referred to in paragraphs 2 and 3 of this Article;

c) the Employment Service takes, in accordance with the procedure established by the Minister of Social Security and Labour, a decision on the relevance of the foreigner's employment to the needs of the labour market of the Republic of Lithuania, with the exception of the cases referred to in paragraph 2 of this Article.

2. The conditions referred to in sub-points b and c of point 3 of paragraph 1 of this Article shall not apply to a foreigner who has completed in the Republic of Lithuania studies or training under a vocational training programme, intends to take up employment and has applied for the issue of a temporary residence permit on the ground laid down in Article 40(1)(4) of this Law prior to the lapse of two years from the completion of the studies or training under the vocational training programme. The condition referred to in sub-point c of point 3 of paragraph 1 of this Article shall also not apply to a foreigner whose occupation is included in the List of Shortage Occupations in the Republic of Lithuania by type of economic activity approved by the Director of the Employment Service (hereinafter: the 'List of Shortage Occupations in the Republic of Lithuania by type of economic activity') and provided the quota established in accordance with Article 57¹ of this Law has not been exhausted.

3. If the employer is included in a list of approved entities the compilation and application whereof shall be specified in Article 63¹ of this Law (hereinafter: the 'list of approved entities'), the employer's information shall be supplied regarding the foreigner's qualification and its relevance to the workplace or at least one year of work experience in the profession specified by the employer within the preceding five years.

4. A temporary residence permit shall be issued or renewed for the duration of a foreigner's employment in the Republic of Lithuania but for not longer than two years.

5. A temporary residence permit may be renewed if a foreigner intends to continue his employment in the Republic of Lithuania and fulfils the conditions set out in point 2 or 3 of paragraph 1 of this Article.

6. When a foreigner's period of employment expires or a foreigner terminates his employment in the Republic of Lithuania, he must leave the Republic of Lithuania.

7. If a foreigner who has been issued a temporary residence permit pursuant to point 3 of paragraph 1 of this Article wishes to change the employer or the job function with the same employer, he must lodge with the Migration Department an application for authorisation of the change of the employer or the job function. Having verified whether the foreigner fulfils the conditions set out in point 3 of paragraph 1 of this Article or, in the cases when a decision of the Employment Service referred to in sub-point c of point 3 of paragraph 1 of this Article must be taken, having verified whether this decision has been taken, the Migration Department shall take a decision on authorisation of the change of the employer or the job function not later than within one month from the lodging of the application. This decision shall be valid for one month from the taking thereof.

Article 44¹. Issue of a temporary residence permit to a foreigner who intends to take up highly qualified employment

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

1) the employer's binding job offer is presented, where under this offer the foreigner is to be recruited under a contract of employment for a period not shorter than one year and is to be paid a monthly wage not less than 1.5 amounts of average gross monthly earnings in the whole economy (including individual enterprises) in the quarter most recently published by Statistics Lithuania (hereinafter: 'gross earnings in the whole economy in the quarter most recently published by Statistics Lithuania');

2) a document is presented certifying that the foreigner fulfils the conditions set out in legal acts of the Republic of Lithuania for the pursuit of regulated professional activities specified in the contract of employment or, where professional activities are not regulated, the employer supplies information about the foreigner's higher professional qualification and its relevance to the workplace;

3) the Employment Service takes, in accordance with the procedure established by the Minister of Social Security and Labour, a decision on the relevance of the foreigner's employment to the needs of the labour market of the Republic of Lithuania, with the exception of the case referred to in point 4 of this paragraph and the cases when:

a) the employer's binding job offer is presented, where under this offer the foreigner is to be recruited for highly qualified employment in an occupation included in the List of Shortage Occupations Requiring Higher Professional Qualifications in the Republic of Lithuania under a contract of employment for a period not shorter than one year and is to be paid a monthly wage not less than 1.5 amounts of average gross monthly earnings in the whole economy in the quarter most recently published by Statistics Lithuania;

b) the employer's binding job offer is presented, where under this offer the foreigner is to be recruited for highly qualified employment in an occupation not included in the List of Shortage Occupations Requiring Higher Professional Qualifications in the Republic of Lithuania under a contract of employment for a period not shorter than one year and to pay him a monthly wage not less than 3 amounts of average gross monthly earnings in the whole economy in the quarter most recently published by Statistics Lithuania;

c) the foreigner's temporary residence permit issued for the purpose of highly qualified employment is renewed and two years of the foreigner's legal employment in the Republic of Lithuania have already elapsed;

4) a document is presented certifying that the employer who has submitted a binding job offer to recruit the foreigner for highly qualified employment in the capacity of the manager of an undertaking is an undertaking established in the Republic of Lithuania and the annual income of a participant thereof (an undertaking or a group of undertakings established in a foreign state) over the preceding three financial years (if the undertaking has operated for less than three years, from the establishment of the undertaking) to the lodging of the application for the issue of a temporary residence permit pursuant to this Article is not less than EUR 1 000 000 within at least one financial year. This document shall be issued by an institution authorised by the Minister of the Economy and Innovation in accordance with the procedure established by the Minister of the Economy and Innovation.

2. A foreigner legally staying in the Republic of Lithuania who has lodged an application for the issue of a temporary residence permit on the ground referred to in this Article shall have the right to take up highly qualified employment with an employer who has submitted a binding job offer to recruit the foreigner under the conditions set out in point 1 of paragraph 1 of this Article, pending the examination of the application for the issue of a temporary residence permit, from the taking of a decision of the Employment Service on the relevance of the foreigner's employment to the needs of the labour market of the Republic of Lithuania or, where the Employment Service fails to take the decision on the relevance of the foreigner's employment to the needs of the labour market of the Republic of Lithuania in the cases specified in point 3 of paragraph 1 of this Article, from the lodging of the application for the issue of a temporary residence permit on the ground referred to in this Article.

3. The List of Shortage Occupations Requiring Higher Professional Qualifications in the Republic of Lithuania shall be approved by the Minister of the Economy and Innovation. The List shall include the occupations requiring higher professional qualifications which are assigned to key groups 1, 2 or 3 of the Lithuanian Classification of Occupations. The List shall be drawn up on the basis of the data provided by business and employers' associations and the information of the national monitoring of human resources carried out in accordance with the procedure established by the Government of the Republic of Lithuania.

4. The Government of the Republic of Lithuania shall establish a procedure for determining equivalence of professional experience to higher education qualifications and issuing a document proving such equivalence. This procedure shall apply only to unregulated professions requiring higher professional qualifications which are assigned to key groups 1, 2 or 3 of the Lithuanian Classification of Occupations.

5. A foreigner who intends to take up highly qualified employment shall be issued a temporary residence permit or it shall be renewed for him for three years or, if a contract of employment covers a period of less than three years, for the duration of the contract of employment plus three months.

6. If during the first two years of legal employment in the Republic of Lithuania a foreigner wishes to change the employer or the job function with the same employer or, upon losing his job and before the lapse of three months, intends to take up another highly qualified employment, he must lodge with the Migration Department an application for authorisation of the change of the employer or the job function. Having verified whether the foreigner fulfils the conditions for this highly qualified employment set out in paragraph 1 of this Article or, in the cases when a decision of the Employment Service referred to in point 3 of paragraph 1 of this Article must be taken, having verified whether this decision has been taken, the Migration Department shall take a decision on authorisation of the change of the employer or the job

function not later than within one month from the lodging of the application. This decision shall be valid for one month from the taking thereof.

7. If a temporary residence permit has been issued upon presentation of the employer's binding job offer to recruit a foreigner under a contract of employment for a period not shorter than one year and to pay him a monthly wage not less than 3 amounts of gross earnings in the whole economy in the quarter most recently published by Statistics Lithuania and the terms of the contract of employment are modified during the period of validity of the temporary residence permit resulting in a wage less than 3 amounts of gross earnings in the whole economy in the quarter most recently published by Statistics Lithuania, the temporary residence permit may be renewed if the foreigner fulfils the conditions set out in point 1, sub-point a or c of point 3 or sub-point c of point 3 of paragraph 1 of this Article.

8. The provisions of this Article shall not apply to foreigners who are subject to the provisions of Article 45 of this Law.

Article 44². Issue of a temporary residence permit to a foreigner subject to an intra-corporate transfer

1. A temporary residence permit may be issued to a foreigner subject to an intra-corporate transfer in the capacity of:

1) the manager if evidence is provided that he:

a) will direct the management of the host undertaking established in the Republic of Lithuania or its subdivision, will have subordinate employees, powers to control the work of the personnel and to carry out actions related to its management;

b) has the qualifications and professional experience needed in the host undertaking established in the Republic of Lithuania;

c) was employed, for not less than the preceding six months prior to the transfer to the host undertaking established in the Republic of Lithuania, with an undertaking established in a foreign state other than an EU Member State whose representative office or branch is the host undertaking in question or with an undertaking belonging to the same group of undertakings;

2) a specialist if evidence is provided that he:

a) possesses specialised knowledge essential to areas of activity, techniques or management of the host undertaking established in the Republic of Lithuania. In assessing such knowledge, account shall be taken of the knowledge specific to the undertaking, of whether the person has a high level of professional qualification and professional experience referring to a type of work or activity requiring specific technical knowledge;

b) was employed, for not less than the preceding six months prior to the transfer to the host undertaking established in the Republic of Lithuania, with an undertaking established in a foreign state other than an EU Member State whose representative office or branch is the host undertaking in question or with an undertaking belonging to the same group of undertakings;

3) a trainee employee if evidence is provided that he:

a) has a traineeship contract confirming that the foreigner's intra-corporate transfer is effected for career development purposes or in order to obtain training in business techniques or methods and covering a traineeship programme, the duration of the traineeship and the terms of supervision of activities of the trainee employee;

b) holds a university degree;

c) will be paid as an intra-corporate transferee;

d) was employed, for not less than the preceding three months prior to the transfer to the host undertaking established in the Republic of Lithuania, with an undertaking established in a foreign state other than an EU Member State whose representative office or branch is the host undertaking in question or with an undertaking belonging to the same group of undertakings.

1¹. A foreigner's conformity to the requirements listed in paragraph 1 of this Article may be confirmed by the host undertaking established in the Republic of Lithuania, provided it is included in the list of approved entities.

2. The issue of a temporary residence permit shall be subject to the provision of evidence that the host undertaking established in the Republic of Lithuania is a representative office, branch of an undertaking established in a foreign state other than an EU Member State or an undertaking belonging to the same group of undertakings, accompanied by a contract of employment concluded by the undertaking established in the foreign state other than the EU Member State with a foreigner subject to an intra-corporate transfer and an assignment letter indicating the duration of the intra-corporate transfer, the address(es) of the registered office(s) of the host undertaking(s), the position to which the foreigner is transferred as an intra-corporate transferee and the remuneration to be paid to him and the undertaking that, at the end of the intra-corporate transfer, the foreigner will be transferred back to the undertaking established in the foreign state other than the EU Member State.

3. If a foreigner takes up employment with the host undertaking established in the Republic of Lithuania in a regulated profession as defined by the Law of the Republic of Lithuania on Recognition of Regulated Professional Qualifications, documentation must be presented attesting that the foreigner fulfils the conditions set out in legal acts of the Republic of Lithuania for the pursuit of regulated professional activities.

4. A foreigner legally staying in the Republic of Lithuania who has lodged an application for the issue of a temporary residence permit on the ground laid down in this Article shall have the right to commence employment in the host undertaking pending the examination of the application for the issue of a temporary residence permit on the ground laid down in this Article.

5. If a foreigner subject to an intra-corporate transfer intends to move between the host undertakings established in the Republic of Lithuania and other EU Member States, an application for the issue of a temporary residence permit may be lodged if he is transferred to the host undertaking established in the Republic of Lithuania first or for the longest period of time. The intended movement of the foreigner subject to an intra-corporate transfer to host undertakings established in other EU Member States (irrespective of whether the transfer to the host undertaking established in another EU Member State will last for up to 90 days in any 180-day period or for a longer period) must be indicated at the time of lodging of the application for the issue of a temporary residence permit or, where such circumstances have transpired, in accordance with the requirements set out in Article 36(3)(6) of this Law.

6. The intra-corporate transfer of a foreigner, including movements between host undertakings established in other EU Member States, may not exceed three years for managers or specialists and one year for trainee employees. Upon the expiry of this period, the foreigner must leave the Republic of Lithuania for a foreign state other than an EU Member State, except in the cases when he is issued a residence permit on another basis in accordance with this Law. A new application for the issue of a temporary residence permit on the grounds laid down in this Article may be lodged not earlier than after three months from the foreigner's departure from the Republic of Lithuania, if his intra-corporate transfer has reached the maximum permitted duration of an intra-corporate transfer referred to in this paragraph.

7. A foreigner subject to an intra-corporate transfer shall be issued a temporary residence permit for a period for which he is transferred to the host undertaking established in the Republic of

Lithuania but for not more than three years for managers or specialists or one year for trainee employees.

8. A temporary residence permit may be renewed if a foreigner meets the requirements set out in paragraphs 1, 2 and 3 of this Article and the duration of his intra-corporate transfer will not exceed the period referred to in paragraph 6 of this Article.

9. A foreigner who is in possession of a valid temporary residence permit issued by another EU Member State as an intra-corporate transferee and is transferred to the host undertaking established in the Republic of Lithuania for a period of more than 90 days in a 180-day period shall be subject to the requirements set out in paragraphs 2, 3, 4, 6 and 7 of this Article.

Article 45. Issue of a temporary residence permit to a foreigner who engages, and intends to continue to engage, in lawful activities

1. A temporary residence permit may be issued to a foreigner who engages, and intends to continue to engage, in lawful activities in the Republic of Lithuania where he:

1) is a participant of an undertaking which has pursued in the Republic of Lithuania the activities specified in its documents of incorporation in accordance with a business plan for not less than the preceding six months prior to the foreigner's application for the issue of a temporary residence permit, which provides full-time employment to citizens of the Republic of Lithuania, nationals of another EU Member State or a European Free Trade Association State or foreigners permanently residing in the Republic of Lithuania who are paid a monthly wage not less than 2 amounts of gross earnings in the whole economy in the quarter most recently published by Statistics Lithuania, and the value of whose equity capital (in the case of an undertaking other than a public limited liability company and a private limited liability company – assets) amounts to not less than EUR 28 000, of which not less than EUR 14 000 are the funds or other assets invested by the foreigner, and he is the manager of this undertaking or a shareholder of the public limited liability company or the private limited liability company who holds by the right of ownership the company's shares at a nominal value of not less than 1/3 of the authorised capital of this company;

2) is the manager of the undertaking which meets the requirements referred to in point 1 of this paragraph, and the purpose of his entry is employment with that undertaking;

2¹) is a participant of an undertaking which has pursued in the Republic of Lithuania the activities specified in its documents of incorporation for not less than the preceding six months prior to the foreigner's application for the issue of a temporary residence permit, which has created workplaces for not less than five employees and which provides full-time employment to citizens of the Republic of Lithuania, nationals of another EU Member State or a European Free Trade Association State or foreigners permanently residing in the Republic of Lithuania and has invested not less than EUR 260 000 in its equity capital (in the case of an undertaking other than a public limited liability company and a private limited liability company), and he is the manager of this undertaking or a shareholder of the public limited liability company or the private limited liability company who holds by the right of ownership the company's shares at a nominal value of not less than 1/3 of the authorised capital of this company;

2²) is the manager of an undertaking which pursues in the Republic of Lithuania the activities specified in its documents of incorporation, the value of whose equity capital (in the case of an undertaking other than a public limited liability company and a private limited liability company – assets) amounts to not less than EUR 500 000 and which has created not less than ten workplaces and which provides employment to citizens of the Republic of Lithuania, nationals of another EU Member State or a European Free Trade Association State or foreigners permanently residing in the Republic of Lithuania and the monthly wage paid to these

employees is not less than the amount of gross earnings in the whole economy in the quarter most recently published by Statistics Lithuania or foreigners who are in possession of a temporary residence permit issued on the ground laid down in Article 40(1)(4¹) of this Law, and the purpose of his entry is employment with that undertaking;

3) is a sportsman who participates in a high-performance sport or a coach within the meaning of the Law of the Republic of Lithuania on Sport who enter the Republic of Lithuania for the purpose of the pursuit of sports activities;

4) is a performer within the meaning of the Law of the Republic of Lithuania on Copyright and Related Rights who enters the Republic of Lithuania for the purpose of the pursuit of a performer's activities;

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

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

7) enters to implement joint government programmes with foreign states;

8) is a participant of voluntary service schemes which are recognised as such by the European Union or the Member State concerned and cover programmes of practical solidarity activities pursuing objectives of general interest for a non-profit cause, in which the activities are not remunerated, except for reimbursement of expenses related to voluntary service, and presents a voluntary service agreement concluded with a volunteer organiser accompanied by a voluntary service scheme.

2. A temporary residence permit shall be issued and renewed for a foreigner who engages, and intends to continue to engage, in lawful activities in the Republic of Lithuania for a period of two years (except in the cases referred to in paragraph 3 of this Article) or for the duration of the foreigner's activities in the Republic of Lithuania, where the lawful activities of the foreigner in the Republic of Lithuania will last less than two years.

3. A foreigner referred to in points 2¹ and 2² of paragraph 1 of this Article shall be issued and renewed a temporary residence permit for three years or for the duration of the foreigner's activities in the Republic of Lithuania, where the foreigner's lawful activities in the Republic of Lithuania will last less than three years.

4. A foreigner who has terminated lawful activities in the Republic of Lithuania must leave the Republic of Lithuania.

5. When issuing or renewing a temporary residence permit for a foreigner on the grounds laid down in this Article, it must be assessed, in accordance with the procedure established by the Minister of the Interior, whether there are serious grounds for believing that the foreigner is a participant or the manager of a shell entity.

6. A voluntary service agreement concluded by a foreigner with a volunteer organiser must, in addition to other terms of the agreement, indicate:

1) the name of the voluntary service scheme;

- 2) the duration of the voluntary service;
- 3) the placement and supervision conditions of the voluntary service;
- 4) the volunteering hours;
- 5) the resources available the foreigner to cover subsistence and accommodation costs, as well as expenses related to voluntary service to be reimbursed to the foreigner;
- 6) the training the foreigner will receive to help perform the voluntary service (if such has been provided for).

Article 45¹. Issue of a temporary residence permit to a foreigner who intends to engage in lawful activities linked to the introduction of new technologies or other innovations of importance for the economic and social development of the Republic of Lithuania

1. A temporary residence permit may be issued to a foreigner who intends to engage in lawful activities linked to the introduction of new technologies or other innovations of importance for the economic and social development of the Republic of Lithuania, provided that an institution authorised by the Minister of the Economy and Innovation confirms in writing that the lawful activities in which the foreigner intends to engage are linked to the introduction of new technologies or other innovations of importance for the economic and social development of the Republic of Lithuania and that the foreigner possesses the necessary qualifications, resources and business plan for the pursuit of such activities and that the presence of this foreigner who will be a participant of the undertaking to be established is essential to the activity of the undertaking in the Republic of Lithuania.

2. The Minister of the Economy and Innovation shall, upon coordination with the Minister of Education, Science and Sport and the Minister of the Interior, establish a procedure for assessing whether the activities of the undertaking to be established are linked to the introduction of new technologies or other innovations of importance for the economic and social development of the Republic of Lithuania and whether the foreigner possesses the necessary qualifications, resources and business plan for the pursuit of such activities.

3. A foreigner who has been issued a temporary residence permit on the ground laid down in Article 40(1)(5¹) of this Law must, not later than within 120 days from the issue of the temporary residence permit, establish an undertaking whose activities are linked to the introduction of new technologies or other innovations of importance for the economic and social development of the Republic of Lithuania and commence the pursuit of activities specified in its documents of incorporation. Where such an undertaking has not been established by all participants in a future undertaking, a foreigner who has been issued a temporary residence permit on the ground laid down in Article 40(5¹) of this Law and who enters the Republic of Lithuania to become a participant of the undertaking already established must, not later than within 60 days from the issue of the temporary residence permit, become a participant of such an undertaking.

4. A foreigner who intends to engage in lawful activities linked to the introduction of new technologies or other innovations of importance for the economic and social development of the Republic of Lithuania shall be issued a temporary residence permit for one year. This permit, following confirmation by an institution authorised by the Minister of the Economy and Innovation that the foreigner meets the requirements set out in paragraph 1 of this Article, may be renewed twice for one year each time. The foreigner whose temporary residence permit has been renewed twice in accordance with the procedure laid down in this paragraph may have his permit renewed for a further period of two years provided that a document is presented certifying that the undertaking which has been established by the foreigner and of which he is a

participant has attracted an investment of not less than EUR 30 000 from the establishment of the undertaking. This document shall be issued by an institution authorised by the Minister of the Economy and Innovation in accordance with the procedure established by the Minister of the Economy and Innovation.

5. A foreigner who has terminated lawful activities linked to the introduction of new technologies or other innovations of importance for the economic and social development of the Republic of Lithuania must leave the Republic of Lithuania.

Article 46. Issue of a temporary residence permit to a foreigner who intends to study

1. A foreigner may be issued a temporary residence permit if he:

1) has been enrolled in a higher education and research institution under a study programme(s) or doctoral studies;

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

3) is pursuing a course of study in a foreign state at the time of lodging his application for the issue of a temporary residence permit and will be awarded higher education qualifications upon completing his studies and has concluded a traineeship agreement with the host entity in the same area as his studies. The temporary residence permit may also be issued to a foreigner satisfying the conditions listed in this point, provided that he completed studies in the same area as the intended traineeship not earlier than two years before lodging the application for the issue of a temporary residence permit;

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

2. The foreigner indicated in point 1 of paragraph 1 of this Article shall be issued or renewed a temporary residence permit for the duration of studies but for not longer than two years. In cases when a temporary residence permit is issued or renewed for the last year of studies, the temporary residence permit shall be issued or renewed for a period that is three months longer than the expected period of studies. The foreigner referred to in points 2, 3 and 4 of paragraph 1 of this Article shall be issued a temporary residence permit for the duration of training, traineeship or up-skilling but for not longer than one year. The temporary residence permit may be renewed if the foreigner fulfils the conditions set out in Article 26(1) of this Law (including the exception specified in Article 26(31) of this Law), if the foreigner who has been enrolled in a higher education and research institution under a study programme(s) has collected not less than 40 academic credits within the preceding one year of studies or has collected less than 40 academic credits within the preceding one year of studies and justified reasons have been presented in accordance with the procedure laid down in Article 35(11) of this Law, has not ceased studies, training, traineeship or up-skilling and complies with the restriction specified in paragraph 4 of this Article during his studies or training.

3. Upon the expiry of the period of training, studies, traineeship or up-skilling or where a foreigner has ceased training, studies, traineeship or up-skilling, he must leave the Republic of Lithuania, except in the cases when he is issued a residence permit on another basis in accordance with this Law or where upon completion of training or studies in the Republic of Lithuania the foreigner commences employment during the period of validity of the temporary residence permit and applies for the issue of a residence permit on any other basis in accordance with this Law.

4. A foreigner shall have the right to work for not more than 20 hours per week during the period of studying or training, except for the period of summer holidays, practical training during the period of studying or training specified by an educational institution or a higher

education and research institution. The restrictions on working time laid down in this paragraph shall not apply to foreigners in master's and doctoral studies, nor to foreigners who have completed their studies or training in the Republic of Lithuania during the period of validity of a temporary residence permit.

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

6. A foreigner referred to in point 1 of paragraph 1 of this Article shall have the right to lodge an application for enrolment in another higher education and research institution under an equivalent study programme or doctoral studies if the circumstances referred to in Article 50(1)(19) of this Law transpire. In such a case, a decision on the withdrawal of a temporary residence permit shall not be taken pending the issue of his enrolment. The foreigner must notify the Migration Department in accordance with Article 36(1)(5) of this Law of the application lodged with another higher education and research institution. If, within two months from the submission of the notification to the Migration Department, the foreigner does not provide evidence confirming that he has been enrolled in another higher education and research institution under the equivalent study programme or doctoral studies, the temporary residence permit shall be withdrawn in accordance with Article 50(1)(19) of this Law.

7. A traineeship agreement referred to in point 3 of paragraph 1 of this Article shall be concluded in accordance with the agreement format approved by the Minister of Education and Science.

Article 47. Issue of a temporary residence permit in case a foreigner has been placed under guardianship/curatorship

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

- 1) he has been appointed the guardian/curator of a person who is a citizen of the Republic of Lithuania;
- 2) he has been placed under the guardianship/curatorship of a citizen of the Republic of Lithuania.

2. In the cases specified in paragraph 1 of this Article, a foreigner shall be issued a temporary residence permit for one year.

Article 48. Issue of a temporary residence permit to a foreigner upon granting him subsidiary protection in the Republic of Lithuania

1. A foreigner shall be issued a temporary residence permit provided that he has been granted subsidiary protection in the Republic of Lithuania upon lodging an application for asylum in accordance with the procedure laid down by this Law.

2. A foreigner who has been granted subsidiary protection in the Republic of Lithuania shall be issued a temporary residence permit for two years.

Article 49. Issue of a temporary residence permit to a foreigner upon granting him temporary protection in the Republic of Lithuania

1. A foreigner shall be issued a temporary residence permit provided that he has been granted temporary protection in the Republic of Lithuania in accordance with the procedure laid down by this Law.

2. A temporary residence permit shall be issued to a foreigner for the duration of temporary protection in the Republic of Lithuania set by the Government of the Republic of Lithuania.

Article 49¹. Issue of a temporary residence permit to a foreigner who cooperates with a pre-trial investigation body or a court in combating trafficking in human beings or crimes related to trafficking in human beings or illegal employment

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

2. A foreigner for whom a pre-trial investigation body or a court mediates in issuing a temporary residence permit shall be issued the temporary residence permit for six months.

3. The temporary residence permit indicated in paragraph 2 of this Article may be renewed to a foreigner if a pre-trial investigation body or a court mediates in issuing it.

4. After a foreigner referred to in paragraph 1 of this Article has been issued a temporary residence permit, the foreigner shall, by a decision of the mediating pre-trial investigation body or a court, be permitted to reside at the place of his choice or in a facility designated by the said body.

5. A foreigner who has been issued a temporary residence permit on the ground provided for in Article 40(1)(12) of this Law and who does not have sufficient resources to cover subsistence costs shall be entitled to receive basic medical aid and social services in accordance with the procedure laid down by legal acts of Republic of Lithuania.

6. A foreigner who has been issued a temporary residence permit on the ground provided for in Article 40(1)(12) of this Law shall be entitled to take up employment during the period of validity of the temporary residence permit.

Article 49². Issue of a temporary residence permit to a foreigner who intends to take up employment as a teacher or a researcher

1. A temporary residence permit may be issued to a foreigner who intends to take up employment as a teacher or a researcher under a contract of employment concluded with a higher education and research institution.

2. *Repealed as of 1 March 2021*

3. A foreigner referred to in paragraph 1 of this Article shall be issued a temporary residence permit for two years or, if the duration of his employment as a teacher or a researcher is less than two years, for a period three months longer than the duration of such employment. The temporary residence permit may be renewed if the foreigner fulfils the conditions set out down in Article 26(1) of this Law and continues research and experimental development work.

4. A foreigner employed in the capacity of a researcher shall also have the right to take up employment as a teacher.

5. A foreigner who has terminated the employment as a teacher or a researcher or upon the expiry of the foreigner's employment contract concluded with a higher education and research institution must leave the Republic of Lithuania, unless he is issued a residence permit on another basis in accordance with this Law.

6. The issue of a temporary residence permit shall be subject to the provision of evidence that the higher education and research institution wishing to receive a researcher has assessed the purpose, duration of the research and experimental development work and the qualification of the foreigner, as well as that the higher education and research institution has adequate financial resources to carry out research and experimental development works.

7. A researcher's contract of employment must include, in addition to other terms of the contract of employment:

- 1) the title or purpose of research and experimental development work;
- 2) an undertaking by the foreigner to carry out research and experimental development work;
- 3) an undertaking by the research organisation to receive the foreigner for research and experimental development work;
- 4) the start and end date or the estimated duration of research and experimental development work;
- 5) information on the intended mobility in one or more EU Member States if the mobility of the researcher is known.

8. A researcher shall present, together with the documents submitted for the issue of a temporary residence permit, a valid temporary residence permit or national visa issued by another EU Member State for the purpose of carrying out research and experimental development works, provided that such have been issued.

Article 49³. Issue of a temporary residence permit to a foreigner who has acquired long-term resident status in another EU Member State

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

2. A temporary residence permit shall be issued or renewed to a foreigner referred to in paragraph 1 of this Article for a period not longer than one year.

Article 49⁴. Issue of a temporary residence permit to a foreigner who has completed studies or to a researcher who has completed research and experimental development work

1. A foreigner who has completed studies or a researcher who has completed research and experimental development work may be issued a temporary residence permit for him to be able to seek and commence employment or to pursue activities in a self-employed capacity, provided that he submits a confirmation by a higher education and research institution that less than one year has elapsed from the completion of research and experimental development works or a confirmation that less than one year has elapsed from the acquisition of a higher education qualification.

2. A temporary residence permit shall be issued or renewed to a foreigner referred to in paragraph 1 of this Article for a period not longer than one year.

3. Family members of a foreigner who has completed doctoral studies and of a researcher, where they have availed of the option provided for in paragraph 1 of this Article, shall be issued a temporary residence permit valid for the same period as the foreigner.

Article 49⁵. Issue of a temporary residence permit to a national of Australia, Japan, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Canada, New Zealand or South Korea who intends to take up employment or to engage in other lawful activities in the Republic of Lithuania

1. A temporary residence permit may be issued and renewed to a national of Australia, Japan, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Canada, New Zealand or South Korea who in the Republic of Lithuania:

- 1) is employed under a contract of employment or the employer's binding job offer to recruit him under a contract of employment is presented;
- 2) is a participant or the manager of an undertaking which pursues activities specified in its documents of incorporation in the Republic of Lithuania and the purpose of his entry is employment with that undertaking;
- 3) engages in other lawful activities or presents documents certifying that he intends to engage in other lawful activities, including individual activities within the meaning of the Law of the Republic of Lithuania on Personal Income Tax.

Note from the Register of Legal Acts. The provisions of paragraph 1 shall apply from the end of the transitional period provided for in Article 126 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, done at Brussels and London on 24 January 2020.

2. The person referred to in paragraph 1 of this Article who intends to take up employment or to pursue activity in a regulated profession as defined by the Law on the Recognition of Regulated Professional Qualifications must present documentation attesting that he fulfils the conditions set out in legal acts of the Republic of Lithuania for the pursuit of regulated professional activities.

3. The foreigner referred to in paragraph 1 of this Article shall be issued and renewed a temporary residence permit for three years or, if his employment or other lawful activities in the Republic of Lithuania will last for less than three years, for the duration of his employment or other lawful activities in the Republic of Lithuania plus three additional months.

4. *Repealed as of 1 March 2021.*

Article 50. Grounds for withdrawing a temporary residence permit

1. A temporary residence permit shall be withdrawn for a foreigner if:

- 1) the permit has been obtained by fraud;
- 2) the grounds laid down in Article 35(1) of this Law transpire;
- 3) there are serious reasons for considering that a marriage of convenience or a registered partnership of convenience has been contracted or a fake adoption has been effected;
- 4) a marriage has been dissolved;
- 5) a decision on the relevance of the foreigner's employment to the needs of the labour market of the Republic of Lithuania has been overturned;
- 6) the contract of employment concluded with the foreigner has been terminated (except in the cases referred to in points 18 and 21 of this paragraph where a foreigner who has been issued a temporary residence permit pursuant to point 4¹ or 16 of Article 40(1) of this Law has become

unemployed) or it is established that no contract of employment has been concluded with the foreigner or the foreigner who has been issued a temporary residence permit pursuant to Article 44(1)(3) of this Law has changed the employer or the job function in derogation from the requirements set out in Article 44(7) of this Law;

7) it is established that the host undertaking established in the Republic of Lithuania to which the foreigner has been transferred within the framework of an intra-corporate transfer or an undertaking of which the foreigner is a participant or the manager is a shell entity, that the undertaking or the foreigner does not meet the requirements set out in point 1, 2¹ or 2² of Article 45(1) of this Law or that the foreigner is no longer the manager of the undertaking or that the foreigner no longer holds by the right of ownership the shares of a public limited liability company or a private limited liability company at a nominal value of 1/3 of the authorised capital of this company;

7¹) the foreigner has failed to fulfil the obligation provided for in Article 36(2) of this Law and it is established that this foreigner has not established any undertaking or does not pursue the activities specified in the documents of incorporation of the undertaking, or the foreigner who has been issued a temporary residence permit on the ground laid down in Article 40(1)(5¹) of this Law is no longer a participant of the undertaking or the presence of this foreigner in the Republic of Lithuania is not essential to the activity of the undertaking or a shell entity has been established;

8) the foreigner's lawful activity in the Republic of Lithuania has been terminated or has expired;

9) training, studies, traineeship, up-skilling has ceased or if the foreigner who has been issued a temporary residence permit on the ground laid down in Article 40(1)(6) of this Law has failed to enter for training, studies, traineeship or up-skilling, as well as if the foreigner who has been enrolled in a higher education and research institution under a study programme(s) has collected less than 40 academic credits within the preceding one year of studies and no justified reasons have been presented in accordance with the procedure laid down in paragraph 1¹ of this Article or fails to comply with the restriction specified in Article 46(4) of this Law during his studies or training;

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

11) the reasons because of which the foreigner has not been returned to a foreign state, expelled from the Republic of Lithuania no longer prevail or the reasons or circumstances referred to in Article 130¹ of this Law, where the temporary residence permit has been issued to him on the ground laid down in Article 40(1)(8), no longer prevail;

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

13) the foreigner leaves for residence or has resided in a foreign state for more than six months, except in the cases when a temporary residence permit has been issued pursuant to point 4¹, 4² or 13 of Article 40(1) or Article 46(1)(1) of this Law;

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

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

16) it is noted, on a recommendation of a pre-trial investigation body or a court, that the grounds on which the foreigner has been issued a temporary residence permit no longer prevail, where the foreigner was a victim of trafficking in human beings or illegal employment and cooperated with the pre-trial investigation body or the court in combating trafficking in human beings or crimes related to trafficking in human beings or illegal employment, in the cases of particularly exploitative employment conditions or the employment of a minor;

17) employment as a teacher, research and experimental development work has been terminated or the foreigner's contract of employment concluded with a higher education and research institution has expired;

18) the foreigner does not fulfil the conditions, as set out in Article 44¹ of this Law for highly qualified employment, pursuant to which he has been issued a temporary residence permit (except in the case referred to in Article 44¹(7) of this Law) or, within the first two years of legal employment in the Republic of Lithuania, has changed the employer or the job function in derogation from the requirements set out in Article 44¹(6) of this Law or has become unemployed for more than three consecutive months or more than once during the period of validity of the temporary residence permit, where the temporary residence permit has been issued in accordance with Article 40(1)(4¹) of this Law;

19) the employer who has submitted a binding job offer to recruit the foreigner under an contract of employment, where a temporary residence permit has been issued pursuant to point 4 or 4¹ of Article 40(1) of this Law, or the host undertaking established in the Republic of Lithuania to which the foreigner is transferred within the framework of an intra-corporate transfer, or the host entity:

a) has been sanctioned for permitting illegal employment, undeclared work or violations of the employment procedure of foreigners pursuant to provisions of the Law on Employment and less than one year has elapsed since the payment of the imposed fine or the discharge of the imposed obligation or a judgment of conviction has become effective within the preceding five years in respect of the employment of third-country nationals illegally staying in the Republic of Lithuania. Moreover, where the manager, or a person authorised by the manager, of the employer who undertakes to recruit the foreigner under a contract of employment, where an application for a temporary residence permit is lodged under point 4 or 4¹ of Article 40(1) of this Law, of the host undertaking established in the Republic of Lithuania to which the foreigner is transferred within the framework of an intra-corporate transfer or of the host entity has been sanctioned for illegal employment, undeclared work or violations of the employment procedure of foreigners pursuant to provisions of the Law on Employment and/or an administrative penalty has been imposed under the Code of Administrative Offences for illegal employment and less than one year has elapsed since the payment of the imposed fine or the discharge of the imposed obligation;

b) the employer has tax arrears in the amount of more than one base social benefit to the state budget of the Republic of Lithuania, municipal budgets or funds, where the State Tax Inspectorate administers the taxes paid thereto, or arrears to the budget of the State Social Insurance Fund Board, unless the taxes, default interest, fines are paid in instalments or deferred in accordance with the procedure laid down by legal acts of the Republic of Lithuania or these taxes, default interest, fines are the subject of a tax dispute;

c) fails to fulfil obligations to the customs or has failed to pay the fine(s) imposed in accordance with the procedure laid down by laws of the Republic of Lithuania the amount/sum of which exceeds the amount of one base social benefit, unless the fines are paid in instalments or deferred in accordance with the procedure laid down by legal acts of the Republic of Lithuania or the fines are the subject of a tax dispute;

d) is being wound up, is in bankruptcy or does not pursue any economic activity;

20) the foreigner has failed to comply with the conditions, as referred to in Article 44²(6) of this Law in respect of a foreigner subject to an intra-corporate transfer, for movement between the host undertakings established in the EU Member States;

21) he has become unemployed for more than three consecutive months or more than once during the period of validity of a temporary residence permit, where the temporary residence permit has been issued pursuant to Article 40(1)(16) of this Law.

1¹. A decision on the withdrawal of a temporary residence permit on the ground laid down in point 9 of paragraph 1 of this Article may be taken by the Migration Department in respect of a foreigner who has collected less than 40 academic credits within the preceding one year of studies only after consultation with a higher education and research institution at which the foreigner is studying. The higher education and research institution shall, within ten working days from the receipt of a query of the Migration Department, provide information to the Migration Department on the justified reasons why the foreigner has collected less than 40 academic credits within the preceding one year of studies and other relevant information.

2. A temporary residence permit shall be withdrawn on the grounds laid down in points 4 to 12 and 16 to 18 of paragraph 1 of this Article if this constituted a ground for obtaining the temporary residence permit.

3. If a foreigner's temporary residence permit is withdrawn, temporary residence permits of the foreigner's family members residing together with him shall also be withdrawn, except in cases where they are entitled to reside in the Republic of Lithuania on any other basis in accordance with this Law.

Article 51. Issue, renewal and withdrawal of a temporary residence permit

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

2. A decision on the issue, renewal and withdrawal of a temporary residence permit for a foreigner shall be taken and the temporary residence permit shall be issued and renewed to the foreigner by the Migration Department.

3. The procedure for lodging applications for the issue or renewal of a temporary residence permit and for issuing, renewing or withdrawing a temporary residence permit to foreigners as well as the procedure for assessing whether or not a foreigner fulfils the conditions of issue or renewal of a temporary residence permit, whether or not there are grounds for refusing to issue or renew a temporary residence permit or for withdrawing a temporary residence permit, also the procedure for assessing whether or not a marriage of convenience or a registered partnership of convenience has been contracted or a fake adoption has been effected or an undertaking is a shell entity shall be laid down by the Minister of the Interior upon coordination with the Minister of Foreign Affairs.

Article 52. Null temporary residence permit

A temporary residence permit shall be null when:

- 1) the validity of the temporary residence permit expires;
- 2) the foreigner dies;
- 3) the temporary residence permit contains signs of counterfeiting;

- 4) the permit is withdrawn;
- 5) the permit is lost;
- 6) the temporary residence permit has been re-personalised on the grounds laid down in Article 40(2) of this Law;
- 7) the foreigner is issued a permanent residence permit;
- 8) the foreigner acquires citizenship of the Republic of Lithuania;
- 9) the temporary residence permit is not collected within six months from the taking of a decision on the issue or renewal of a temporary residence permit to the foreigner.

SECTION FOUR PERMANENT RESIDENCE OF FOREIGNERS IN THE REPUBLIC OF LITHUANIA

Article 53. Grounds for issuing and renewing a permanent residence permit

1. A foreigner may be issued a permanent residence permit if:

- 1) the foreigner has the right to reinstate citizenship of the Republic of Lithuania in accordance with the procedure laid down in the Law of the Republic of Lithuania on Citizenship;
- 2) the foreigner is a person of Lithuanian descent;
- 3) the foreigner has entered the Republic of Lithuania for residence accompanying a citizen of the Republic of Lithuania as his family member;
- 4) the foreigner has lost citizenship of the Republic of Lithuania but resides in the Republic of Lithuania;
- 5) the foreigner is a minor born in the Republic of Lithuania and his parents or one of the parents are citizens of the Republic of Lithuania whose place of residence has been declared in the Republic of Lithuania or who are in possession of a permanent residence permit;
- 6) the foreigner is a minor born outside the Republic of Lithuania and his parents or one of the parents are citizens of the Republic of Lithuania whose place of residence has been declared in the Republic of Lithuania or who are in possession of a permanent residence permit;
- 7) the foreigner has been granted refugee status in the Republic of Lithuania;
- 8) the foreigner has lawfully resided in the Republic of Lithuania for an uninterrupted period of the preceding five years holding a document granting or attesting to the right of residence in the Republic of Lithuania as referred to in this Law or a national visa;
- 8¹) the foreigner has resided in an EU Member State uninterruptedly for the preceding five years, with at least two uninterrupted years in the Republic of Lithuania, holding a temporary residence permit issued pursuant to Article 40(1)(4¹) of this Law;
- 9) in the case provided for in Article 2 of the Law Implementing the Law of the Republic of Lithuania on the Legal Status of Foreigners;
- 10) the foreigner has resided in a foreign state for a period not exceeding the one referred to in points 3 and 4 of Article 54(1) of this Law, has not acquired long-term resident status in another EU Member State and, prior to the residence in the foreign state, resided in the Republic of Lithuania and was in possession of a permanent residence permit.

2. A permanent residence permit may be renewed at a foreigner's request if:

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

3. A foreigner who is issued a permanent residence permit must fulfil the conditions set out in points 1 to 3 of Article 26(1) of this Law. When the permanent residence permit is issued to the foreigner on the grounds laid down in points 8 and 8¹ of paragraph 1 of this Article, the procedure for determining and calculating the period of lawful residence shall be established by the Minister of the Interior.

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

5. Repealed as of 1 March 2015

6. A permanent residence permit issued on grounds laid down in points 8 and 8¹ of paragraph 1 of this Article may be issued if a foreigner has passed an examination in the state language and an examination in the fundamentals of the Constitution of the Republic of Lithuania. The procedure for the examination in the state language and in the basic principles of the Constitution of the Republic of Lithuania as well as the procedure for the issue of the relevant certificates shall be established by the Government of the Republic of Lithuania.

7. Family members entering for residence with the foreigner referred to in points 1 and 2 of paragraph 1 of this Article and residing together with him shall be issued a permanent residence permit.

8. Persons who have reached the age of 75, persons whose capacity for work has been rated at 0-25% (until 30 June 2007 – the disabled in Group I) and persons for whom special needs have been established in accordance with the procedure laid down by legal acts as well as persons suffering from severe chronic mental and behavioural disorders, children and foreigners whose permanent residence permit has been withdrawn on the grounds laid down in point 3 or 4 of Article 54(1) of this Law shall be exempt from the requirements set out in Article 53(6) of this Law.

8¹. When issuing a permanent residence permit to a foreigner on the ground laid down in point 8 of paragraph 1 of this Article, the period of residence in the Republic of Lithuania shall not include periods when the purpose of the foreigner's entry into the Republic of Lithuania is short-term and related to temporary activities of non-continuous character.

9. When issuing a permanent residence permit to a foreigner on the ground laid down in point 8 of paragraph 1 of this Article, the period of residence in the Republic of Lithuania shall include only half of the time of residence in the Republic of Lithuania under a temporary residence permit issued in accordance with the provisions of Article 40(1)(6) and Article 46 of this Law. This provision shall not apply to a foreigner who has completed studies in the Republic of Lithuania and has acquired a higher education qualification.

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

10. When issuing a permanent residence permit to a foreigner on the grounds laid down in points 8 and 8¹ of paragraph 1 of this Article, the period of residence shall not be interrupted by a period of absence from the territory of respectively the Republic of Lithuania or any other EU Member State, provided that it is shorter than 6 consecutive months and does not exceed in total 10 months within a five-year period. If a foreigner who seeks to obtain a permanent residence permit on the ground laid down in point 8¹ of paragraph 1 of this Article proves that he has left for his country of origin to take up employment, to engage in other lawful activities or to study, the period of residence shall not be interrupted by a period of absence from the territory of the Republic of Lithuania or any other EU Member State, provided that it is shorter than 12 consecutive months and does not exceed in total 18 months within a five-year period.

11. Where a permanent residence permit is issued to a foreigner on the grounds laid down in points 8 and 8¹ of paragraph 1 of this Article, the period of residence shall be interrupted by the period of serving of a custodial sentence imposed by a court.

Article 54. Grounds for withdrawing a permanent residence permit

1. A foreigner's permanent residence permit shall be withdrawn if:

- 1) the permit has been obtained by fraud;
- 2) the foreigner's residence in the Republic of Lithuania represents a threat to national security;
- 2¹) the foreigner's residence in the Republic of Lithuania represents a threat to public policy or, in the case when the permanent residence permit is issued to the foreigner on the ground laid down in Article 53(1)(7) of this Law, if the foreigner has been convicted by a final judgment of a grave crime and constitutes a danger to the community;
- 3) the foreigner has resided in a non-EU Member State for a period exceeding 12 consecutive months. If a foreigner who is in possession of a permanent residence permit on the ground laid down in Article 53(1)(8¹) of this Law proves that he has left for his country of origin to take up employment, to engage in other lawful activities or to study, the said period shall be extended for him and for his family members who are in possession of a permanent residence permit for up to 24 consecutive months;
- 4) the foreigner has resided in another EU Member State for more than six years or has acquired long-term resident status in another EU Member State;
- 5) refugee status is withdrawn for the foreigner in accordance with the procedure laid down by this Law.

2. *Repealed as of 16 December 2006.*

3. If a foreigner's permanent residence permit is withdrawn, permanent residence permits of the foreigner's family members residing together with him shall also be withdrawn, except in the cases where they are entitled to reside in the Republic of Lithuania on any other basis in accordance with this Law.

4. A foreigner's right to permanent residence in the Republic of Lithuania shall not be affected for the sole reason that the period of validity of the residence permit held by him has expired.

Article 55. Issue, renewal and withdrawal of a permanent residence permit

1. A foreigner shall lodge an application for the issue or renewal of a permanent residence permit with the institutions specified in Articles 28 and 29 of this Law.

2. A decision on the issue, renewal and withdrawal of a permanent residence permit for a foreigner shall be taken and the permanent residence permit shall be issued and renewed for the foreigner by the Migration Department.

3. The procedure governing the submission of documents for the issue of a permanent residence permit and the issue, renewal and withdrawal of permanent residence permits for foreigners as well as the assessment of contraction of a marriage of convenience, a registered partnership of convenience or effecting of a fake adoption shall be established by the Minister of the Interior.

Article 56. Null permanent residence permit

A permanent residence permit shall be null when:

- 1) the period of validity of the permanent residence permit expires;
- 2) a foreigner acquires citizenship of the Republic of Lithuania;
- 3) the foreigner dies;
- 4) the permanent residence permit contains signs of counterfeiting;
- 5) the permit is withdrawn;
- 6) *repealed as of 16 December 2006*;
- 7) the permit is lost;
- 8) the foreigner is issued a residence permit in another EU Member State;
- 9) the foreigner declares, in accordance with the procedure laid down in the Law on the Declaration of the Place of Residence, that he has left the Republic of Lithuania.

SECTION FIVE FOREIGNERS' EMPLOYMENT IN THE REPUBLIC OF LITHUANIA

Article 57. Foreigner's obligation to obtain a work permit in the Republic of Lithuania

1. A foreigner who intends to take up employment in the Republic of Lithuania and who is not exempted from the obligation to obtain a work permit under Article 58 of this Law must obtain a work permit where:

- 1) the foreigner enters the Republic of Lithuania to take up employment and is a foreigner whose occupation is not included in the List of Shortage Occupations in the Republic of Lithuania by type of economic activity;
- 2) the foreigner enters the Republic of Lithuania to take up employment and is a foreigner whose occupation is included in the List of Shortage Occupations in the Republic of Lithuania by type of economic activity, and the quota established in accordance with Article 571 of this Law has been exhausted;
- 3) the foreigner enters the Republic of Lithuania for the purpose of highly qualified employment and does not fulfil the conditions, as set out in Article 441(1)(3) of this Law, of exemption from the obligation to apply to the Employment Service for a decision on the relevance of a foreigner's employment to the needs of the labour market of the Republic of Lithuania;
- 4) the foreigner enters the Republic of Lithuania for the purpose of employment as a seasonal worker;
- 5) the foreigner enters the Republic of Lithuania for the purpose of employment as a trainee or an intern;

6) the foreigner is an employee, working under an open-ended contract of employment, of an undertaking established in a state other than an EU Member State or a European Free Trade Association State who is posted by the undertaking for temporary employment to the Republic of Lithuania and is covered by social insurance in that Member State.

2. A foreigner may be issued a permanent residence permit where:

1) there is no specialist in the Republic of Lithuania meeting the employer's qualification requirements;

2) the employer's binding job offer is presented, where under this offer the foreigner is to be recruited under an contract of employment for a period of not less than six months;

3) the employer's information is supplied regarding the foreigner's qualification and its relevance to the workplace and at least one year of work experience within the preceding five years or, where the employer is included in the list of approved entities, the employer's information is supplied regarding the foreigner's qualification and its relevance to the workplace or at least one year of work experience in the profession specified by the employer within the preceding five years. The conditions referred to in this point concerning a foreigner's qualification and work experience shall not apply to a foreigner who enters to take up employment as a trainee or an intern.

3. The issue of a work permit to a foreigner referred to in Article 11(2) to (5) of this Law who intends to exercise the right to take up employment as specified in Article 62(1¹) of this Law shall not entitle the foreigner to stay in the Republic of Lithuania after the expiry of the period specified in Article 11(2) to (5) of this Law.

4. The procedure for issuing work permits to foreigners shall be established by the Minister of Social Security and Labour upon coordination with the Minister of the Interior.

5. A work permit (when necessary, its duplicate copy) shall be issued to and withdrawn from a foreigner and the validity of the work permit shall be extended by the Employment Service.

Article 57¹. Establishment and exhaustion of a quota

1. A quota shall be established for foreigners who enter the Republic of Lithuania to take up employment in an occupation included in the List of Shortage Occupations in the Republic of Lithuania by type of economic activity, where they are exempted from the obligation to obtain a work permit and the relevance of their employment to the needs of the Lithuanian labour market does not require a decision of the Employment Service (hereinafter: a 'quota').

2. The Director of the Employment Service shall, based on the monitoring of the labour market carried out by the Employment Service, the assessment of the situation on the labour market and the forecast of its developments, approve the List of Shortage Occupations in the Republic of Lithuania by type of economic activity for a calendar year and shall submit a proposal to the Minister of Social Security and Labour for the establishment of a quota or the adjustment thereof. The List of Shortage Occupations in the Republic of Lithuania by type of economic activity may be adjusted once a year.

3. Having regard to a proposal for the establishment of a quota referred to in paragraph 2 of this Article, the quota for a calendar year shall be approved by the Minister of Social Security and Labour upon coordination with the Minister of the Interior. The amount of the quota may be adjusted once a year. A procedure for establishing a quota for a calendar year shall be established by the Minister of Social Security and Labour upon coordination with the Minister of the Interior.

4. A quota shall be considered to have been exhausted if the number of national visas issued by diplomatic missions or consular posts of the Republic of Lithuania abroad and the temporary residence permits issued by the Migration Department to the foreigners entering to take up employment in an occupation included in the List of Shortage Occupations in the Republic of Lithuania by type of economic activity and the number of the foreigners, as referred to in Article 62(1¹) of this Law, whose employment in such an occupation has been notified to the Employment Service collectively reaches the quota established for the calendar year in question.
5. The Migration Department shall calculate the exhaustion of a quota and make the exhausted quota publicly available. The Employment Service shall provide the Migration Department with information on the employment of the foreigners referred to in Article 62(1¹) of this Law not later than on the next working day following the receipt of information on the employment of a foreigner in accordance with the procedure laid down in Article 62(7) of this Law.
6. Upon the exhaustion of a quota, the foreigners referred to in paragraph 1 of this Article who intend to take up employment in the Republic of Lithuania must obtain a work permit.

Article 58. Exempting a foreigner from the obligation to obtain a work permit

A foreigner shall be exempt from the obligation to obtain a work permit where:

- 1) the foreigner is in possession of a temporary residence permit issued pursuant to points 1-3 and points 7-10 of Article 40(1) of this Law;
- 2) the foreigner is in possession of a temporary residence permit issued in accordance with Article 40(1)(6) of this Law and takes up employment during the period of practical training in the area of research and development or intends to take up employment during studies or training subject to compliance with the restriction specified in Article 46(4) of this Law;
- 3) the foreigner is in possession of a permanent residence permit;
- 4) the foreigner applies for the issue or renewal of a temporary residence permit pursuant to point 4, 4¹, 4², 5, 5¹, 13, 14, 15 or 16 of Article 40(1) of this Law;
- 5) the person is a foreigner referred to Article 11(6) of this Law who is subject to an intra-corporate transfer for a period of up to 90 days in any 180-day period to the host undertaking established in the Republic of Lithuania, and if the foreigner's intra-corporate transfer, including mobility between host undertakings established in other EU Member States, does not exceed three years for managers or specialists or one year for trainee employees. If the foreigner takes up employment with the host undertaking established in the Republic of Lithuania in a regulated profession as defined by the Law of the Republic of Lithuania on Recognition of Regulated Professional Qualifications, documentation must be presented attesting that the foreigner fulfils the conditions set out in legal acts of the Republic of Lithuania for the pursuit of regulated professional activities;
- 5¹) he is a foreigner referred to in Article 11(8) of this Law;
- 6) the foreigner is a permanent employee of an undertaking established in an EU Member State or a European Free Trade Association State who is posted by the undertaking for temporary employment to the Republic of Lithuania and is covered by social insurance in that (Member) State;
- 7) the foreigner is a crew member of a vessel flying the flag of the State of Lithuania and sailing on international routes;
- 8) the foreigner enters the Republic of Lithuania for a period not exceeding three months per year for the purpose of arranging matters related to negotiations for the conclusion of a contract

and performance of the contract, training of the staff or installation of the equipment;

9) the foreigner enters the Republic of Lithuania to engage in lawful activities referred to in points 3-8 of Article 45(1) of this Law, also to take up employment as a teacher or to conduct research and/or experimental (social, cultural) development as a researcher under a contract of employment or a copyright agreement concluded with a higher education and research institution;

10) the foreigner enters the Republic of Lithuania to engage in lawful activities and is a participant of an undertaking which pursues in the Republic of Lithuania the activities specified in its documents of incorporation, the value of whose equity capital (in the case of an undertaking other than a public limited liability company and a private limited liability company – assets) amounts to not less than EUR 28 000, of which not less than EUR 14 000 are the funds or other assets invested by the foreigner, or is the manager of an undertaking which pursues in the Republic of Lithuania the activities specified in its documents of incorporation, the value of whose equity capital (in the case of an undertaking other than a public limited liability company and a private limited liability company – assets) amounts to not less than EUR 28 000, and the purpose of his entry is employment with that undertaking;

11) the foreigner enters the Republic of Lithuania to take up employment and is a foreigner whose occupation is included in the List of Shortage Occupations in the Republic of Lithuania by type of economic activity, and the quota established in accordance with Article 57¹ of this Law has not been exhausted;

12) *repealed as of 1 March 2019;*

13) the foreigner is a national of Australia, Japan, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Canada, New Zealand, South Korea who enters the Republic of Lithuania to take up employment (including posting for temporary employment to an undertaking in the Republic of Lithuania by an undertaking established in the specified state under a contract concluded between these undertakings for the provision of services or works) or to pursue other lawful activities;

Note from the Register of Legal Acts. The provisions of point 13 shall apply from the end of the transitional period provided for in Article 126 of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community, done at Brussels and London on 24 January 2020.

14) the foreigner has acquired the right referred to in Article 71(1)(10) of this Law;

15) the foreigner intends to take up highly qualified employment in an occupation included in the List of Shortage Occupations Requiring Higher Professional Qualifications in the Republic of Lithuania or presents the employer's binding offer to pay him a monthly wage not less than 3 amounts of average gross monthly earnings in the whole economy in the quarter most recently published by Statistics Lithuania. Where the foreigner takes up employment in a regulated profession as defined by the Law on Recognition of Regulated Professional Qualifications, documentation must be presented attesting that the foreigner fulfils the conditions set out in legal acts of the Republic of Lithuania for the pursuit of regulated professional activities;

16) the foreigner enters the Republic of Lithuania under youth exchange programmes provided for in international treaties;

17) the foreigner does not enter the Republic of Lithuania but intends to take up full-time remote employment under a contract of employment concluded with an undertaking operating in the Republic of Lithuania.

Article 59. Grounds for issuing a work permit

A work permit shall be issued to a foreigner taking into account the needs of the labour market of the Republic of Lithuania.

Article 60. Time limits for examining applications for the issue of a work permit

A foreigner's application for the issue of a work permit must be examined not later than within two months from the receipt of the application at the Employment Service.

Article 61. Validity of a work permit

1. A work permit shall be issued to a foreigner for a period of up to two years, specifying the job (position) and the undertaking, agency or organisation with which the foreigner will be employed.
2. A foreigner who enters the Republic of Lithuania for the purpose of employment as a seasonal worker shall be issued a work permit for a period of up to 6 months in any 12-month period starting from the first day of entry into the Republic of Lithuania. The validity of the work permit for the purpose of seasonal work for a period of up to 6 months may include a continuous period of up to 6 months or several shorter periods, the total duration of which may not exceed a fixed period of 6 months in any 12-month period.
3. A foreigner who enters the Republic of Lithuania for the purpose of employment as an trainee or an intern shall be issued a work permit for one year and its period of validity may be extended on an exceptional basis, when the period of traineeship or internship is longer than one year and the extension is necessary for acquiring qualification in an appropriate area.

Article 61¹. Decision on the relevance of a foreigner's employment to the needs of the labour market of the Republic of Lithuania

1. The Employment Service shall, in accordance with the procedure established by the Minister of Social Security and Labour, take a decision on the relevance of a foreigner's employment to the needs of the labour market of the Republic of Lithuania upon assessing whether the employment of the foreigner who intends to apply or applies for the issue of a temporary residence permit pursuant to point 1 or 3 of Article 44(1) or Article 44¹(3) of this Law meets the needs of the labour market of the Republic of Lithuania.
2. The Employment Service shall refuse to take a decision referred to in point 1 or sub-point c of point 3 of Article 44(1) or Article 44¹(1)(3) of this Law regarding the relevance of a foreigner's employment to the needs of the labour market of the Republic of Lithuania where:
 - 1) the employment of the foreigner is not relevant to the needs of the labour market of the Republic of Lithuania;
 - 2) the foreigner does not fulfil the conditions for the issue of a temporary residence permit set out in point 1 or 3 of Article 44(1) or Article 44¹(1) of this Law;
 - 3) the foreigner's wage does not match the amount referred to in Article 44¹(1)(1) or Article 62(3) of this Law;
 - 4) the employer has been sanctioned for permitting illegal employment or undeclared work or for violations of the employment procedure of foreigners pursuant to provisions of the Law on Employment and less than one year has elapsed from the completion of the sanction imposed or a judgment of conviction has become effective within the preceding five years in respect of the employment of third-country nationals illegally staying in the Republic of Lithuania, or the

manager of the employer or a person authorised by the manager has been sanctioned for permitting illegal employment, undeclared work or for violations of the employment procedure of foreigners pursuant to provisions of the Law on Employment and/or an administrative penalty has been imposed in accordance with the Code of Administrative Offences for illegal employment and less than one year has elapsed since the payment of the imposed fine or discharge of the imposed obligation;

- 5) the employer is being wound up, is in bankruptcy or does not pursue any economic activity;
- 6) the employer has tax arrears in the amount of more than one base social benefit to the state budget of the Republic of Lithuania, municipal budgets or funds, where the State Tax Inspectorate administers the taxes paid thereto, or arrears to the budget of the State Social Insurance Fund Board, unless the taxes, default interest, fines are paid in instalments or deferred in accordance with the procedure laid down by legal acts of the Republic of Lithuania or these taxes, default interest, fines are the subject of a tax dispute;
- 7) the documents submitted are counterfeit or contain false data;
- 8) not all required documents have been submitted;
- 9) it is established that the employer did not pay state social insurance contributions for at least one employed foreigner for a period exceeding three months within the preceding six months, except in the cases when the foreigner was absent from work due to pregnancy, maternity, paternity leave and/or parental leave, illness or accident or when the employer presents a document proving that the foreigner was not subject to the legal acts of the Republic of Lithuania governing social insurance.

3. A decision on the relevance of a foreigner's employment to the needs of the labour market of the Republic of Lithuania shall be annulled where:

- 1) the contract of employment is terminated;
- 2) the employer is being or has been wound up, or the employer does not pursue any economic activity;
- 3) it transpires that a decision on the relevance of the foreigner's employment to the needs of the labour market of the Republic of Lithuania has been taken upon the submission of false data by the foreigner or the documents submitted have been obtained fraudulently or are counterfeit;
- 4) the employer fails to fulfil the obligation to pay to the foreigner in highly qualified employment during the period of validity of a contract of employment a wage not less than 1.5 amounts of average gross monthly earnings in the whole economy in the last quarter most recently published by Statistics Lithuania;
- 5) the employer has been sanctioned for illegal employment;
- 6) an application for the annulment of the decision has been lodged by the employer or the foreigner;
- 7) the foreigner's temporary residence permit is withdrawn.

4. A decision on the relevance of a foreigner's employment to the needs of the labour market of the Republic of Lithuania shall be repealed if the foreigner changes the employer in compliance with the requirements set out in Article 44(7) and Article 44¹(6) of this Law and the employer has provided information about the employment of the foreigner in accordance with the procedure laid down in Article 62(7) of this Law.

Article 62. Taking up employment by foreigners

1. A foreigner may take up employment in the Republic of Lithuania under a contract of employment or, if the foreigner's permanent place of employment is abroad, the foreigner may be posted for temporary employment in the Republic of Lithuania.

1¹. A foreigner referred to in paragraphs 2 to 5 of Article 11 of this Law may, during his legal stay in the Republic of Lithuania, work in the Republic of Lithuania if he has been issued a work permit or if he fulfils the conditions for exemption from the obligation to obtain a work permit as set out in points 7 to 13 or 15 of Article 58 of this Law.

2. An employer may conclude an contract of employment only with a foreigner being in possession of a work permit, except in the cases referred to in Article 58 of this Law.

2¹. *Repealed as of 1 March 2019.*

2². A foreigner who has been issued with a national visa or a temporary residence permit on the ground laid down in point 4 or 41 of Article 40(1) of this Law may take up employment only with the employer who has submitted a binding job offer to him and perform only the function for which he has been recruited by that employer, except in the cases referred to in Article 44(7) and Article 44¹(6) of this Law. The requirement to take up employment only with the employer who has submitted a binding job offer to the foreigner and to perform only the job function for which the foreigner has been recruited by that employer shall not apply to foreigners who have been issued a temporary residence permit in accordance with Article 49⁵(1)(1) this Law.

3. A foreigner's wage may not be less than that of a resident of the Republic of Lithuania working for the same job with the same employer or, in the absence of such an employee, the foreigner's wage may not be less than the gross monthly earnings of a calendar year in the national economy most recently published by the Department of Statistics of Lithuania (including the wage data of individual enterprises) by type of economic activity.

4. A foreigner's employment relationship shall be governed by the Labour Code of the Republic of Lithuania, this Law and legal acts of the European Union.

5. A labour contract with several employers meeting the requirements of the Labour Code may be concluded with a foreigner who is in possession of a residence permit or a national visa.

6. A foreigner may not take up employment under a temporary labour contract within the meaning defined in the Labour Code.

7. An employer or an undertaking to which a foreigner is posted for temporary employment shall provide information about an employed foreigner or a foreigner posted for temporary employment to the Republic of Lithuania to the State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour and to the Employment Service through the information system of the State Social Insurance Fund Board under the Ministry of Social Security and Labour in accordance with the procedure laid down by the Director of the State Social Insurance Fund Board under the Ministry of Social Security and Labour, the Chief State Labour Inspector of the Republic of Lithuania and the Director of the Employment Service.

8. Where a foreigner is refused the issue of a work permit on the ground laid down in point 7 or 9 of Article 63(1) of this Law or the taking of a decision on the relevance of the foreigner's employment to the needs of the labour market of the Republic of Lithuania is refused on the ground laid down in point 7 or 9 of Article 61¹(2) of this Law, the employer who has submitted a binding job offer to the foreigner may lodge an application for the issue of a work permit or the taking of a decision on the relevance of the foreigner's employment to the needs of the labour market of the Republic of Lithuania after the lapse of not less than six months from the

taking of the decision to refuse the issue of a work permit or to take a decision on the relevance of a foreigner's employment to the needs of the labour market of the Republic of Lithuania.

Article 62¹. Issue of authorisations for the purpose of seasonal work

1. A foreigner who intends to take up employment as a seasonal worker in the Republic of Lithuania may be issued a work permit if:

1) there is no suitable worker for the purpose of seasonal work in the Republic of Lithuania. The concept 'suitable worker' shall be interpreted as defined in the Law on Employment;

2) the foreigner retains his principal place of residence in a foreign state;

3) the foreigner intends to work under a work contract which may be concluded only directly with the employer (the legal person established in the Republic of Lithuania or the natural person who is a permanent resident of the Republic of Lithuania);

4) the foreigner possesses by the right of ownership adequate accommodation in the Republic of Lithuania with the living floorspace of not less than 7 square metres per each adult person who has declared his place of residence thereat or uses such accommodation under a lease or loan for use contract (if the relevant contract is concluded for a minimum period of validity of the work permit and is recorded in the Real Property Register of the Republic of Lithuania) or submits a verified letter of commitment of a natural or legal person to provide him with adequate accommodation within the period of validity of the work permit, meeting the requirements set out in this point for the living floorspace per person. Where the foreigner is provided with adequate accommodation by or through his employer, the rental conditions must be specified for the duration of validity of the work permit and the rent for the duration of validity of the work permit must not exceed 30 % of the foreigner's wage after deduction of taxes and state social security contributions and may not be automatically deducted from the foreigner's wage;

5) seasonal work is included in the list of seasonal works approved by the Minister of Social Security and Labour.

2. A foreigner who holds an authorisation for the purpose of seasonal work or the employer referred to in point 4 of paragraph 1 of this Article must, not later than within seven days, inform the Employment Service of any change of adequate accommodation by the foreigner.

3. Validity of a work permit may be extended for a foreigner who works in the Republic of Lithuania as a seasonal worker if he extends the work contract with the same employer or a new work permit may be issued if the foreigner wishes to change employer without exceeding the maximum period of validity of the work permit referred to in Article 61(2) of this Law. A foreigner may only once extend his work contract with the same employer or change employer.

4. The State Labour Inspectorate of the Republic of Lithuania under the Ministry of Social Security and Labour shall monitor whether the accommodation provided to a foreigner during the period of validity of an authorisation for the purpose of seasonal work meets the requirements set out in point 4 of paragraph 1 of this Article.

5. The procedure for issuing authorisations for the purpose of seasonal work to foreigners and the list of seasonal works shall be laid down by the Minister of Social Security and Labour.

Article 63. Grounds for refusing the issue of, and withdrawing, a work permit

1. A foreigner shall be refused a work permit if:

1) the employment of the foreigner is not relevant to the needs of the labour market of the Republic of Lithuania;

2) the foreigner does not fulfil the conditions for the issue of a work permit set out in Article 57(2) or Article 62¹(1) of this Law;

3) the foreigner's wage does not match the amount referred to in Article 62(3) of this Law;

4) the employer has been sanctioned for permitting illegal employment, undeclared work or violations of the employment procedure of foreigners pursuant to provisions of the Law on Employment and less than one year has elapsed since the payment of the imposed fine or the discharge of the imposed obligation or a final judgment of conviction has been passed within the preceding five years in respect of the employment of third-country nationals illegally staying in the Republic of Lithuania. In addition, where the manager of the employer or a person authorised by the manager of the employer has been sanctioned for permitting illegal employment, undeclared work or violations of the employment procedure of foreigners pursuant to provisions of the Law on Employment and/or an administrative penalty has been imposed for illegal employment in accordance with the Code of Administrative Offences and less than one year has elapsed from the payment of the imposed fine or the discharge of the obligation;

5) the employer is being wound up, is in bankruptcy or does not pursue any economic activity;

6) the employer has tax arrears in the amount of more than one base social benefit to the state budget of the Republic of Lithuania, municipal budgets or funds, where the State Tax Inspectorate administers the taxes paid thereto, or arrears to the budget of the State Social Insurance Fund Board, unless the taxes, default interest, fines are paid in instalments or deferred in accordance with the procedure laid down by legal acts of the Republic of Lithuania or these taxes, default interest, fines are the subject of a tax dispute;

7) the documents submitted are counterfeit or contain false data;

8) not all required documents have been submitted;

9) it is established that the employer did not pay state social insurance contributions for at least one employed foreigner for a period exceeding three months within the preceding six months, except in the cases when the foreigner was absent from work due to pregnancy, maternity, paternity leave and/or parental leave, illness or accident or when the employer presents a document proving that the foreigner was not subject to the legal acts of the Republic of Lithuania governing social insurance.

2. A foreigner's work permit shall be withdrawn if:

1) the permit has been fraudulently acquired by the foreigner;

2) the contract of employment is terminated;

3) *repealed as of 1 March 2021;*

4) *repealed as of 1 March 2019;*

5) it has been established that the foreigner does not fulfil the conditions for the issue of a work permit as set out in Article 57(2) or Article 62¹(1) of this Law;

6) the employer has been sanctioned for illegal employment;

7) the employer (legal person) is being or has been wound up, or the employer does not pursue any economic activity;

8) the foreigner's visa issued on the basis of the work permit is annulled;

9) upon the expiry of the period of legal stay in the Republic of Lithuania, the foreigner referred to in Article 11(2) to (5) of this Law has not received a document proving his right to stay or reside in the Republic of Lithuania;

10) an application for the withdrawal of the work permit has been lodged by the employer or the foreigner.

3. A decision to refuse the issue of an authorisation for the purpose of seasonal work or a decision to withdraw an authorisation for the purpose of seasonal work must take account of the specific circumstances of the case, including the interests of the foreigner, and respect the principle of proportionality.

Article 63¹. Compilation and application of the list of approved entities

1. Undertakings which meet the criteria laid down by the Minister of the Interior for inclusion in the list of approved entities, including host undertakings established in the Republic of Lithuania, shall be included in the list of approved entities at their request for a period of three years in accordance with the procedure specified by the Minister of the Interior.

2. An undertaking may not be included in the list of approved entities if:

1) it has been sanctioned for permitting illegal employment, undeclared work or violations of the employment procedure of foreigners pursuant to provisions of the Law on Employment and less than one year has elapsed since the payment of the imposed fine or the discharge of the imposed obligation;

2) the undertaking or the manager of the undertaking or a person authorised by him has been convicted, within the preceding five years by a final judgment, of the employment of third-country nationals illegally staying in the Republic of Lithuania, crimes related to trafficking in human beings, unlawful pursuit of commercial, economic, financial or professional activities, illegal activities of a legal person, fraudulent keeping of records or bribery, or criminal prosecution is pending for the commission of such criminal acts;

3) the manager of the undertaking or a person authorised by him has been sanctioned for administrative offences relating to the labour and social rights of the person concerned, unlawful pursuit of commercial, economic, financial or professional activities or failure to notify a change in the data related to the foreigner, and less than one year has elapsed since the completion of the sanction;

4) it is being wound up, is in bankruptcy or does not pursue any economic activity;

5) it has tax arrears in the amount of more than one base social benefit to the state budget of the Republic of Lithuania, municipal budgets or funds, where the State Tax Inspectorate administers the taxes paid thereto, or arrears to the budget of the State Social Insurance Fund Board, unless the taxes, default interest, penalties are paid in instalments or deferred in accordance with the procedure laid down by legal acts of the Republic of Lithuania;

6) it fails to comply with customs obligations and has not paid the fine(s) imposed in accordance with the procedure laid down by laws of the Republic of Lithuania, the amount (sum) of which exceeds the amount of one base social benefit, unless the fines are paid in instalments or deferred in accordance with the procedure laid down by legal acts of the Republic of Lithuania;

7) it has been established in accordance with the procedure laid down by the Minister of the Interior that there are serious grounds for believing that this undertaking is a shell entity;

8) it has failed to submit tax returns and financial statements in accordance with the procedure laid down by legal acts within the preceding three years;

9) it has not pursued any activity in the Republic of Lithuania within the preceding three years;

10) it does not have experience in employing third-country nationals. The conditions under which an undertaking is deemed to have experience in employing third-country nationals shall

be determined by the Minister of the Interior.

3. An application for inclusion in the list of approved entities shall be lodged with the Migration Department, which must examine this application no later than within one month from the receipt thereof.

4. An undertaking shall be removed from the list of approved entities in accordance with the procedure laid down by the Minister for the Interior if:

1) three years have elapsed since its inclusion in the list of approved entities and no new application for inclusion in the list of approved entities has been lodged and examined by the end of that time limit or

2) it is established that the undertaking does not meet the criteria set out by the Minister of the Interior for inclusion in the list of approved entities, or

3) it is established that the reasons referred to in paragraph 2 of this Article have arisen and preclude the inclusion of the undertaking in the list of approved entities.

5. The provisions of this Law relating to the conditions applicable to a foreigner who enters the Republic of Lithuania under a national visa for the purpose of employment or applies for a temporary residence permit on the grounds laid down in points 4, 4¹ and 4² of Article 40(1) of this Law when the undertaking which submits to him a binding job offer or the undertaking to which the foreigner is transferred within the framework of an intra-corporate transfer is included in the list of approved entities shall apply only to foreigners who enjoy visa-free travel under Regulation (EU) 2018/1806 or who are nationals of a foreign country in respect of which the Republic of Lithuania applies the conditions facilitating the issuing of national visas, either unilaterally or under international treaties.

Article 64. Illegal employment or unlawful engagement in other activities in the Republic of Lithuania

A foreigner's employment shall be considered illegal or his engagement in other activities in the Republic of Lithuania shall be considered unlawful, regardless of whether it is remunerated or not, if the foreigner:

1) is employed without a work permit and/or a contract of employment and a temporary residence permit or visa when he is required to be in possession thereof;

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

3) studies at an educational institution, takes part in a traineeship programme or undertakes upskilling without a temporary residence permit or a visa, except in the cases referred to in Article 32(4)(2) and Article 71(2) of this Law;

4) is an asylum applicant who takes up employment without a foreigner's registration certificate attesting to his right to take up employment and/or without a contract of employment.

CHAPTER IV

ASYLUM AND TEMPORARY PROTECTION IN THE REPUBLIC OF LITHUANIA

Article 64¹. Application of Regulation (EU) No 604/2013

For the purposes of Regulation (EU) No 604/2013, the states to which this Regulation applies within the meaning this Chapter shall be considered as the EU Member States.

SECTION ONE LODGING OF AN APPLICATION FOR ASYLUM

Article 65. Foreigner's right to apply for and be granted asylum in the Republic of Lithuania

A foreigner shall have the right to apply for and be granted asylum in the Republic of Lithuania in accordance with the procedure laid down in this Law. Where there are indications that a foreigner who is present in a detention facility, at a border crossing point or in a transit zone may wish to apply for asylum, he shall be provided in a language that he understands with information on this right and the procedures to be followed.

Article 66. *Repealed as of 1 March 2015*

Article 67. Lodging of an application for asylum

1. A foreigner's application for asylum may be lodged:

- 1) with the State Border Guard Service – at border crossing points of the Republic of Lithuania or in the territory of the Republic of Lithuania wherein the border legal regime is valid;
- 2) with the State Border Guard Service or the Migration Department – in the territory of the Republic of Lithuania, except in the case referred to in point 1 of this paragraph.

¹. *Repealed as of 1 January 2022.*

¹². *Repealed as of 1 January 2022.*

2. A foreigner shall lodge an application for asylum in person. An application may be lodged on behalf of minor family members by any adult family member. An application may be lodged on behalf of an unaccompanied minor foreigner or a legally incapable foreigner by his representative.

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

4. *Repealed as of 1 December 2015.*

5. The best interests of the child and vulnerable persons shall be a primary consideration when implementing provisions of this Law.

6. The procedure governing the lodging and examination of foreigners' applications for asylum, the determination of vulnerability of an asylum applicant, the taking of decisions and their enforcement shall be established by the Minister of the Interior.

7. The procedure governing the lodging of foreigners' applications for asylum in the case referred to in point 3 of paragraph 1¹ of this Article shall be established by the Minister of Foreign Affairs.

Article 68. Work with asylum applicants and non-disclosure of information

1. Information related to the lodging and examination of an application for asylum may be classified in accordance with the procedure laid down by the Law of the Republic of Lithuania on State Secrets and Official Secrets.

2. Information provided in a foreigner's application for asylum as well as information received pending the examination of the application shall not be furnished to the country of origin. When examining the application for asylum, no referral shall be made to the foreigner's country of origin for the provision of information if such referral could disclose that the foreigner has lodged an application for asylum and this could present a threat to the life, health, safety or liberty of the foreigner or his family members.

3. The confidentiality of collection and processing of information shall be ensured when carrying out a search for an unaccompanied minor foreigner's family members pursuant to Article 32(6) of this Law.

4. Civil servants and employees of competent authorities or agencies of the Republic of Lithuania whose activities are related to the examination of applications for asylum and/or ensuring of reception conditions shall be prohibited from disclosing information obtained in the performance of their functions, except in the cases provided for by laws of the Republic of Lithuania.

5. Civil servants and employees of competent authorities or agencies of the Republic of Lithuania whose activities are related to the examination of applications for asylum and/or ensuring of reception conditions shall have had appropriate training.

Article 69. *Repealed as of 1 January 2022*

Article 70. Exemption from liability for unlawful entry into, and illegal stay in, the Republic of Lithuania

Asylum applicants who have unlawfully entered the territory of the Republic of Lithuania from a country where their life or freedom was in danger shall be exempt from liability for unlawful entry into and illegal stay in the Republic of Lithuania, provided they present themselves without delay to competent authorities of the Republic of Lithuania and provide an exhaustive explanation of the reasons of their unlawful entry into or illegal stay in the territory of the Republic of Lithuania.

Article 71. Rights and obligations of an asylum applicant in the Republic of Lithuania

1. An asylum applicant shall have the following rights in the Republic of Lithuania:

1) to have access to material reception conditions while residing, as designated by institutions of the Republic of Lithuania, in accommodation facilities, detention facilities, at border crossing points, in transit zones or at the State Border Guard Service;

2) to be provided, free of charge, in a language that he understands with information about his rights and obligations and consequences of failure to comply with them pending the examination of an application for asylum, as well as with information relating to the examination of the application for asylum;

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

4) to have access to state-guaranteed legal aid in accordance with the procedure established by the Minister of the Interior to the extent this is related to the examination of the application for asylum;

5) to be reimbursed for the use of means of public transport where such use of the means of public transport is linked to the examination of the application for asylum;

- 6) to have access to free interpretation services in so far as it is related to the examination of the application for asylum;
- 7) to receive free basic medical aid, psychological assistance and social services at the State Border Guard Service, the Refugee Reception Centre or any other accommodation facility, as well as other state-guaranteed (free) health care referred to in the Law on the Health System;
- 8) to address representatives of the Office of the United Nations High Commissioner for Refugees and other organisations providing specialised legal assistance or consultations to asylum applicants and meet them in conditions that respect privacy;
- 9) if attributed to vulnerable persons, to access reception conditions designed to meet their special needs;
- 10) to take up employment if, within six months from the lodging of the application for asylum, the Migration Department has not taken a decision on the granting asylum in the Republic of Lithuania through no fault of the asylum applicant;
- 11) to access other reception conditions and rights guaranteed under international treaties, laws and other legal acts of the Republic of Lithuania.

¹. *Repealed as of 1 January 2022.*

2. Minor asylum applicants shall have the right to study under a pre-school, pre-primary, general education or vocational training programme(s) in accordance with the procedure established by the Minister of Education, Science and Sport. The right to study under a pre-primary, general education or vocational training programme(s) shall be ensured without delay but not later than within three months from the lodging of an application for asylum. An asylum applicant who begins to study as a minor shall have the right to complete a general education or vocational training programme(s) even if he attains the age of majority while studying.

². Asylum applicants temporarily residing at the Refugee Reception Centre shall have the right to receive a food allowance in the amount of 60 per cent of state-supported income, in the event that no catering service is provided, in accordance with the procedure established by the Minister of Social Security and Labour.

3. Asylum applicants residing in accommodation facilities or detention facilities designated by institutions of the Republic of Lithuania, with the exception of asylum applicants subject to a decision of the Migration Department to admit into the Republic of Lithuania and where such a decision has not yet been taken, shall be paid a monthly cash allowance in the amount of 10 per cent of state-supported income in accordance with the procedure established by the Minister of Social Security and Labour and the Minister of the Interior. This allowance shall be paid from the lodging of an application for a cash allowance in accordance with the procedure established by the Minister of Social Security and Labour and the Minister of the Interior.

4. Obligations of an asylum applicant shall be as follows:

- 1) to observe the Constitution, laws and other legal acts of the Republic of Lithuania;
- 2) to fulfil the obligations prescribed for the asylum applicant by decisions of the Migration Department and a court;
- 3) to allow the performance of medical screening;
- 4) to provide, pending the examination of the application for asylum, all the available documents and truthful full explanation of the reasons for applying for asylum, the asylum applicant's person as well as the circumstances of his entry into and stay in the Republic of Lithuania and to cooperate with civil servants and employees of competent authorities;

5) to declare, in the course of an interview conducted by a state institution or agency with which the foreigner's application for asylum has been lodged, the funds in hand and the assets held in the Republic of Lithuania and, in free format, to declare in writing to the Migration Department the funds received during the period of validity of the right to stay in the territory of the Republic of Lithuania within three working days from the receipt thereof;

6) to notify, without delay but not later than within three working days, the Migration Department in writing about any change of the place of residence, if residence at the chosen place of residence has been permitted by a decision of the Migration Department;

7) pending the examination of the application for asylum, not to leave the Republic of Lithuania without a permission of the Migration Department.

5. State funds of the Republic of Lithuania shall be allocated for the exercise of the rights of asylum applicants specified in paragraphs 1 and 2 of this Article and for the payment of a cash allowance referred to in paragraph 3 of this Article; resources from international organisations, EU structural funds as well as resources from humanitarian aid funds established by natural and legal persons of the Republic of Lithuania and non-governmental organisations may also be used to the extent an asylum applicant is unable to guarantee their exercise with the funds and assets subject to declaration. State funds of the Republic of Lithuania allocated for the exercise of the rights specified in points 1 to 5 of paragraph 1 of this Article and for the payment of a cash allowance referred to in paragraph 3 of this Article shall be used to the extent an asylum applicant is unable to exercise them with the funds available to him and to the extent they are not exercised with funds of international organisations, EU structural funds, humanitarian aid funds established by natural and legal persons of the Republic of Lithuania, non-governmental organisations.

6. Where it transpires that an asylum applicant had sufficient means to cover the exercise of the rights specified in points 1 to 5 of paragraph 1 of this Article and exercised these rights free of charge and/or had sufficient means and received a cash allowance referred to in paragraph 3 of this Article, also where it transpires that the financial situation of the asylum applicant has improved or where he has provided misleading information when declaring the means or has not declared the funds received, he must reimburse expenditure incurred by the Government. The procedure governing calculation of expenditure incurred by the Government and reimbursement of the expenditure incurred shall be established by the Minister of the Interior.

7. Income received by an asylum applicant in connection with an employment relationship in the Republic of Lithuania, where it is less than 3 amounts of state-supported income, shall not be considered as an improvement in financial situation.

8. A cash allowance provided for in paragraph 3 of this Article may be reduced or withdrawn and, upon establishing the circumstances referred to in paragraph 6 of this Article, must be withdrawn in accordance with the procedure established by the Minister of Social Security and Labour and the Minister of the Interior where an asylum applicant who has the right to remain in the territory of the Republic of Lithuania and resides in an accommodation facility or a detention facility designated by institutions of the Republic of Lithuania fails to fulfil the obligations listed in points 4, 5 and 6 of paragraph 4 of this Article and/or fails to comply with the procedure for accommodation in accommodation facilities designated by institutions of the Republic of Lithuania.

9. An asylum applicant who has acquired the right referred to in point 10 of paragraph 1 of this Article and intends to take up employment shall be required to be in possession of a foreigner's registration certificate attesting to his right to take up employment. Having received the asylum applicant's request to indicate his right to take up employment in a foreigner's registration certificate and having established the fact of acquisition by the asylum applicant of the right

referred to in point 10 of paragraph 1 of this Article, the Migration Department shall indicate in the foreigner's registration certificate the acquired right to take up employment.

SECTION TWO

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

Article 72. Determination of a state responsible for examining an application for asylum

1. Upon the lodging of an application for asylum by a foreigner, the Migration Department shall, in accordance with Regulation (EU) No 604/2013, determine a state responsible for examining the application for asylum.
2. In determining a state responsible for examining an application for asylum, the Migration Department shall cooperate with the competent authorities of the EU Member States and, where necessary, provide them with the required information.

Article 73. *Repealed as of 1 March 2021*

Article 74. Taking of a decision on the transfer of an asylum applicant to an EU Member State

1. Having received consent of an EU Member State responsible for examining an application for asylum to receive an asylum applicant, the Migration Department shall take a decision on the transfer of the asylum applicant to that EU Member State.
2. The decision referred to in paragraph 1 of this Article shall be enforced by the State Border Guard Service.

Article 75. Supplying of a *laissez-passer* to an asylum applicant to be transferred to an EU Member State

The Migration Department shall supply an asylum applicant to be transferred to an EU Member State responsible for examining his application for asylum a *laissez-passer* for one journey to the EU Member State.

SECTION THREE

PROCEDURE FOR GRANTING ASYLUM IN THE REPUBLIC OF LITHUANIA

Article 76. Examination of an application for asylum as to substance

1. Having assessed the collected evidence and established factual circumstances and having established that the Republic of Lithuania is responsible for examining an application for asylum and there are no circumstances referred to in Article 77(1) of this Law, the Migration Department shall examine the application for asylum as to substance.
2. In examining an application for asylum as to substance, the Migration Department shall conduct an inquiry with the aim of establishing whether or not an asylum applicant meets the criteria set out in Articles 86 or 87 of this Law and whether or not there are circumstances referred to in Article 88 of this Law.

3. Where necessary, the Migration Department shall involve specialists or experts in the relevant areas to examine applications for asylum.

4. The Migration Department shall examine an application for asylum as to substance as a matter of urgency when an asylum applicant:

- 1) has entered from a safe country of origin;
- 2) has presented in the application for asylum only such information which is not relevant for the assessment of whether the foreigner may be granted asylum;
- 3) in order to mislead the inquiry, has presented misleading information or counterfeit documents with respect to his identity or nationality or has withheld or destroyed information or documents with respect to his identity or nationality which may have a decisive effect on a decision on the granting of asylum;
- 4) has lodged the asylum application based on the data, as supplied by the asylum applicant, which are inconsistent, contradictory, misleading and contrary to the information collected about the foreigner's country of origin and therefore clearly unconvincing;
- 5) has lodged a subsequent application for asylum where no relevant new information or data have emerged or have been presented which significantly increase the likelihood that the asylum applicant may meet the criteria set out in Article 86 or 87 of this Law;
- 6) has lodged the asylum application merely in order to frustrate the taking or enforcement of a decision to return or expel the foreigner to a foreign state;
- 7) has refused to allow his fingerprints to be taken;
- 8) for valid reasons may be considered to represent a threat to national security or public policy or has been expelled from the Republic of Lithuania on the ground laid down in Article 126(1) (3) of this Law.

5. The Migration Department shall inform an asylum applicant about the examination of an application for asylum as to substance not later than within two days from the lodging of the application for asylum, shall inform the asylum applicant about the examination of the application for asylum as to substance as a matter of urgency not later than within two days from the establishment of the grounds referred to in paragraph 4 of this Article or, where these grounds no longer prevail and the examination as to substance as a matter of urgency no longer applies, within two days after the grounds referred to in paragraph 4 of this Article cease to prevail.

6. Paragraph 4 of this Article shall not apply to unaccompanied minor asylum applicants and asylum applicants who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence.

Article 77. Circumstances precluding the examination of an application for asylum

1. By a decision of the Migration Department, an application for asylum shall not be examined if:

- 1) the asylum applicant has been granted asylum by another EU Member State or a safe third country and the asylum applicant is able to return to that state and continue to enjoy asylum;
- 2) the asylum applicant has entered the Republic of Lithuania from a safe third country;
- 3) the asylum applicant has lodged a subsequent application which does not contain any new essential elements.

2. A decision referred to in paragraph 1 of this Article shall be taken within three working days from the lodging of an application for asylum.

3. Paragraph 1 of this Article shall not apply to vulnerable persons.

Article 78. Foreigner's registration certificate

1. The Migration Department shall issue a foreigner's registration certificate to an asylum applicant entitled to remain in the territory of the Republic of Lithuania not later than within three days from the lodging of an application for asylum. The format of a foreigner's registration certificate shall be approved by the Minister of the Interior.

2. A foreigner's registration certificate shall be issued to an asylum applicant irrespective of his age.

3. A foreigner's registration certificate shall be issued or renewed for a period of six months and shall be valid until the expiry of the time limit laid down therein, but not longer than the period during which an asylum applicant or an unaccompanied minor foreigner has the right to remain in the territory of the Republic of Lithuania.

Article 79. Accommodation of an asylum applicant in the Republic of Lithuania

1. The Migration Department shall take a decision on the accommodation of an asylum applicant, except in cases when the asylum applicant has been detained or an alternative to detention has been provided to him in accordance with the procedure laid down in laws of the Republic of Lithuania.

2. Asylum applicants, with the exception of those referred to in Article 5(6) of this Law, shall be temporarily accommodated at the State Border Guard Service or the Refugee Reception Centre. Asylum applicants may also be provided with accommodation in other accommodation facilities. By a decision of the Migration Department, an asylum applicant may be permitted to reside at the place of his choice if the asylum applicant so desires.

3. The conditions and procedure for providing temporary accommodation to asylum applicants at the State Border Guard Service shall be established by the Minister of the Interior, while the conditions and procedure for providing temporary accommodation at the Refugee Reception Centre shall be established by the Minister of Social Security and Labour.

4. An unaccompanied minor asylum applicant shall be placed with his adult relatives, with a representative or at the Refugee Reception Centre in accordance with the procedure established by the Minister of the Interior and the Minister of Social Security and Labour, unless his representative objects thereto. When deciding on the accommodation of an unaccompanied minor, the views of the minor shall be taken into account in accordance with the minor's age and degree of maturity.

5. Vulnerable persons and their family members may be accommodated in other accommodation facilities meeting their special needs. By a decision of the Migration Department, vulnerable persons shall, where possible, be allowed to reside with an adult close relative or representative legally staying in the territory of the Republic of Lithuania.

6. The procedure for accommodation of asylum applicants in other accommodation facilities, requirements for such accommodation facilities and the conditions of reception of asylum applicants therein, including the amounts of funds allocated to ensure material reception conditions, shall be established by the Government of the Republic of Lithuania or an institution authorised by it.

Article 80. *Repealed as of 1 December 2015***Article 81. Time limits for examining an application for asylum as to substance**

1. An application for asylum must be examined as to substance as soon as possible but not later than within six months from the lodging of the application for asylum or, where a court takes a decision to obligate the Migration Department to examine the application for asylum anew, as soon as possible but not later than within three months from the coming into effect of the decision of the court.
2. Paragraph 1 of this Article shall not apply where an application for asylum is examined as to substance as a matter of urgency. In such a case, the application for asylum must be examined within ten working days from the lodging of the application for asylum or the establishment of the grounds referred to in Article 76(4) of this Law.
3. If, pending the examination of an application for asylum as to substance as a matter of urgency, the grounds referred to in Article 76(4) of this Law no longer prevail, the application for asylum shall be examined as to substance within the time limit laid down in paragraph 1 of this Article.

Article 82. Interview of an asylum applicant and information concerning decisions

1. In conducting an inquiry referred to in Article 76(2) of this Law as well as in establishing the circumstances due to which an application for asylum is not examined or in determining the state responsible for examining an application for asylum, an interview of an asylum applicant shall be carried out. The interview shall be carried out in the absence of his family members, except in the cases when the participation of family members is necessary for the conduct of the inquiry. During the interview, the asylum applicant's right to an interpreter and the right to state-guaranteed legal aid shall be guaranteed if he so desires. At the request of the asylum applicant, a representative who provides legal services to him may participate in the interview. A legal representative or a representative must participate in an interview of a minor asylum applicant.
2. An interview referred in paragraph 1 of this Article may be omitted in the cases when:
 - 1) a decision to grant refugee status may be taken on the basis of collected evidence and established factual circumstances;
 - 2) the interview cannot be carried out on account of the health condition or long-term circumstances beyond the control of the asylum applicant.
3. An asylum applicant must be informed of all decisions taken in respect of him in a language that he understands and be provided with copies thereof.
4. Where an interview is not carried out in the case referred to in point 2 of paragraph 2 of this Article, an asylum applicant, his representative or a legal representative may supply additional information to the Migration Department. The absence of the interview in the cases referred to in paragraph 2 of this Article shall not preclude the Migration Department from taking a decision on an application for asylum, and failure to carry out the interview shall not adversely affect the taking of the decision on the application for asylum.
5. Where an asylum applicant fails to appear for an interview when invited or to respond to a request to provide information necessary for the examination of his application for asylum and there are no valid reasons therefor, the Migration Department may take a decision on the application for asylum, unless the examination of the application for asylum has been discontinued in accordance with Article 85(1) of this Law.

Article 82¹. Medical screening

1. Where it is established in the course of the examination of an asylum application as to substance that the results of a medical screening may confirm or refute the data supplied by the asylum applicant which may have a decisive effect on determination whether the asylum applicant meets the criteria set out in Article 86 or Article 87 of this Law, the Migration Department shall, in accordance with the procedure established by the Minister of the Interior, organise and pay for the medical screening of the asylum applicant.
2. The medical screening referred to in paragraph 1 of this Article may be carried out only with the consent of an asylum applicant. Where the asylum applicant is a minor, such screening shall be carried out only with the consent of a legal representative or a representative.
3. Where the medical screening referred to in paragraph 1 of this Article is not carried out, an asylum applicant may have such screening carried out on his own initiative and at his expense.

Article 83. Assessment of an application for asylum

1. An application for asylum and information supplied by an asylum applicant to substantiate this application shall be assessed in consultation with the asylum applicant.
2. Where it is established in the course of examining an asylum applicant's application for asylum that, despite a genuine effort of the asylum applicant, the data relevant to the determination of his status cannot be supported by written proof, such data shall be assessed in favour of the asylum applicant and the application for asylum shall be considered as well-founded, if the application for asylum has been lodged at the earliest possible time, unless the asylum applicant can demonstrate good reason for not having done so, all relevant elements at the asylum applicant's disposal have been submitted and a satisfactory explanation has been given regarding any lack of other relevant elements, the asylum applicant's explanations are coherent and plausible and do not run counter to available specific and general information relevant to the asylum applicant's case.
3. The fact that an asylum applicant has already been subject to persecution or the acts specified in Article 87(1) of this Law have already been executed in respect of him, or to direct threats of such persecution or such acts, shall be a serious indication of the asylum applicant's well-founded fear of persecution or real risk of such acts, unless there are good reasons to consider that such persecution or such acts will not be repeated.
4. An application for asylum may be based on events which have taken place after an asylum applicant left the country of origin or activities which the applicant has pursued since he left the country of origin, in particular where it is established that the activities relied upon constitute the expression and continuation of convictions or orientations held in the country of origin. If the asylum applicant lodges a subsequent application for asylum in which the risk of persecution is based on circumstances which the asylum applicant has created by his own decision since leaving the country of origin, he shall not normally be granted refugee status.
5. Paragraph 2 of this Article shall not apply and the data that cannot be confirmed by written proof shall be rejected if, pending the examination of an asylum applicant's application, the asylum applicant misleads the investigation, delays it by his acts or omissions, attempts to cheat or if contradictions are established between the facts specified by the asylum applicant that have a decisive effect on the granting of asylum.

Article 84. *Repealed as of 1 March 2021*

Article 85. Discontinuation and resumption of the examination of an application for asylum

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

- 1) the asylum applicant makes a written request to discontinue the examination of the application;
- 2) the asylum applicant abandons without permission the State Border Guard Service, the Refugee Reception Centre or another accommodation facility designated in accordance with the procedure established by the Government or an institution authorised by it or fails to return to these accommodation facilities for more than 72 hours;
- 3) it is impossible to contact the asylum applicant who has been granted permission to reside at the place of his choice for more than 72 hours;
- 4) the asylum applicant dies, except in cases when he lodges the application for asylum on behalf of his minor family members.

2. Where the examination of an application for asylum has been discontinued on the grounds laid down in points 2 and 3 of paragraph 1 of this Article and nine months have not elapsed from the taking of this decision, the examination of the application for asylum may be resumed at the request of the asylum applicant. Upon the discontinuation of the examination of the application for asylum on the grounds laid down in points 2 and 3 of paragraph 1 of this Article, the time limit for the examination of the application for asylum shall be suspended and the time limit for the resumed examination of the application for asylum shall continue to run. The examination of the application for asylum may be resumed only once.

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

4. Discontinuation of the examination of an application for asylum shall entail withdrawal of the provision of services and support in exercising the rights referred to in Article 71(1) and (2) of this Law and the payment of a cash allowance referred to in Article 71(3) of this Law. The provision of services and support shall be resumed in the event that the examination of the application for asylum is resumed.

Article 86. Granting of refugee status

1. Refugee status shall be granted to an asylum applicant who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country or who, not possessing the nationality of the respective foreign state and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it, unless there are reasons specified in Article 88(1) and (2) of this Law.

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

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

4. Having taken a decision on the granting of refugee status, the Migration Department shall provide a refugee with access to information, in a language that he understands, on the rights and obligations relating to refugee status.

Article 87. Granting of subsidiary protection

1. Subsidiary protection shall be granted to an asylum applicant who is outside his country of origin and is unable to return to it owing to well-founded fear that:

- 1) he will be tortured, subjected to cruel, inhuman or degrading treatment or punishment;
- 2) there is a threat of death penalty or execution;
- 3) there is a serious and individual threat to his life, health, safety or freedom by reason of indiscriminate violence in situations of international or internal armed conflict.

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

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

4. Having taken a decision on the granting of subsidiary protection, the Migration Department shall provide a foreigner who has been granted such protection with access to information, in a language that he understands, on the rights and obligations relating to subsidiary protection.

Article 87¹. Resettlement/relocation of foreigners to the territory of the Republic of Lithuania

1. The resettlement/relocation of foreigners shall be carried out in cooperation with other EU Member States, third countries, EU institutions or international organisations.

2. A decision on the resettlement/relocation of foreigners to the territory of the Republic of Lithuania shall be taken by the Government of the Republic of Lithuania.

3. The Migration Department shall, in compliance with this Law, take a decision on the resettlement/relocation of each foreigner selected for resettlement/relocation to the territory of the Republic of Lithuania.

4. The Migration Department shall, without delay but not later than within 24 hours from the entry into the Republic of Lithuania of a foreigner subject to resettlement/relocation and upon receipt of his application for asylum, initiate an inquiry referred to in Article 76(2) of this Law or take a decision to grant asylum.

5. The Migration Department may recognise, in accordance with this Law, the refugee status granted to a foreigner subject to resettlement/relocation by the Office of the United Nations High Commissioner for Refugees.

6. The Migration Department shall issue to foreigners subject to resettlement/relocation to the territory of the Republic of Lithuania a travel document in the format specified by the Minister of the Interior.

7. The procedure for resettling/relocating foreigners to the territory of the Republic of Lithuania and issuing travel documents shall be established by the Minister of the Interior.

Article 88. Exclusion

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

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

1) he enjoys assistance and protection from organs or agencies of the United Nations other than the Office of the United Nations High Commissioner for Refugees for as long as such assistance and protection is provided;

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

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

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

5) there are serious reasons for considering his stay in the Republic of Lithuania as a threat to national security or he, having been convicted by a final judgment of a grave crime, constitutes a danger to the community.

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

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

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

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

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

5) he left his country of origin solely in order to avoid sanctions resulting from the committed crime and if laws of the Republic of Lithuania provide for a custodial sentence for committing

such a crime.

Article 89. Issue of travel documents to foreigners who have been granted asylum in the Republic of Lithuania

1. For departure to a foreign state from the Republic of Lithuania, a refugee who permanently resides in the Republic of Lithuania shall be issued a refugee's travel document in accordance with the procedure established by the Minister of the Interior. The refugee's biometric identifiers, namely, his facial image and two fingerprints, shall be electronically recorded in the refugee's travel document, except in the cases provided for in Regulation (EC) No 2252/2004.

2. A foreigner who has been granted subsidiary protection and who resides in the Republic of Lithuania shall be issued a foreigner's passport pursuant to provisions of Article 37 of this Law.

Article 90. Withdrawal of asylum

1. Refugee status granted to a foreigner shall be withdrawn if the foreigner:

- 1) has voluntarily re-availed himself of the protection of the country of nationality;
- 2) has voluntarily re-acquired his lost nationality;
- 2¹) refuses refugee status in the Republic of Lithuania;
- 3) has acquired the nationality of another country 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 granted refugee status have ceased to exist;
- 6) being a stateless person he can return to the country of his former habitual residence because the circumstances in connection with which he has been granted refugee status have ceased to exist;
- 7) has acquired refugee status by fraud, except in the cases when the personal information supplied by him did not have a decisive effect on the decision to grant him refugee status;
- 8) has been granted refugee status although such status should not have been granted to him due to the circumstances provided for in points 1 to 4 of Article 88(2) of this Law;
- 9) there are serious reasons for considering his stay in the Republic of Lithuania as a threat to national security or he, having been convicted by a final judgment of a grave crime, constitutes a danger to the community.

2. Subsidiary protection granted to a foreigner shall be withdrawn if:

- 1) the foreigner is able to return to his country of origin because the circumstances in connection with which he has been granted subsidiary protection have ceased to exist;
- 2) the foreigner has acquired subsidiary protection by fraud, except in the cases when the personal information supplied by him did not have a decisive effect on the decision to grant him such protection;
- 3) the foreigner has been granted subsidiary protection although it should not have been granted to him due to the circumstances provided for in Article 88(3) of this Law;

4) there are serious reasons for considering his stay in the Republic of Lithuania as a threat to national security or to the community.

3. Where the circumstances referred to in paragraphs 1 and 2 of this Article transpire, the Migration Department shall initiate the procedure of withdrawal of refugee status or subsidiary protection. A decision on the withdrawal of refugee status or subsidiary protection shall be taken by the Migration Department.

4. Repealed as of 1 September 2015

5. If a foreigner's refugee status or subsidiary protection is withdrawn, he shall also have access to state-guaranteed legal aid, unless laws of the Republic of Lithuania provide otherwise.

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

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

8. The procedure for withdrawing refugee status or subsidiary protection granted to a foreigner shall be established by the Minister of the Interior.

Article 91. Cooperation with international organisations

1. In addressing the issues of asylum applicants and foreigners who have been granted asylum, state institutions and agencies of the Republic of Lithuania shall cooperate with the Office of the United Nations High Commissioner for Refugees, enable the Office to fulfil its obligations to monitor compliance of the Republic of Lithuania with the 1951 Convention Relating to the Status of Refugees and the 1967 Protocol Relating to the Status of Refugees, furnish it with the required information and statistical data on the asylum applicants and foreigners who have been granted asylum, on the implementation of the Convention and of the Protocol and on the regulations on asylum which are effective or about to come into effect.

2. Representatives of the Office of the United Nations High Commissioner for Refugees shall be allowed to immediately contact asylum applicants. The Office of the United Nations High Commissioner for Refugees shall have the right to obtain information related to foreigners' applications for asylum, provided that such foreigners give their written consent to the disclosure of this information.

3. Representatives of the Office of the United Nations High Commissioner for Refugees must be granted access to asylum applicants in detention facilities, at border crossing points or in transit zones.

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

5. Paragraphs 2-4 of this Article shall also apply where a decision on the withdrawal of asylum granted to a foreigner is taken in accordance with the procedure laid down by this Law.

SECTION FOUR

GRANTING OF TEMPORARY PROTECTION IN THE REPUBLIC OF LITHUANIA

Article 92. Taking of a decision on the granting of temporary protection to foreigners in the Republic of Lithuania

1. Where the Council of the European Union takes a decision that there is a mass influx of foreigners into the European Union or the risk of such an influx arises, a decision on the granting of temporary protection to foreigners shall be taken by the Government of the Republic of Lithuania on a recommendation of the Minister of the Interior.
2. Where the Government of the Republic of Lithuania takes a decision on the granting of temporary protection, foreigners shall be admitted into the territory of the Republic of Lithuania and shall be provided with accommodation in a facility designated by the Government of the Republic of Lithuania without restricting their freedom of movement.
3. Temporary protection shall be granted for a period of one year. The period of temporary protection may be extended but for not longer than one year.
4. Where a foreigner is entitled to temporary protection in the Republic of Lithuania but there are serious grounds for believing that there are reasons for refusing temporary protection, the Migration Department shall conduct an inquiry in connection with the determination of these reasons.

Article 93. Grounds for refusing temporary protection in the Republic of Lithuania

1. A foreigner shall be refused temporary protection in the Republic of Lithuania if:
 - 1) there are serious reasons for considering that the foreigner has committed a crime against peace, a crime against humanity or a war crime, as defined in laws of the Republic of Lithuania, international treaties or other instruments of international law, or that he has instigated or otherwise participated in committing such crimes;
 - 2) there are serious reasons for considering that the foreigner has committed a serious non-political crime outside the Republic of Lithuania prior to his admission into the Republic of Lithuania as a beneficiary of temporary protection;
 - 3) there are serious reasons for considering that the foreigner has been guilty of acts contrary to the purposes and principles of the United Nations;
 - 4) there are serious reasons for considering his stay in the Republic of Lithuania as a threat to national security or he, having been convicted by a final judgment of a grave crime, constitutes a danger to the community.
 - 5) *repealed as of 1 September 2015.*
2. A decision to refuse to grant temporary protection in the Republic of Lithuania to a foreigner shall be taken by the Migration Department. Such a foreigner shall be refused admission into the Republic of Lithuania or, in case he already is present in the territory of the Republic of Lithuania, shall be expelled from the Republic of Lithuania.

Article 94. Rights and obligations of foreigners who have been granted temporary protection in the Republic of Lithuania

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

- 1) to lodge applications for asylum in the Republic of Lithuania in accordance with the procedure laid down by this Law;
- 2) to be provided with free accommodation in a facility 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 mother tongue or in a language that they understand;
- 4) to take up employment in the Republic of Lithuania during the period of temporary protection;
- 5) to receive a cash allowance if they have no other income in the Republic of Lithuania;
- 6) to receive basic medical aid and social services;
- 7) other rights guaranteed thereto by international treaties, laws and other legal acts of the Republic of Lithuania.

2. Minor asylum applicants shall have the right to study under a general education or vocational training programme(s) in accordance with the procedure established by the Minister of Education and Science.

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

4. Family members of a foreigner who has been granted temporary protection in the Republic of Lithuania shall be entitled to temporary protection in the Republic of Lithuania. This right shall be exercised only if it is established that the family members have been separated due to the events which led to the granting to the foreigner of temporary protection in the Republic of Lithuania.

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

- 1) to observe the Constitution, laws and other legal acts of the Republic of Lithuania;
- 2) to allow the performance of medical screening;
- 3) to provide all the available documents and truthful information pertaining to the foreigner's person;
- 4) to declare the funds and assets held in the Republic of Lithuania in writing in free format to an authority referred to in a decision of the Government of the Republic of Lithuania to grant temporary protection within three days from the granting of temporary protection in the Republic of Lithuania.

6. State funds of the Republic of Lithuania shall be allocated for the exercise of the rights of foreigners as specified in paragraphs 1 and 2 of this Article; resources from international organisations, EU structural funds as well as resources from humanitarian aid funds established by natural and legal persons of the Republic of Lithuania and non-governmental organisations may also be used to the extent a foreigner who has been granted temporary protection is unable to guarantee their exercise with the funds and assets subject to declaration.

7. If it transpires that a foreigner who has been granted temporary protection had sufficient means to cover the exercise of the rights specified in paragraphs 1 and 2 of this Article at the time when his basic needs were being covered free of charge, he must reimburse expenditure incurred by the State.

Article 95. Issue of personal documents to foreigners who have been granted temporary protection in the Republic of Lithuania

1. The Migration Department shall issue to foreigners who have been granted temporary protection in the Republic of Lithuania the temporary residence permits valid for the duration of temporary protection.
2. Foreigners who have been granted temporary protection but are staying in the territory of a foreign state shall be issued travel documents by the Migration Department to enable them to enter the Republic of Lithuania.

Article 96. Withdrawal of temporary protection in the Republic of Lithuania

1. Temporary protection granted to a foreigner in the Republic of Lithuania shall be withdrawn if:
 - 1) the foreigner is able to return to his country of origin;
 - 2) the foreigner leaves for residence to a foreign state;
 - 3) the grounds referred to in Article 93(1) of this Law transpire.
2. A decision to withdraw a foreigner's temporary protection in the Republic of Lithuania shall be taken by the Migration Department.

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

Article 97. Entry into the Republic of Lithuania

1. A foreigner who is a national of one of the EU Member States may enter the Republic of Lithuania and stay therein for a period not exceeding three months starting from the first day of entry into the Republic of Lithuania.
2. Family members of a national of an EU Member State may enter the Republic of Lithuania accompanying or joining the national of the EU Member State and stay in the Republic of Lithuania for a period referred to in paragraph 1 of this Article.
3. Provisions of Chapter V of this Law concerning family members of a national of an EU Member State, except for Articles 101¹ and 105 of this Law, shall apply also to other persons who enjoy the right of free movement under legal acts of the European Union.

Article 98. Grounds for refusing admission into the Republic of Lithuania to a national of an EU Member State and his family member

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

- 1) he is not in possession of a valid travel document and is unable to obtain or submit it within a reasonable time limit, to corroborate or to prove by other means that he is a national of the EU Member State or his family member, unless international treaties of the Republic of Lithuania or legal acts of the European Union stipulate otherwise;
- 2) their stay in the Republic of Lithuania may represent a threat to national security or public policy;

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

Article 98¹. Assessment of a threat to national security or public policy represented by a national of an EU Member State or his family member

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

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

Article 99. Residence in the Republic of Lithuania

1. A national of an EU Member State who has entered for residence the Republic of Lithuania for a period exceeding three months within half a year and meets at least one of the grounds provided for in Article 101(1) of this Law shall be issued a certificate of the right of temporary residence in the Republic of Lithuania confirming his right to temporary reside in the Republic of Lithuania. Biometric identifiers, the facial image and two fingerprints, of the national of the EU Member State shall be electronically recorded in the certificate of the right of temporary residence in the Republic of Lithuania, except in the cases provided for in Regulation (EC) No 1030/2002.

2. Family members of a national of an EU Member State who are not nationals of the EU Member State, upon entering the Republic of Lithuania for residence for a period in excess of three months within half a year, where they accompany or join the national of the EU Member State, must obtain an EU temporary residence card. Biometric identifiers, namely, the facial image and two fingerprints, of a family member of the national of the EU Member State shall be electronically recorded in the EU temporary residence card, except in the cases provided for in Regulation (EC) No 1030/2002.

3. The procedure governing the issue, renewal and withdrawal of a certificate of the right of temporary residence in the Republic of Lithuania and an EU temporary residence card, the withdrawal of the right of a national of an EU Member State and/or his family member to temporarily reside in the Republic of Lithuania shall be established by the Minister of the Interior.

4. Decisions on the issue, renewal and withdrawal of a certificate of the right of temporary residence in the Republic of Lithuania, an EU temporary residence card shall be taken and a certificate of the right of temporary residence in the Republic of Lithuania, an EU temporary residence card shall be issued, renewed and withdrawn by the Migration Department.

Article 99¹. Issue and renewal of a certificate of the right of temporary residence in the Republic of Lithuania

An application for the issue or renewal of a certificate of the right of temporary residence in the Republic of Lithuania must be examined and this document must be issued, renewed or its issue

or renewal must be refused not later than within one month from the lodging of the application with the Migration Department.

Article 100. Issue and renewal of an EU temporary residence card

An application for the issue or renewal of an EU temporary residence card must be examined and this document must be issued, renewed or its issue or renewal must be refused not later than within one month from the lodging of the application with the Migration Department.

Article 101. Grounds supporting the right to temporarily reside in the Republic of Lithuania granted to a national of an EU Member State and to his family member

1. A national of an EU Member State shall be granted the right of temporary residence in the Republic of Lithuania if he:

1) is an employee or a self-employed person. The national of the EU Member State shall also retain the status of an employee or a self-employed person in the cases when his contract of employment has been terminated/expired or his self-employment has ceased and he is temporarily out of work or does not pursue activity due to pregnancy, childbirth, paternity leave and/or parental leave, illness or accident; when he has terminated his contract of employment or has ceased self-employment less than after one year of employment for reasons not of his own making and has registered with the Employment Service; when he has terminated the contract of employment or has ceased self-employment for reasons not of his own making after completing a fixed-term employment contract of less than one year or during the first 12 months of employment and has registered with the Employment Service (in this case, he shall retain this status for six months from the start of unemployment); or when he has terminated his contract of employment/it has expired or has ceased self-employment, has registered with the Employment Service and has commenced studies in an occupation (if his contract of employment has been terminated/expired for reasons of his own making, he must study in an occupation related to the previous employment);

2) has sufficient resources to cover subsistence costs for himself and for his family members to reside in the Republic of Lithuania, where the family members accompany or join him, and holds a valid proof of possession of medical insurance;

3) has been enrolled in an educational institution under a general education or vocational training programme(s), in a higher education and research institution under a study programme(s) or in doctoral studies, has been invited for traineeship, up-skilling, has sufficient resources to cover subsistence costs for himself and for his family members to reside in the Republic of Lithuania, where they accompany or join him, and holds a valid proof of possession of medical insurance;

4) is a family member of a national of an EU Member State having the right to reside in the Republic of Lithuania pursuant to points 1, 2 and 3 of this paragraph who accompanies or joins him.

2. Family members of a citizen of the Republic of Lithuania who are not nationals of an EU Member State shall have the right to obtain an EU temporary residence card when they enter the Republic of Lithuania for residence accompanying or joining a citizen of the Republic of Lithuania who enjoys the right of free movement within the EU.

3. Family members of a national of an EU Member State who are not nationals of an EU Member State shall have the right to obtain an EU temporary residence card when they enter the Republic of Lithuania for residence for a period exceeding three months within half a year accompanying or joining the national of the EU Member State entitled to reside in the Republic of Lithuania pursuant to points 1, 2 and 3 of paragraph 1 of this Article.

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

- 1) the spouse or the person with whom a registered partnership has been contracted;
- 2) a direct descendant who is under the age of 21 or who is a dependant, including a direct descendant of the spouse or of the person with whom a registered partnership has been contracted who is under the age of 21 or who is a dependant;
- 3) a dependent close relative in the direct ascending line, including a dependent close relative in the direct ascending line of the spouse or of the person with whom a registered partnership has been contracted;
- 4) another person who enjoys the right of free movement under legal acts of the European Union.

5. In the case specified in point 3 of paragraph 1 of this Article, only the spouse, the person with whom a registered partnership has been contracted, the dependent children and the dependent relatives in the direct ascending line of a national of an EU Member State, of his spouse or of the person with whom a registered partnership has been contracted shall have the right to reside as family members of the national of the EU Member State who are not nationals of the EU Member State.

Article 101¹. Retention of the right of residence in the Republic of Lithuania for family members of a national of an EU Member State

1. The right of residence in the Republic of Lithuania shall be retained for family members of a national of an EU Member State in the following cases:

- 1) upon the death of the national of the EU Member State or his departure from the Republic of Lithuania, where the family members possess the nationality of the EU Member State and meet the grounds laid down in Article 101(1) of this Law;
- 2) upon the death of the national of the EU Member State, where the family members are not nationals of the EU Member State, provided that they resided in the Republic of Lithuania as family members for at least one year prior to the death of the national of the EU Member State;
- 3) upon the annulment of marriage, the divorce or the dissolution of a registered partnership, where the family member possesses the nationality of the EU Member State and meets the grounds laid down in Article 101(1) of this Law;
- 4) upon the annulment of marriage, the divorce or the dissolution of a registered partnership, when the family member is not a national of an EU Member State, provided that the marriage or registered partnership lasted for at least three years, including one year in the Republic of Lithuania, or the children of the national of the EU Member State have been placed under guardianship/curatorship of the family member, or the divorce occurred through the fault of the other spouse (the national of the EU Member State);
- 5) upon the death of the national of the EU Member State or his departure from the Republic of Lithuania – for his children, irrespective of their nationality, and for one of the parents under whose guardianship they have been placed until the completion of an appropriate formal education programme started by the children.

2. When applying for the acquisition of the right of permanent residence in the Republic of Lithuania, the family members referred to in points 2 and 4 of paragraph 1 of this Article must supply documentation in support of the grounds laid down in points 1 and 2 of Article 101(1) of this Law.

Article 102. Validity a certificate of the right of temporary residence in the Republic of Lithuania and an EU temporary residence card

A certificate of the right of temporary residence in the Republic of Lithuania and an EU temporary residence card shall be issued and renewed for a period of five years or an intended period of residence of a national of an EU Member State in the Republic of Lithuania, if this period is shorter than five years.

Article 103. Exemption from the obligation to obtain a work permit

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

2. An employer or an undertaking to which a national of an EU Member State or a family member of the national of the EU Member State is posted for temporary employment shall provide information about the national of the EU Member State or the family member of the national of the EU Member State who is recruited or posted for temporary employment to the State Labour Inspectorate under the Ministry of Social Security and Labour and the Employment Service in accordance with the procedure laid down in Article 62(7) of this Law.

Article 103¹. Nullity of a certificate of the right of temporary residence in the Republic of Lithuania and an EU temporary residence card

A certificate of the right of temporary residence in the Republic of Lithuania and an EU temporary residence card shall be null where:

- 1) the document has not been collected within one year;
- 2) the period of validity of the document has expired;
- 3) the document is counterfeit;
- 4) the document has been withdrawn;
- 5) the document has been lost;
- 6) the document has been renewed;
- 7) a national of an EU Member State or his family member has declared his departure from the Republic of Lithuania in accordance with the procedure laid down by the Law of the Republic of Lithuania on Declaration of the Place of Residence;
- 8) either a national of an EU Member State or his family member has acquired the right of permanent residence in the Republic of Lithuania;
- 9) either a national of an EU Member State or his family member has acquired citizenship of the Republic of Lithuania;
- 10) either a national of an EU Member State or his family member has died.

Article 104. Grounds for permanent residence in the Republic of Lithuania

1. A national of an EU Member State who has lawfully resided in the Republic of Lithuania for the preceding five years or who has the right to reinstate citizenship of the Republic of Lithuania in accordance with the procedure laid down by the Law of the Republic of Lithuania on Citizenship or who is a person of Lithuanian descent or who has come to reside in the Republic

of Lithuania together with a citizen of the Republic of Lithuania as a member of his family shall acquire the right of permanent residence in the Republic of Lithuania.

2. Family members of a national of an EU Member State referred to in paragraph 1 of this Article shall also acquire the right of permanent residence in the Republic of Lithuania if they have lawfully resided in the Republic of Lithuania for the preceding five years with the national of the EU Member State or if they are family members of a national of an EU Member State having the right to reinstate citizenship of the Republic of Lithuania in accordance with the procedure laid down by the Law of the Republic of Lithuania on Citizenship or family members of a person of Lithuanian descent. The right of permanent residence in the Republic of Lithuania shall also be granted to the family members of a national of an EU Member State referred to in Article 101¹ of this Law who have lawfully resided in the Republic of Lithuania for the preceding five years.

3. The right of a national of an EU Member State to permanently reside in the Republic of Lithuania shall be attested by a certificate of the right of permanent residence in the Republic of Lithuania, which shall be valid for ten years from its issue. Biometric identifiers, namely, the facial image and two fingerprints, of the national of the EU Member State shall be electronically recorded in the certificate of the right of permanent residence in the Republic of Lithuania, except in the cases provided for in Regulation (EC) No 1030/2002.

4. A family member of a national of an EU Member State who is not a national of an EU Member State shall be issued an EU permanent residence card valid for a period of ten years to attest to his right of permanent residence in the Republic of Lithuania. Biometric identifiers, namely, the facial image and two fingerprints, of the family member of the national of the EU Member State shall be electronically recorded in the EU permanent residence card, except in the cases provided for in Regulation (EC) No 1030/2002.

5. A period of absence from the Republic of Lithuania exceeding six months within a year may constitute grounds for refusing the right of permanent residence in the Republic of Lithuania, except in cases when the absence from the Republic of Lithuania is linked with serious reasons (due to pregnancy, childbirth, serious illness, studies, professional training or assignment to another EU Member State or a third country or in other cases specified in paragraph 6 of this Article).

6. The procedure governing the issue, renewal and withdrawal of a certificate of the right of permanent residence in the Republic of Lithuania and an EU permanent residence card, the withdrawal of the right of a national of an EU Member State and/or his family member to permanently reside in the Republic of Lithuania shall be established by the Minister of the Interior.

7. Decisions on the issue, renewal and withdrawal of a certificate of the right of permanent residence in the Republic of Lithuania, an EU permanent residence card shall be taken and a certificate of the right of permanent residence in the Republic of Lithuania, an EU permanent residence card shall be issued, renewed and withdrawn by the Migration Department.

8. The five-year period referred to in paragraphs 1 and 2 of this Article shall be interrupted by the period of serving a custodial sentence imposed by a court.

Article 105. Granting of the right of permanent residence before completion of the five-year period

1. The right of permanent residence in the Republic of Lithuania shall be granted to a national of an EU Member State or his family member who has lawfully resided in the Republic of Lithuania for a period of less than five years if he:

1) has resided in the Republic of Lithuania uninterruptedly for not less than three years and, for at least the preceding one year, was a worker or a self-employed person who, upon attaining the old-age retirement age specified in the Law of the Republic of Lithuania on Social Insurance Pensions and having become entitled to the social insurance old-age pension or social assistance old-age pension, ceased his employment (his contract of employment expired) or activity;

2) was a worker or a self-employed person who has resided in the Republic of Lithuania for not less than two years and was recognised as a disabled person and, as a result, ceased his employment (his contract of employment was terminated) or activity;

3) after three years of uninterrupted residence in the Republic of Lithuania as an employee or a self-employed person, works in an employed or self-employed capacity in another EU Member State, while retaining his place of residence in the Republic of Lithuania, to which he returns, as a rule, at least once a week;

4) has resided in the Republic of Lithuania uninterruptedly for not less than three years and, for at least the preceding one year, was a worker or a self-employed person who exercised his right to take early retirement.

2. Periods of employment referred to in paragraph 1 of this Article shall also include periods when a national of an EU Member State or his family member ceased his employment (his contract of employment was terminated) or activity for reasons not of the person's own making and registered with the Employment Service; ceased his employment (his contract of employment was terminated) or activity for reasons not of the person's own making; periods not worked or periods of cessation of employment (his contract of employment was terminated) or activity due to pregnancy, childbirth, paternity leave and/or parental leave, illness or accident.

3. The requirements as to length of residence and employment referred to in points 1 and 4 of paragraph 1 of this Article and the requirement as to length of residence for not less than two years referred to in point 2 of paragraph 1 of this Article shall not apply where the spouse of the person referred to in paragraph 1 of this Article is a citizen of the Republic of Lithuania.

4. Upon the acquisition of the right of permanent residence in the Republic of Lithuania by the person referred to in paragraph 1 of this Article, this right shall also be acquired by the family members residing together with him in the Republic of Lithuania.

5. Where a national of an EU Member State dies while being an employee or a self-employed person before acquiring the right of permanent residence in the Republic of Lithuania in accordance with paragraph 1 of this Article, the family members residing together with him in the Republic of Lithuania shall acquire the right of permanent residence in the Republic of Lithuania if:

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

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

Article 105¹. Issue and renewal of a certificate of the right of permanent residence in the Republic of Lithuania

An application for the issue or renewal of a certificate of the right of permanent residence in the Republic of Lithuania must be examined and this document must be issued, renewed or its issue or renewal must be refused not later than within one month from the lodging of the application with the Migration Department.

Article 105². Issue and renewal of an EU permanent residence card

An application for the renewal of an EU permanent residence card must be examined and this document must be issued, renewed or its issue or renewal must be refused not later than within one month from the lodging of the application with the Migration Department.

Article 105³. Grounds for renewing a certificate of the right of residence in the Republic of Lithuania and an EU residence card

A certificate of the right of residence in the Republic of Lithuania and an EU residence card shall be renewed if:

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

Article 105⁴. Issue of a certificate of the right of residence in the Republic of Lithuania or an EU residence card to a child born to a national of an EU Member State

1. A national of an EU Member State who is in possession of a certificate of the right of residence in the Republic of Lithuania and to whom a child is born during the period of his residence in the Republic of Lithuania, irrespective of his place of birth, must, not later than within six months from the birth of the child, apply to Migration Department for the issue to him of a certificate confirming the right of residence in the Republic of Lithuania or an EU residence card.
2. A child born during the period of residence of a national of an EU Member State in the Republic of Lithuania shall be issued the same document as held by both parents or by one of the parents. The document shall be valid for the duration of validity of the document issued to one of the child's parents.

Article 106. Withdrawal of the right of residence in the Republic of Lithuania

1. The right of temporary residence in the Republic of Lithuania granted to a national of an EU Member State and/or to his family members shall be withdrawn if:

- 1) the stay of this national and/or his family members in the Republic of Lithuania may represent a threat to national security or public policy;
- 2) the right of temporary residence in the Republic of Lithuania has been acquired fraudulently;
- 3) the national of the EU Member State does not meet the grounds laid down in Article 101(1) of this Law. This provision *shall not apply* to the national of the EU Member State and/or his family members if the national of the EU Member State has entered into a contract of employment with an employer and will commence employment or provides relevant documentary evidence of the commencement of self-employment activities or is registered with the Employment Service as an unemployed person, is continuing to seek employment and has a genuine chance of being engaged;
- 4) there are serious grounds for believing that a marriage of convenience or a registered partnership of convenience has been contracted or a fake adoption has been effected;

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

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

2. The right of permanent residence in the Republic of Lithuania granted to a national of an EU Member State and/or to his family members shall be withdrawn if:

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

2) the right of permanent residence in the Republic of Lithuania has been acquired fraudulently;

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

3. The right of residence in the Republic of Lithuania shall be withdrawn in respect of a minor national of an EU Member State, where it is in his best interest, or of a national of an EU Member State who has uninterruptedly resided in the Republic of Lithuania for the preceding ten years only if this national of the EU Member State represents an extreme threat to national and public security. The ten-year period referred to in this paragraph may be interrupted by the period of serving a custodial sentence imposed by a court. When deciding on the interruption of this period, account shall be taken of the family relationship with persons residing in the Republic of Lithuania, existing social, economic and other ties with the Republic of Lithuania, the nature and extent of dangerousness of the committed crime.

4. If the right of residence in the Republic of Lithuania is withdrawn in respect of a national of an EU Member State, the right of residence shall also be withdrawn in respect of his family members, except in cases where they are entitled to reside in the Republic of Lithuania on any other basis in accordance with this Law.

5. A decision on the withdrawal of the right of residence in the Republic of Lithuania shall be taken by the Migration Department.

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

Article 106¹. Nullity of a certificate of the right of permanent residence in the Republic of Lithuania and an EU permanent residence card

A certificate of the right of permanent residence in the Republic of Lithuania and an EU permanent residence card shall be null in the presence of at least one of the grounds laid down in points 1 to 7, 9 and 10 of Article 103¹ of this Law.

CHAPTER VI INTEGRATION OF FOREIGNERS

Article 107. Integration of foreigners

1. The Republic of Lithuania shall provide conditions for foreigners being in possession of a residence permit to integrate into political, social, economic and cultural life of the State in

accordance with the procedure established by law.

2. State funds of the Republic of Lithuania shall be allocated for the implementation of the provisions of Lithuania's national policy in the area of integration of foreigners, resources from international organisations, EU structural funds as well as resources from humanitarian aid funds established by natural and legal persons of the Republic of Lithuania and non-governmental organisations may also be used.

Article 108. Lithuanian state support for integration of foreigners

1. Foreigners who have been granted asylum in the Republic of Lithuania shall have the following rights during the period of provision of Lithuanian state support for integration from the funds allocated for the implementation of integration:

- 1) to receive a monthly allowance for food and petty expenses while residing at the Refugee Reception Centre;
- 2) to receive a one-time settling-in allowance in the territory of a municipality (for the acquisition of essential furniture and household items, reimbursement of expenses for travel and/or transportation of luggage to the place of residence);
- 3) to receive a monthly benefit to cover basic needs (food, clothing, hygiene products, public transport, rental of housing and public utilities) while residing in the territory of a municipality;
- 4) to receive, while residing at the Refugee Reception Centre or at the place of residence in a municipality, a lump-sum allowance for the acquisition of essential school supplies for a child studying under a pre-school, pre-primary or general education programme;
- 5) to receive, while residing at the Refugee Reception Centre or at the place of residence in the territory of a municipality, monthly reimbursement of expenses related to the education of a child under a pre-school or pre-primary education programme;
- 6) to have access to other services at the Refugee Reception Centre and at the place of residence in the territory of a municipality which, during the period of provision of Lithuanian state support for integration, are provided in the areas of integration support under an agreement on the provision of Lithuanian state support for integration concluded by an institution or agency implementing the provision of Lithuanian state support for integration as referred to in Article 109(3) of this Law with a foreigner who has been granted asylum in the Republic of Lithuania.

2. A foreigner to whom Lithuanian state support for integration is provided must fulfil the obligations stipulated in an agreement on the provision of Lithuanian state support for integration concluded with the foreigner by an institution or agency implementing the provision of Lithuanian state support for integration as referred to in Article 109(3) of this Law.

3. Lithuanian state support for integration shall be withdrawn if a foreigner to whom Lithuanian state support for integration is provided:

- 1) has failed to fulfil the obligations stipulated in an agreement on the provision of Lithuanian state support for integration concluded with the foreigner by the institution or agency implementing the provision of Lithuanian state support for integration as referred to in Article 109(3) of this Law;
- 2) has been absent from the Republic of Lithuania for more than one month;
- 3) has been sanctioned for an administrative offence three times within the preceding six months or a judgment of conviction has become effective against him.

4. Foreigners resettled/relocated to the territory of the Republic of Lithuania in cooperation with other EU Member States, third countries, institutions of the European Union or international

organisations and unaccompanied minor foreigners shall be subject to the provisions of this Article regarding Lithuanian state support for integration.

5. Foreigners who have been granted temporary protection in the Republic of Lithuania shall have the rights referred to in points 2 and 5 of paragraph 1 of this Article. Lithuanian state support for the integration of foreigners as referred to in point 5 of paragraph 1 of this Article shall be paid for a maximum period of six months from the granting to foreigners of temporary protection in the Republic of Lithuania.

6. The Government of the Republic of Lithuania shall set out conditions and a procedure for providing Lithuanian state support for integration of the foreigners referred to in this Article as well as allowance, benefit and reimbursement rates.

Article 109. Organisation of integration of foreigners

1. Integration of foreigners shall, within their remit, be implemented by state institutions and agencies in cooperation with municipalities, international and non-governmental organisations. The implementation of integration of foreigners shall be coordinated by a commission of the Government of the Republic of Lithuania.

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

3. An institution or agency authorised by the Minister of Social Security and Labour together with municipalities, international and non-governmental organisations shall organise and implement the provision of Lithuanian state support for integration of the foreigners who have been granted asylum in the Republic of Lithuania.

4. Municipalities and other legal persons which have concluded contracts with an agency authorised by the Minister of Social Security and Labour shall be responsible for the administration of Lithuanian state support provided for integration of the foreigners who have been granted asylum in the Republic of Lithuania.

Article 110. Areas of Lithuanian state support for the integration of foreigners who have been granted asylum in the Republic of Lithuania

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

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

Article 111. *Repealed as of 1 March 2015.*

CHAPTER VII FREEDOM OF MOVEMENT OF FOREIGNERS IN THE REPUBLIC OF LITHUANIA

Article 112. Restriction of a foreigner's freedom of movement in the Republic of Lithuania

A foreigner's freedom of movement in the Republic of Lithuania may be restricted where it is necessary to ensure national security and public policy, to protect public health or morals, to prevent crime or to safeguard the rights and freedoms of other persons.

Article 113. Grounds for detention of a foreigner

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

- 1) in order to prevent the foreigner from entering the Republic of Lithuania without a permit;
- 2) the foreigner has unlawfully entered the Republic of Lithuania or illegally stays in it;
- 3) in order to return the foreigner who has been refused admission into the Republic of Lithuania to the country from which he has come;
- 4) when the foreigner is suspected of using counterfeit documents;
- 5) when a decision is taken to expel the foreigner from the Republic of Lithuania or another state to which the Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals applies;
- 6) in order to prevent the spread of dangerous or especially dangerous contagious diseases;
- 7) when the foreigner's stay in the Republic of Lithuania represents a threat to national security, public policy or public health.

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

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

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

4. An asylum applicant may be detained solely in the following cases:

- 1) for the purpose of determination and/or verification of his identity and/or nationality;

1¹) *repealed as of 1 January 2022;*

2) in order to identify the grounds underlying his application for asylum (when information on the grounds could not be obtained without detaining the asylum applicant) and, having regard to the circumstances referred to in points 1, 6 to 11 of paragraph 5 of this Article, there are grounds

for believing that the foreigner may abscond to avoid return to a foreign state or expulsion from the Republic of Lithuania;

3) when a foreigner detained on a grounds referred to in paragraph 2 of this Article, pending a decision on his return to a foreign state, lodges an application for asylum and there are serious grounds for believing that the application has been lodged merely in order to delay or frustrate the enforcement of the return decision and the foreigner has already had access to the asylum procedure;

4) pursuant to Article 28 of Regulation (EU) No 604/2013;

5) the asylum applicant represents a threat to national security or public policy.

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

1) the foreigner is not in possession of an identity document and fails to cooperate in determining his identity and/or nationality (refuses to provide his personal data, provides misleading information, produces counterfeit documents in order to mislead civil servants or employees of the competent authorities or agencies of the Republic of Lithuania, etc.);

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

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

4) the person does not have sufficient resources to cover subsistence costs in the Republic of Lithuania;

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

6) the person fails to comply with an alternative to detention provided by a court;

7) the foreigner accommodated at the State Border Guard Service without restricting his freedom of movement has violated the procedure of temporary absence from the State Border Guard Service;

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

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

10) pending the examination of an application for asylum or when deciding on the foreigner's return to a foreign state, the foreigner does not cooperate with civil servants or employees of the competent authorities or agencies of the Republic of Lithuania;

11) pending the examination of an application for asylum, the foreigner has unlawfully left or attempted to leave the Republic of Lithuania;

12) the foreigner has attempted to transit or transited through the Republic of Lithuania unlawfully;

13) another EU Member State has taken a decision on the return or expulsion of the foreigner;

14) the foreigner is the subject of an entry ban prohibiting entry into a Member State(s) of the European Union.

Article 114. Detention of a foreigner

1. By a written decision of an officer of a law enforcement institution, a foreigner may be detained for a period not exceeding 48 hours. Having detained the foreigner and established that there are grounds for detaining him for a period exceeding 48 hours, law enforcement institutions shall, within five hours from the detention of the foreigner, transfer him to officers of the State Border Guard Service.
2. A foreigner shall be detained at the State Border Guard Service for a period exceeding 48 hours by a decision of a court.
3. An asylum applicant who has been detained shall, without delay, be informed in writing in a language that he understands about the grounds for detention, the procedure for appealing against the decision to detain and the access to free legal aid.
4. Vulnerable persons and families with minor foreigners may be detained only in exceptional cases having regard to the best interest of a child and vulnerable persons.
5. A foreigner may not be detained for a period in excess of six months, with the exception of the cases when he does not cooperate in the process of his expulsion from the Republic of Lithuania (refuses to provide his personal data, provides false information, etc.) or when the documents required for the expulsion of the foreigner are not received. In such cases, the period of detention may be extended for an additional period not exceeding 12 months.
6. A foreigner's detention must be as short as possible, and in the cases specified in Article 113(2) of this Law the foreigner may be detained for no longer than it is necessary for the taking of a decision on the return of the foreigner to a foreign state, expulsion from the Republic of Lithuania, imposition upon the foreigner of the obligation to leave the Republic of Lithuania or transfer of an asylum applicant to another EU Member State responsible for examining an application for asylum and/or for the enforcement of the expulsion from the Republic of Lithuania or the transfer of the asylum applicant to another EU Member State responsible for examining the application for asylum. The State Border Guard Service shall, on a periodical basis but at least once every three months, refer to a court in accordance with the procedure laid down in Article 118 of this Law with a request to review the decision to detain the foreigner.
7. Asylum-applicants' detention must be as short as possible and not longer than is necessary under an appropriate ground for detention as laid down in Article 113(4) of this Law.

Article 115. Alternatives to detention

1. Having regard to the fact that a foreigner's identity has been determined, he does not represent a threat to national security and public policy, assists a court, the State Border Guard Service and the Migration Department in determining his legal status in the Republic of Lithuania and other circumstances, the court may provide to the foreigner an alternative to detention.
2. Alternatives to detention shall be as follows:
 - 1) a foreigner must, regularly at a fixed time, report to the Migration Department or the State Border Guard Service;
 - 2) a foreigner must, at a fixed time and by means of electronic communications, inform about his whereabouts the Migration Department or the State Border Guard Service;
 - 3) entrusting of the care of a foreigner to a citizen of the Republic of Lithuania or to a foreigner lawfully residing in the Republic of Lithuania, provided that the person undertakes to take care of and support the foreigner;

- 4) accommodation of a foreigner at the Foreigners' Registration Centre without restricting his freedom of movement;
 - 5) accommodation of a foreigner at the State Border Guard Service with the right of movement only within the territory belonging to the accommodation facility.
3. If alternatives to detention listed in paragraph 2 of this Article and provided by a decision of a court are not implemented, the State Border Guard Service shall refer to the court with a motion to detain a foreigner.
4. When taking a decision to provide an alternative to detention, a time limit for its application must be laid down.
5. The alternative to detention referred to in point 4 or 5 of paragraph 2 of this Article may be provided only to asylum applicants and foreigners in respect of whose applications for asylum a final decision has been taken and who are returned to a foreign state.

Article 115¹. Temporary accommodation of detained foreigners or foreigners to whom an alternative to detention has been provided

The conditions and procedure for providing temporary accommodation at the State Border Guard Service to foreigners detained for a period exceeding 48 hours or to foreigners to whom an alternative to detention has been provided shall be established by the Minister of the Interior.

Article 116. Referral to a court with a motion to detain a foreigner or to provide an alternative to detention

1. If there is a ground for detaining a foreigner laid down by this Law, an officer of the State Border Guard Service shall refer to a district court of the place of the foreigner's stay on the territory of the Republic of Lithuania with a motion to detain the foreigner for a period exceeding 48 hours or to provide to the foreigner an alternative to detention within 48 hours from the detention of the foreigner. The foreigner's presence at a court hearing shall be mandatory. During the court hearing of the motion to detain the foreigner or to provide to him the alternative to detention, the foreigner shall have the right to state-guaranteed legal aid.
2. A court shall hear a motion referred to in paragraph 1 of this Article in accordance with the procedure laid down by the Law on Administrative Proceedings and this Law.
3. A court's decision to detain a foreigner or to provide to him an alternative to detention must be announced without delay to the foreigner in a language that he understands, indicating reasons for his detention or for providing the alternative to detention. The court's decision to detain the foreigner or to provide to him the alternative to detention shall become effective from its announcement.
4. A court's decision to detain a foreigner must state the ground for detention, the period of detention defined as a precise calendar date and the place of detention.

Article 117. Appeal against a decision to detain a foreigner

1. A foreigner shall have the right to appeal to the Supreme Administrative Court of Lithuania in accordance with the procedure laid down by the Law on Administrative Proceedings against a decision of a district court to detain him or to extend the detention period or to provide to him an alternative to detention. The appeal may be filed with the State Border Guard Service, which shall forward the foreigner's appeal to the Supreme Administrative Court of Lithuania.

2. The Supreme Administrative Court of Lithuania shall examine a foreigner's appeal in accordance with the procedure laid down by the Law on Administrative Proceedings and pass a decision not later than within ten days from the admission of the appeal.

Article 118. Review of a decision to detain a foreigner

1. After grounds for a foreigner's detention cease to prevail, the foreigner shall be entitled to, whereas the institution which initiated the foreigner's detention must without delay, refer to a district court of the place of the foreigner's stay with a request to review the decision to detain the foreigner. After grounds for an asylum applicant's detention cease to prevail, the institution which initiated the asylum applicant's detention must without delay refer to a district court of the place of the asylum applicant's stay with a request to review the decision to detain the asylum applicant. If the foreigner who has been detained on the grounds referred to in Article 113(1) and (2) of this Law lodges an application for asylum, the State Border Guard Service must without delay refer to the district court with a request to review the decision to detain the asylum applicant.

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

2. Upon receipt of a request to review a decision to detain a foreigner submitted by the foreigner or the institution which initiated the foreigner's detention, a court shall, not later than within ten days from the admission of the request, review the decision to detain the foreigner and shall take one of the following decisions:

- 1) to uphold the decision to detain the foreigner;
- 2) to modify the decision to detain the foreigner;
- 3) to overturn the decision to detain the foreigner.

3. The decisions of a district court listed in paragraph 2 of this Article shall become effective from the taking thereof.

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

Article 119. End of detention

1. In compliance with a final court decision to overturn a decision to detain a foreigner, the foreigner shall be released from a detention facility without delay.

2. If the period of a foreigner's detention expires, he must be released from a detention facility without delay.

CHAPTER VIII DETERMINATION OF A PERSON'S IDENTITY

Article 120. Determination of the identity of a detained foreigner

1. For the purposes of determining the identity of a detained foreigner, an officer of a law enforcement institution shall have the right to temporarily seize the foreigner's travel document,

travel tickets, other documents (if the foreigner is in possession of any) until the identity of the foreigner and authenticity of his documents are determined.

2. When determining the identity of a foreigner, an officer of a law enforcement institution shall have the right to carry out a search of the foreigner's person and inspect his personal belongings.

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

Article 121. Taking of photographs and collection of fingerprints of a foreigner

1. Photographs of a foreigner shall be taken and his fingerprints shall be collected for the purpose of determination of his identity where he:

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

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

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

2. Foreigners' fingerprints shall be registered by an institution authorised by the Minister of the Interior. They shall be processed in compliance with requirements of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 2016 L 119, p. 1) and the Law on Legal Protection of Personal Data.

Article 122. Deoxyribonucleic acid (DNA) testing

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

2. The performance of a DNA test may be requested only in cases where a foreigner is not able to prove kinship otherwise.

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

Article 123. Age assessment test

1. An age assessment test shall be performed when there are reasonable doubts about the age indicated by a foreigner. An age assessment test in respect of unaccompanied minor foreigners shall be performed in accordance with the procedure established by the Minister of Social Security and Labour, the Minister of the Interior and the Minister of Health, and in respect of asylum applicants – in accordance with the procedure established by the Minister of the Interior.

2. An age assessment test must be performed with the consent of a foreigner whose age is to be assessed. An age assessment test in respect of a minor foreigner shall be performed only with the consent of his legal representative or representative.

3. If a foreigner refuses to undergo an age assessment test and there are no valid reasons therefor, Article 22¹(1)(1) this Law shall not apply to him and it shall be considered that he does not meet the conditions set out in Article 26(1) of this Law.

4. An age assessment test shall be performed upon provision, in a language that a foreigner whose age is to be assessed understands, of information about the verification procedure and possible consequences, while respecting the person's dignity and selecting the least invasive tests.
5. If an asylum applicant refuses to undergo an age assessment test and there are no valid reasons therefor, he shall be considered to be of age, whereas other data which cannot be confirmed by written evidence shall be assessed in accordance with Article 83(5) of this Law.
6. The costs of performance of an age assessment test shall be borne by the Republic of Lithuania, with the exception of the cases when a foreigner performs the age assessment test on his own initiative.

CHAPTER IX FOREIGNERS' DEPARTURE FROM THE REPUBLIC OF LITHUANIA

Article 124. Departure from the Republic of Lithuania

1. A foreigner must leave the Republic of Lithuania before the expiry of the period of validity of a travel authorisation, a visa or a temporary residence permit.
2. A foreigner must leave the Republic of Lithuania before the expiry of the period of stay as established for foreigners in Article 11(2) to (9) and Article 11(11) of this Law, except in cases when he is issued a document confirming his right to stay or reside in the Republic of Lithuania.
3. A foreigner shall be prohibited from leaving the Republic of Lithuania if a supervision measure has been imposed upon him or if an interim measure is applied which restricts his right to leave the Republic of Lithuania. In such a case, the competent authorities shall not take decisions on the obligation of the foreigner to leave, his return, expulsion or transfer of an asylum applicant to another EU Member State responsible for examining an application for asylum and, where such decisions have already been taken, suspend the enforcement thereof until the reasons referred to in this paragraph cease to prevail.

Article 125. Return to a foreign state and obligation to leave the Republic of Lithuania

1. A decision to return a foreigner to a foreign state shall be taken where:
 - 1) the foreigner's travel authorisation or visa has been annulled or revoked;
 - 2) the foreigner's temporary residence permit or permanent residence permit has been withdrawn;
 - 3) the foreigner stays in the Republic of Lithuania after the expiry of the period of validity of his travel authorisation or visa;
 - 4) the foreigner resides in the Republic of Lithuania after the expiry of the period of validity of his temporary residence permit;
 - 5) the foreigner has entered the Republic of Lithuania lawfully but resides in the Republic of Lithuania without a temporary or permanent residence permit, where he is required to be in possession thereof;
 - 6) the foreigner stays in the Republic of Lithuania for a period exceeding the period of stay stipulated for foreigners in Article 11(2) to (9) and Article 11(11) of this Law;
 - 7) the foreigner has unlawfully entered or is illegally staying in the Republic of Lithuania, requests to allow voluntary return to a foreign state and cooperates with competent authorities

on the issue of return to the foreign state;

8) he is a foreigner referred to in Article 5(6), Article 140⁸(1) or (3) of this Law and requests to allow voluntarily return to the foreign state and cooperates with the competent authorities on the issue of return to the foreign state.

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

2¹. A foreigner shall be informed about the possibility to lodge an application to voluntarily return to a foreign state in a language that he understands by an institution which establishes that the foreigner has unlawfully entered the Republic of Lithuania or is illegally staying in the Republic of Lithuania and cooperates on the issue of return to the foreign state, namely, the State Border Guard Service or the Migration Department.

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

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

4. A decision regarding the return of an asylum applicant to a foreign state or imposition upon a foreigner of the obligation to leave the Republic of Lithuania shall not be taken pending the examination of his application for asylum in accordance with Chapter IV of this Law.

Article 126. Expulsion from the Republic of Lithuania

1. A foreigner shall be expelled from the Republic of Lithuania if:

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

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

2¹) he is a foreigner referred to in Article 5(6), Article 140⁸(1) or (3) of this Law and there are no grounds, as laid down in Article 125 of this Law, for imposing upon the foreigner the obligation to leave the Republic of Lithuania, or a decision to return him to a foreign state is taken;

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

4) a decision has been taken to expel the foreigner from another state to which Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals applies.

2. The Ministry of the Interior of the Republic of Lithuania shall, in cooperation with international and non-governmental organisations, carry out monitoring of the expulsion of

foreigners from the Republic of Lithuania in accordance with the procedure established by the Minister of the Interior and the Minister of Social Security and Labour.

Article 127. Time limits and procedure for enforcing decisions regarding the obligation to leave, expulsion, return and passing in transit through the territory of the Republic of Lithuania

1. A decision to return a foreigner to a foreign state shall, having regard to the foreigner's possibilities to leave as soon as possible and provided that he cooperates with competent authorities on the issue of return to the foreign state, provide for a period of between 7 to 30 days from the service of the decision upon the foreigner within which the foreigner shall be obliged to voluntarily leave the Republic of Lithuania.

2. A decision on the expulsion of a foreigner from the Republic of Lithuania must be enforced without delay, unless there are circumstances due to which the enforcement of the decision on the expulsion of the foreigner from the Republic of Lithuania may be suspended.

3. The obligation to leave the Republic of Lithuania shall provide for a period not exceeding 30 days during which a foreigner must leave the Republic of Lithuania.

3¹. Where there are grounds for believing that a foreigner may abscond to avoid return to a foreign state or the obligation to leave the Republic of Lithuania, a decision to return the foreigner to the foreign state or the obligation to leave the Republic of Lithuania may grant a period shorter than 7 days within which the foreigner shall be obliged to voluntarily leave the Republic of Lithuania, or a period for voluntary departure shall not be granted.

3². The time period, as stipulated in paragraphs 1 and 3 of this Article, within which a foreigner shall be obliged to voluntarily leave the Republic of Lithuania may be extended, taking into account the circumstances referred to in points 1 to 3 of Article 128(1) and points 3 and 4 of Article 128(2) of this Law, however the total duration of the period for voluntary departure may not exceed 60 days.

4. A decision regarding a foreigner's obligation to leave the Republic of Lithuania shall be taken by the institution which has established the ground for imposing upon the foreigner the obligation to leave the Republic of Lithuania, namely, by the Migration Department or the State Border Guard Service, and the enforcement thereof shall be controlled by the State Border Guard Service.

5. A decision on a foreigner's expulsion on the grounds laid down in points 1, 2 and 3 of Article 126(1) of this Law and a decision on the enforceability of the decision on the ground laid down in Article 126(1)(4) of this Law shall be taken by the institution which has established the ground for expelling the foreigner, namely, by the Migration Department or the State Border Guard Service, and the decisions shall be enforced by the State Border Guard Service. Prior to taking the decision on the ground laid down in Article 126(1)(4) of this Law, the institutions referred to in this paragraph shall hold consultations on the enforcement of the decision with the state which has taken the decision to expel the foreigner.

6. A decision on the return of a foreigner to a foreign state or his transit through the territory of the Republic of Lithuania shall be taken and the enforcement thereof shall be controlled by an institution which has established the ground for the return of the foreigner to a foreign state, namely, by the Migration Department or the State Border Guard Service.

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

Article 128. Circumstances taken into account when imposing the obligation to leave the Republic of Lithuania or taking a decision to return a foreigner to a foreign state or to expel a foreigner from the Republic of Lithuania or suspending the enforcement of the decision to expel a foreigner from the Republic of Lithuania

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

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

2. The enforcement of a decision on the expulsion of a foreigner from the Republic of Lithuania shall be suspended if:

- 1) the relevant administrative court issues a ruling on the measures of securing the claim, where the decision to expel the foreigner from the Republic of Lithuania is appealed against to court, except in the cases when the foreigner must be expelled due to a threat to national security or public policy represented by him, and a national of an EU Member State, his family member or another person who enjoys the right of free movement under legal acts of the European Union – due to an extreme threat to national security represented by him;
- 2) the foreign state to which the foreigner may be expelled refuses to accept him;
- 3) the foreigner is in need of basic medical aid, the necessity of which is confirmed by a medical advisory committee of a health care institution;
- 4) the foreigner cannot be expelled for objective reasons (the foreigner is not in possession of a valid travel document, there are no possibilities to obtain travel tickets, etc.);
- 5) the European Court of Human Rights indicates an interim measure regarding non-expulsion of the foreigner under Rule 39 of the Rules of Court of this Court.

3. After the reasons referred to in paragraph 2 of this Article cease to prevail, a decision on the expulsion of a foreigner from the Republic of Lithuania must be enforced without delay.

Article 129. Return of unaccompanied minor foreigners to a foreign state

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

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

3. The issue of an unaccompanied minor foreigner's return shall be dealt with in cooperation with foreign states and international organisations under effective international treaties.

Article 130. Prohibition to expel or return a foreigner

1. It shall be prohibited to expel or return a foreigner to a country where his life or freedom is threatened or where he may be subjected to persecution for reasons of race, religion, nationality, membership of a certain social group or political opinion or to a country from where he may later be expelled to such country.
2. A foreigner shall not be expelled from the Republic of Lithuania or returned to a country where there are serious grounds for believing that in that country the foreigner will be tortured, subjected to cruel, inhuman or degrading treatment or punishment.
3. The provisions of paragraph 1 of this Article shall not apply to a foreigner who, for serious reasons, represents a threat to the security of the Republic of Lithuania or who, having been convicted by a final judgment of a grave crime, constitutes a danger to the community.
4. A foreigner shall not be expelled from the Republic of Lithuania or returned to a foreign state if he has been granted the cooling-off period in accordance with the procedure established by the Government of the Republic of Lithuania, during which he, as a present or former victim of crimes related to trafficking in human beings, must take a decision on cooperation with a pre-trial investigation body or a court.
5. A foreigner who is not expelled from the Republic of Lithuania or returned to a foreign state in the cases referred to in paragraphs 1, 2, 4 of this Article shall, on the ground laid down in Article 40(1)(8) of this Law, be issued a temporary residence permit valid for a period not exceeding one year, during the period of validity whereof the foreigner shall have the right to take up employment.

Article 130¹. Issue of a temporary residence permit to a foreigner who is unable to leave the Republic of Lithuania for humanitarian reasons or is unable to return to his country of origin

Where a foreigner is unable to leave the Republic of Lithuania for humanitarian reasons or where a foreigner is unable to return to his country of origin due to persecution by a non-democratic regime and/or due to the fact that he has suffered or is at risk of suffering from repressions perpetrated by such a regime and the Ministry of Foreign Affairs of the Republic of Lithuania submits a request with regard to this foreigner, he shall, on the ground laid down in Article 40(1)(8) of this Law, be issued a temporary residence permit valid for a period not exceeding one year, during the period of validity whereof the foreigner shall have the right to take up employment.

Article 131. Funds for expulsion, obligation to leave the Republic of Lithuania or return

1. A foreigner shall be expelled from the Republic of Lithuania, imposed the obligation to leave the Republic of Lithuania or returned to a foreign state to which he has the right to depart:
 - 1) at his own expense;
 - 2) at the expense of the natural or legal persons who invited the foreigner to the Republic of Lithuania;
 - 3) at the expense of carriers in the cases specified by laws of the Republic of Lithuania;
 - 4) at the expense of the employer who illegally employed the foreigner to be expelled.
2. In the absence of resources referred to in paragraph 1 of this Article, a foreigner shall be expelled from the Republic of Lithuania at the government expense.
3. The expenditure incurred by the State in connection with a foreigner's expulsion from the Republic of Lithuania, obligation to leave the Republic of Lithuania or return to a foreign state

(including accommodation and support costs) shall be recovered in accordance with the civil procedure from the natural or legal persons who invited the foreigner to the Republic of Lithuania or from the employer who illegally employed the foreigner or from the carriers who brought the foreigner to the Republic of Lithuania or from the foreigner, where he entered the Republic of Lithuania in the absence of an invitation of a natural or legal person, or a request for reimbursement of the funds shall be addressed to another country which took a decision to expel the foreigner, to which Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals applies according to Council Decision 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals.

4. A foreigner returning voluntarily to a foreign state may, on a one-off basis, be provided with assistance to return to the foreign state under voluntary return and reintegration programmes implemented with funds of the State of the Republic of Lithuania, EU funds, international organisations, humanitarian aid funds established by natural and legal persons of the Republic of Lithuania, non-governmental organisations. The State Border Guard Service or the Migration Department may, in accordance with the procedure established by the Minister of the Interior, provide assistance to foreigners for voluntary return and reintegration in the country of origin.

Article 132. Issue of a temporary residence permit to a foreigner upon suspending the enforcement of a decision on his expulsion from the Republic of Lithuania

1. If the enforcement of a decision on a foreigner's expulsion from the Republic of Lithuania is suspended due to the circumstances referred to in points 2, 3 and 4 of Article 128(2) of this Law, these circumstances have not ceased to prevail within one year after the suspension of the enforcement of the decision to expel the foreigner from the Republic of Lithuania and the foreigner has not been detained, he shall be issued a temporary residence permit.

2. In the case referred to in paragraph 1 of this Article, a foreigner shall, on the ground laid down in Article 40(1)(8) of this Law, be issued a temporary residence permit valid for a period not exceeding one year, during the period of validity whereof the foreigner shall have the right to take up employment.

Article 133. Entry ban into the Republic of Lithuania

1. A foreigner who has been refused a travel authorisation or whose travel authorisation has been annulled or revoked on the basis of one or more of the grounds laid down in points a-e of Article 37(1) of Regulation (EU) 2018/1240 or who has been refused a visa or whose visa has been annulled or whose Schengen visa has been revoked or who has been refused a residence permit or whose residence permit has been withdrawn, a foreigner who has been refused admission into the Republic of Lithuania, has been imposed the obligation to leave the Republic of Lithuania, has been returned to a foreign state, has been transferred to a foreign state under an international treaty on the readmission of persons residing without authorisation to which the Republic of Lithuania is a party or has attempted to leave the Republic of Lithuania, or left it, unlawfully or a foreigner who does not have the right to reside in the Republic of Lithuania and fails to comply with obligations to the customs or has failed to pay a fine(s) imposed in accordance with the procedure laid down by laws of the Republic of Lithuania may be subject to an entry ban prohibiting entry into the Republic of Lithuania for a period not exceeding five years.

1¹. A foreigner who has been refused a visa or it has been annulled or who has been refused a residence permit or it has been withdrawn upon establishing that the foreigner has contracted a

marriage of convenience or a registered partnership of convenience or has effected a fake adoption or that an undertaking of which the foreigner is a participant or the manager, the host undertaking established in the Republic of Lithuania to which the foreigner has been transferred within the framework of an intra-corporate transfer or the host entity is a shell entity shall be the subject of an entry ban prohibiting entry into the Republic of Lithuania for a period not exceeding five years.

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

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

4. A foreigner shall be the subject of an entry ban prohibiting entry into the Republic of Lithuania for a period not exceeding five years if there are serious grounds for believing that the foreigner has committed a serious or grave crime against a person in a foreign state thus violating the universal human rights and freedoms, or has committed a criminal act of a corruptive nature or a criminal act with indications of money laundering as defined in laws or international treaties of the Republic of Lithuania, or has instigated or otherwise participated in committing such criminal acts, or publicly and/or actively supports and/or participates in an act carried out by a foreign state in violation of the principles and norms of international law, and/or for these reasons the foreigner is placed on the national no-entry list of another EU Member State, a European Free Trade Association State or a member country of the North Atlantic Treaty Organization.

5. A foreigner shall be the subject of an entry ban prohibiting entry into the Republic of Lithuania where he may represent a threat to national security or public policy. The length of the entry ban may exceed five years.

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

7. The national no-entry list shall be drawn up and managed, the data from this list shall be published and forwarded to Central SIS II by the Migration Department in accordance with the procedure established by the Government of the Republic of Lithuania.

8. A decision to ban/not to ban a foreigner's entry into the Republic of Lithuania shall be taken by the State Border Guard Service, where it has taken a decision referred to in Article 127(5) of this Law, or by the Migration Department. A decision to ban a foreigner's entry into the Republic of Lithuania on the grounds referred to in paragraph 4 of this Article shall be taken by the Minister of the Interior on a proposal of the Minister of Foreign Affairs. The length of the entry ban into the Republic of Lithuania shall be determined on a case-to-case basis with due regard to all relevant circumstances of the individual case.

9. A foreigner shall be informed in writing in accordance with the procedure established by the Government of the Republic of Lithuania about a decision to ban his entry into the Republic of Lithuania, provided that the foreigner's place of residence or other contact details are known and that there are no reasons, as referred to in paragraph 10 of this Article, precluding the furnishing of the information to the foreigner.

10. Information about a decision to ban a foreigner's entry into the Republic of Lithuania shall not be furnished to the foreigner if the furnishing of such information would be detrimental to state security, defence, public security, the prevention, investigation, detection and prosecution of criminal acts. A national of a EU Member State and/or his family member or any other person who enjoys the right of free movement under legal acts of the European Union shall not be furnished information about the actual circumstances of a decision to ban his entry into the Republic of Lithuania if the furnishing of such information would be detrimental to the interests of national security.

Article 134. Foreigner's transfer in transit through the territory of the Republic of Lithuania

1. Under an international treaty of the Republic of Lithuania or an EU legal act, a foreigner may be transferred from one foreign state to another foreign state in transit through the territory of the Republic of Lithuania where proof is submitted that he has the right to travel to the foreign state as well as evidence of the necessity of transit through the territory of the Republic of Lithuania.

2. The transfer of a foreigner through the territory of the Republic of Lithuania shall be prohibited if:

- 1) the grounds referred to in Article 130(1) and (2) of this Law are established in the country to which the foreigner is transferred;
- 2) the foreigner is a suspect, an accused or a convict in accordance with laws of the Republic of Lithuania;
- 3) transit through other states or entry into the country of destination is impossible;
- 4) it is necessary to transfer to another airport in the Republic of Lithuania;
- 5) it is impossible to provide the requested assistance at a certain moment for practical reasons;
- 6) the transfer of the foreigner would represent a threat to national security, public policy, public health or international relations of the Republic of Lithuania.

Article 135. Unlawful departure from the Republic of Lithuania

A foreigner's departure from the Republic of Lithuania shall be considered unlawful if the foreigner:

- 1) leaves the Republic of Lithuania at places other than border crossing points;
- 2) when leaving the Republic of Lithuania, produces another person's documents or counterfeit documents;
- 3) leaves the Republic of Lithuania despite the restrictions on the freedom of movement in the Republic of Lithuania imposed upon him;
- 4) attempts to leave the Republic of Lithuania without a valid travel document.

CHAPTER IX¹. Repealed as of 1 January 2022

CHAPTER X APPEAL AGAINST DECISIONS ON THE LEGAL STATUS OF FOREIGNERS BEFORE A COURT

Article 136. Right to appeal against a decision

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

Article 137. Filing of an appeal

1. An appeal against a decision taken pursuant to this Law may be filed with the relevant administrative court in accordance with the procedure and under the conditions laid down by the Law on Administrative Proceedings, except in cases provided for by this Law.
2. An appeal against a decision taken pursuant to this Law, if the decision has been taken on the basis of an application lodged according to Article 67(2) of this Law, may be filed by a foreigner who has lodged the application on his own behalf and on behalf of other family members or by any adult member of that family.

Article 138. Time limits for filing an appeal

1. A foreigner may file an appeal against a decision taken under this Law, with the exception of the cases referred to in paragraph 2 of this Article, with the relevant regional administrative court within 14 days from the service of the decision.
2. An asylum applicant may file an appeal against a decision not to grant asylum taken after examining an application for asylum as to substance as a matter of urgency and against a decision taken pursuant to Article 77(2) of this Law with the relevant regional administrative court within seven days from the service of the relevant decision.

Article 139. Suspension of the enforcement of a decision appealed against

1. The enforcement of a decision appealed against shall be suspended where:
 - 1) a foreigner's residence permit is withdrawn, except in the cases where a decision to withdraw a temporary residence permit has been taken on the ground referred to in Article 50(1)(14) of this Law, whereas a permanent residence permit has been withdrawn on the grounds referred to in point 2 or 2¹ of Article 54(1) of this Law;
 - 2) an application for asylum lodged by a foreigner who has entered the Republic of Lithuania from a safe third country is not examined and he is returned or expelled from the Republic of Lithuania to the safe third country;
 - 3) the decision appealed against refuses to grant asylum to a foreigner, except in cases when the decision is taken after examining an application for asylum as to substance as a matter of urgency;
 - 4) the examination of an application for asylum is discontinued and a foreigner is expelled from the Republic of Lithuania or returned to a foreign state;
 - 5) the granted asylum is withdrawn and a foreigner is expelled from the Republic of Lithuania or returned to a foreign state.
2. In the cases not specified in paragraph 1 of this Article, the enforcement of a decision appealed against may be suspended by a ruling of the relevant administrative court on measures of securing the claim. Where an appeal is filed in the cases specified in Article 138(2) of this Law, the court shall issue the ruling on the measures of securing the claim not later than within

two days from the receipt of a request to apply such measures or, where this request is submitted together with the appeal, from the receipt of the appeal.

Article 140. Hearing of appeals, taking of and appeal against a decision

1. Courts shall hear appeals in accordance with the procedure laid down by the Law on Administrative Proceedings and this Law.
2. A court must hear an appeal not later than within two months from the issue of a court ruling to admit the appeal.
3. Upon completing the hearing of a case, a court shall take one of the following decisions:
 - 1) to dismiss an appeal as unfounded;
 - 2) to grant an appeal.
4. A decision taken may be appealed against to the Supreme Administrative Court of Lithuania within 14 days from the publication of the decision.

4¹. *Repealed as of 1 January 2022*

5. Administrative cases based on appeals against decisions taken regarding a threat represented by a foreigner to national security, public policy or the community may be heard using factual data comprising a state secret or an official secret and with participation of the State Security Department, a police body authorised by the Police Commissioner General and/or the State Border Guard Service. The provisions regarding declassification as provided for in the Law on Administrative Proceedings shall not apply to such data.

Article 140¹. Hearing of appeals concerning the withdrawal of a residence permit or right of residence in the Republic of Lithuania, refugee status, subsidiary or temporary protection granted to a foreigner due to a threat to national security, public policy or the community represented by the foreigner

1. A foreigner shall, upon receipt of a decision, as referred to in Article 4(5), (6) or (7) of this Law, to withdraw a residence permit issued to him or his right of residence in the Republic of Lithuania or refugee status, subsidiary or temporary protection granted to him, have the right to appeal against it before Vilnius Regional Administrative Court within 14 calendar days from the service of the decision.
2. The hearing of a case concerning the withdrawal of a residence permit or the right of residence in the Republic of Lithuania, refugee status, subsidiary or temporary protection before Vilnius Regional Administrative Court must be completed and a decision must be taken not later than within two months from the admission of an appeal.
3. A decision of Vilnius Regional Administrative Court referred to in paragraph 2 of this Article may be appealed against before the Supreme Administrative Court of Lithuania within 14 calendar days from the publication of the decision.
4. The hearing of a case concerning a decision of Vilnius Regional Administrative Court referred to in paragraph 2 of this Article in the Supreme Administrative Court of Lithuania must be completed and a decision/ruling must be taken/issued not later than within two months from the admission of an appeal.
5. An appeal regarding the overturning of a decision must meet the requirements set out in the Law on Administrative Proceedings.

CHAPTER X¹

E-RESIDENT

Article 140². Lodging and examination of an application for the granting of the status of an e-resident

1. A foreigner's application for the granting of the status of an e-resident shall be lodged with the Migration Department. A foreigner staying abroad shall lodge his application through the selected external service provider, and a foreigner staying legally in the Republic of Lithuania – in person with the Migration Department.
2. A foreigner seeking to acquire the status of an e-resident must submit his biometric identifiers, namely, his facial image and two fingerprints, except in the cases provided for in Regulation (EC) No 1030/2002, in accordance with the procedure established by the Minister of the Interior.

Article 140³. Grounds for refusing the status of an e-resident

The status of an e-resident shall not be granted to a foreigner if:

- 1) another Schengen State has entered in respect of the foreigner in the Schengen Information System an alert for refusal of admission, an alert for refusal of entry and stay in accordance with the provisions of Regulation (EU) 2018/1861, or an alert on return in accordance with the provisions of Regulation (EU) 2018/1860 accompanied by an entry ban;
- 2) he is placed on the national no-entry list.

Article 140⁴. Granting of the status of an e-resident to a foreigner

1. The status of an e-resident shall be granted to a foreigner upon his registration in the Register of Foreigners.
2. A foreigner who has been granted the status of an e-resident shall be issued an electronic identification means and an electronic signature creation device with an e-resident's electronic identification certificate and an e-resident's qualified certificate for electronic signature recorded therein.
3. An electronic identification means and an electronic signature creation device issued to a foreigner shall provide him with access to the administrative, public or commercial services provided by electronic (remote) means in the Republic of Lithuania.
4. An electronic identification means and an electronic signature creation device shall be developed by an institution authorised by the Minister of the Interior and shall be issued to a foreigner by the entities referred to in Article 140² of this Law.
5. The format of an electronic identification means and an electronic signature creation device shall be established by the Minister of the Interior.

Article 140⁵. Withdrawal of the status of an e-resident

1. The status of an e-resident granted to a foreigner shall be withdrawn if:
 - 1) the foreigner lodges an application for the withdrawal of the status of an e-resident;
 - 2) information on the foreigner's death is received;

- 3) the grounds laid down in Article 140³ of this Law transpire;
 - 4) the status has been acquired fraudulently by presenting false data, counterfeit or unlawfully acquired documents;
 - 5) the foreigner has been convicted of a serious crime or a grave crime by a final judgment of a court of the Republic of Lithuania;
 - 6) it transpires that he has been convicted of a crime against peace, a crime against humanity or a war crime, as defined in laws of the Republic of Lithuania, international treaties or other instruments of international law, or that he has instigated or otherwise participated in committing such crimes;
 - 7) there are serious reasons for considering that the foreigner is involved in illegal financial operations, a criminal act of corruptive nature or a criminal act with indications of money laundering, as defined in laws of the Republic of Lithuania, international treaties or other instruments of international law;
 - 8) the foreigner has tax arrears in the amount of more than one base social benefit to the state budget of the Republic of Lithuania, municipal budgets or funds, where the State Tax Inspectorate administers the taxes paid thereto, or arrears to the budget of the State Social Insurance Fund, unless the taxes, default interest, fines are paid in instalments or deferred for a foreigner in accordance with the procedure laid down by legal acts of the Republic of Lithuania or these taxes, default interest, fines are the subject of a tax dispute; he fails to fulfil obligations to the customs or has failed to pay the fine(s) imposed in accordance with the procedure laid down by laws of the Republic of Lithuania the amount/sum of which exceeds one base social benefit, unless the fines are paid in instalments or deferred in accordance with the procedure laid down by legal acts of the Republic of Lithuania or the fines are the subject of a tax dispute.
2. The status of an e-resident shall be withdrawn upon a foreigner's deregistration from the Register of Foreigners. A decision on the withdrawal of the status of an e-resident shall be taken by the Migration Department.

Article 140⁶. Procedure for granting, withdrawing the status of an e-resident, issuing an electronic identification means and an electronic signature creation device, selecting an external service provider

The procedure governing the lodging, examination of a foreigner's application for the granting of the status of an e-resident, the granting and withdrawal of the status of an e-resident, the issue and renewal of electronic identification means and electronic signature creation devices, the selection of an external service provider shall be established by the Minister of the Interior upon coordination with the Minister of Foreign Affairs.

CHAPTER X²

APPLICATION OF THIS LAW IN THE EVENT OF DECLARATION OF MARTIAL LAW, A STATE OF EMERGENCY, ALSO DECLARATION OF AN EMERGENCY DUE TO A MASS INFLUX OF FOREIGNERS

SECTION ONE

APPLICATION OF PROVISIONS OF CHAPTER X²

Article 140⁷. Application of provisions of Chapter X²

1. The provisions of this Chapter shall apply in the event of declaration of martial law, a state of emergency, also declaration of an emergency due to a mass influx of foreigners.
2. Where the laws governing declared martial law or state of emergency lay down provisions other than those laid down in this Chapter, the provisions of the laws governing the declared martial law or state of emergency shall apply.
3. In the event of declaration of martial law, a state of emergency, also declaration of an emergency due to a mass influx of foreigners, other provisions of this Law shall apply to the extent that they are not covered by the provisions of this Chapter.

**SECTION TWO
ENTRY OF FOREIGNERS AND GRANTING OF ASYLUM IN THE REPUBLIC OF
LITHUANIA****Article 140⁸. Entry of foreigners into the Republic of Lithuania and provision thereof with temporary accommodation**

1. The presence of foreigners in transit zones of international airports of the Republic of Lithuania shall not be considered as entry into the territory of the Republic of Lithuania. The presence, in the temporary accommodation facilities referred to in paragraph 3 of this Article, of foreigners who have lodged an application for asylum at border crossing points, in transit zones or in the case referred to in Article 140¹² of this Law pending a decision to admit an asylum applicant into the Republic of Lithuania or of foreigners who have illegally crossed the state border of the Republic of Lithuania and who are not asylum applicants for six months from the registration of such a foreigner in the Lithuanian Migration Information System shall not be considered as entry into the territory of the Republic of Lithuania.
2. If a foreigner lodges an application for asylum at a border crossing point, in a transit zone or in the case referred to in Article 140¹²(2) of this Law, the Migration Department shall, within 48 hours from the lodging of such an application, take a decision to admit the asylum applicant into the Republic of Lithuania, with the exception of the asylum applicants to whom provisions of Article 76(4) or Article 77(1) of this Law apply.
3. The asylum applicants who have lodged applications for asylum at border crossing points, in transit zones or in the case referred to in Article 140¹²(2) of this Law shall, pending a decision to admit them into the Republic of Lithuania, be temporarily accommodated by the State Border Guard Service at the border crossing points, in the transit zones, at the State Border Guard Service, at the Refugee Reception Centre or other accommodation centres, in accommodation facilities, accommodation premises, temporary accommodation or in other locations adapted for that purpose, without granting them the right to move freely within the territory of the Republic of Lithuania. Foreigners who have illegally crossed the state border of the Republic of Lithuania and who are not asylum applicants and foreigners in respect of whom a decision to refuse asylum has been taken shall, pending the enforcement of a final decision on a foreigner's return or expulsion or the issue of a foreigner's registration certificate, be temporarily accommodated by the State Border Guard Service in the accommodation facilities referred to in this paragraph, without granting them the right to move freely within the territory of the Republic of Lithuania. The asylum applicants referred to in this paragraph and foreigners who are vulnerable persons shall be accommodated at the Refugee Reception Centre on a priority basis. If medical, social, educational, catering and/or other services and psychological assistance are not provided in the temporary accommodation facilities to the asylum applicants and the foreigners referred to in

this paragraph, the asylum applicants and the foreigners may be allowed, with a permission of the head of a temporary accommodation facility or a person authorised by him, to temporarily leave the temporary accommodation facilities to receive the said services or to purchase food products, provided that the risk of absconding from the temporary accommodation facilities is managed. In the case of the provision of these services to minors, priority shall be given to the provision of these services outside temporary accommodation facilities, provided that the risk of absconding from a temporary accommodation facility is managed.

4. The conditions and procedure for the temporary accommodation of the asylum applicants and foreigners referred to in paragraph 3 of this Article in the temporary accommodation facilities referred to in paragraph 3 of this Article, with the exception of the Refugee Reception Centre, as well as the procedure for temporary absence from the temporary accommodation facilities shall be established by the Minister of the Interior. The conditions and procedure for the temporary accommodation of the asylum applicants and foreigners referred to in paragraph 3 of this Article at the Refugee Reception Centre as well as the procedure for their temporary absence shall be established by the Minister of Social Security and Labour.

5. If, during declared martial law, state of emergency, also an emergency declared due to a mass influx of foreigners and for 28 days after the end thereof but not longer than for 6 months from the registration of a foreigner in the Lithuanian Migration Information System, no final decision is taken on the legal status of an asylum applicant who has been temporarily accommodated in the temporary accommodation facilities referred to in paragraph 3 of this Article, the Migration Department shall take a decision to admit such an asylum applicant into the Republic of Lithuania and to accommodate him in temporary accommodation facilities referred to in paragraph 3 of this Article.

6. If the Migration Department, when taking a decision to admit an asylum applicant into the Republic of Lithuania as referred to in paragraph 2 of this Article, establishes that it is necessary to verify the identity and/or nationality of the foreigner or that there are circumstances referred to in points 2, 3, 4 or 9 of Article 113(5) of this Law or, when taking a decision to admit an asylum applicant into the Republic of Lithuania as referred to in paragraph 5 of this Article that there are circumstances referred to in points 1, 6-11 of Article 113(5) of this Law, the Migration Department shall concurrently take a decision to accommodate the asylum applicant in the temporary accommodation facilities referred to in paragraph 3 of this Article, without granting him the right to move freely within the territory of the Republic of Lithuania. The restriction of the foreigner's right to move freely within the territory of the Republic of Lithuania in the case referred to in paragraph 2 of this Article may not be applied for more than two months or, in the case referred to in paragraph 5 of this Article, for more than six months from the taking of the decision. If the ground for detention as referred to in point 3, 4 or 5 of Article 113(4) of this Law exists, the State Border Guard Service shall apply to a court for the detention of an asylum applicant or provision of an alternative to detention.

7. If, during declared martial law, state of emergency, also an emergency declared due to a mass influx of foreigners and for 28 days after the end thereof but not longer than for 6 months from the registration of a foreigner who has illegally crossed the state border of the Republic of Lithuania and who is not an asylum applicant in the Lithuanian Migration Information System, a final decision of the Migration Department or the State Border Guard Service on the foreigner's return or expulsion is not enforced, the State Border Guard Service, having established that there are circumstances referred to in Article 113(5) of this Law, shall take a decision to accommodate him in temporary accommodation facilities referred to in paragraph 3 of this Article without granting him the right to move freely within the territory of the Republic of Lithuania; this restriction of the right to move freely within the territory of the Republic of Lithuania may not be applied for more than 6 months from the taking of this decision. If the State Border Guard Service has not established the circumstances referred to in Article 113(5) of this Law and has not taken the decision to accommodate the foreigner in temporary

accommodation facilities without granting him the right to move freely within the territory of the Republic of Lithuania but the grounds for detention as referred to in Article 113(1) of this Law exist, the State Border Guard Service shall apply to a court for the detention of the foreigner or provision of an alternative to detention.

8. If asylum applicants referred to in paragraph 6 of this Article are not detained by a court or an alternative to detention is not provided to them, as well as after the expiry of the period of detention or the alternative to detention, the asylum applicants shall be accommodated by a decision of the Migration Department in accordance with the procedure laid down in Articles 79 and 140¹⁶ of this Law.

9. An appeal against decisions, as referred to in paragraphs 6 and 7 of this Article, regarding accommodation in the temporary accommodation facilities referred to in paragraph 3 of this Article without the right to move freely within the territory of the Republic of Lithuania may be lodged with a district court of the place of a foreigner's stay or any other district court which is nearest to the place of the foreigner's stay within 14 days from the service of the decision. A decision of the district court shall be appealed against and the appeal shall be examined in accordance with the procedure laid down in Article 117 of this Law.

10. The provisions of Article 5(2), (3), (4), (6), (7), (8) and (9) of this Law concerning the entry of foreigners into the Republic of Lithuania shall not apply.

Article 140⁹. Right to remain in the territory of the Republic of Lithuania

1. Asylum applicants, unaccompanied minor foreigners and foreigners who have illegally crossed the state border of the Republic of Lithuania and who are not asylum applicants shall have the right to remain in the territory of the Republic of Lithuania pending a decision concerning their legal status in accordance with this Law or pending the enforcement of a decision on the return or expulsion of a foreigner by the Migration Department or the State Border Guard Service. While considering the issue of determination of an EU Member State responsible for examining an application for asylum, asylum applicants shall have the right to remain in the territory of the Republic of Lithuania pending their transfer to another EU Member State responsible for examining their application for asylum.

2. The right to remain in the territory of the Republic of Lithuania shall not preclude the taking and enforcement of decisions on the return of foreigners to a foreign state and expulsion from the Republic of Lithuania on the grounds laid down in Articles 125 and 126 of this Law.

3. The provisions of Article 22¹ of this Law concerning the right to remain in the territory of the Republic of Lithuania shall not apply.

Article 140¹⁰. Foreigner's registration certificate

1. The Migration Department shall issue a foreigner's registration certificate:

1) to an asylum applicant, with the exception of the asylum applicants referred to in point 2 of this paragraph, not later than within three days from the lodging of an application for asylum;

2) to an asylum applicant who has illegally crossed the state border of the Republic of Lithuania, not later than within three days, and to an unaccompanied minor asylum applicant, not later than within two days from the taking of a decision to admit the asylum applicant into the Republic of Lithuania;

3) to a foreigner who has illegally crossed the state border of the Republic of Lithuania and who is not an asylum applicant, after the lapse of six months from his registration in the Lithuanian

Migration Information System, not later than within three days, and to an unaccompanied minor foreigner not later than within two days.

2. The format of a foreigner's registration certificate shall be approved by the Minister of the Interior.

3. A foreigner's registration certificate shall be issued to a foreigner of any age as referred to in paragraph 1 of this Article.

4. A foreigner's registration certificate shall be issued or renewed for a period not exceeding six months.

5. The provisions of Article 78 of this Law concerning a foreigner's registration certificate shall not apply.

Article 140¹¹. Foreigner's right to apply for and be granted asylum in the Republic of Lithuania

1. A foreigner shall have the right to apply for and be granted asylum in the Republic of Lithuania in accordance with the procedure laid down in this Law. Where there are indications that a foreigner who is present at a border crossing point or in a transit zone may wish to apply for asylum, he shall be provided in a language that he understands with information on this right and the procedures to be followed.

2. The provisions of Article 65 of this Law concerning foreigners' right to apply for and be granted asylum in the Republic of Lithuania shall not apply.

Article 140¹². Lodging of an application for asylum

1. A foreigner's application for asylum may be lodged:

- 1) with the State Border Guard Service – at border crossing points or in transit zones;
- 2) with the Migration Department – in the territory of the Republic of Lithuania in the case of legal entry into Republic of Lithuania;
- 3) with diplomatic missions or consular posts of the Republic of Lithuania designated by the Minister of Foreign Affairs – in a foreign state.

2. A foreigner's application for asylum lodged in violation of the procedure referred to in paragraph 1 of this Article shall not be accepted, explaining the procedure for lodging an application for asylum. The State Border Guard Service may accept an application for asylum lodged by a foreigner who has illegally crossed the state border of the Republic of Lithuania taking into account the foreigner's vulnerability or other specific circumstances.

3. The procedure governing the lodging of foreigners' applications for asylum in the case referred to in point 3 of paragraph 1 of this Article shall be established by the Minister of Foreign Affairs upon coordination with the Minister of the Interior.

4. The provisions of Article 67(1) of this Law concerning the lodging of an application for asylum shall not apply.

Article 140¹³. Rights of foreigners

1. The asylum applicants referred to in Article 140⁸(3) of this Law shall have the rights referred to in Article 71(1), (2) and (2¹) of this Law, except for the right to receive a cash allowance.

2. The rights of an asylum applicant referred to in Article 71(1), (2) and (3) of this Law may be temporarily and proportionately restricted where they cannot be ensured for objective and justified reasons, with the exception of the rights referred to in points 1, 2, 4, 7, 8 and 9 of Article 71(1) of this Law. After the reasons referred to in this Article cease to prevail, the rights of asylum applicants referred to in Article 71 (1), (2) and (3) of this Law shall be restored without delay. Where, due to changes in the reasons referred to in this Article, the rights of asylum applicants referred to in Article 71(1), (2) and (3) of this Law cannot be restored without delay in their entirety to all asylum applicants, they shall first be restored to vulnerable persons.

3. The foreigners referred to in Article 140⁸(3) of this Law who have illegally crossed the state border of the Republic of Lithuania and who are not asylum applicants shall have the rights referred to in Article 3(5) of this Law.

Article 140¹⁴. Examination of an application for asylum

1. When examining applications for asylum, the provision of Article 76(5) of this Law shall not apply.

2. Applications for asylum lodged by unaccompanied minor asylum applicants and asylum applicants who have been subjected to torture, rape or other serious psychological, physical or sexual violence shall be examined by way of priority, however the provision of Article 76(6) of this Law shall not apply.

Article 140¹⁵. Circumstances precluding the examination of an application for asylum for vulnerable persons

When assessing the circumstances precluding the examination of an application for asylum, the provisions of Article 77(1) of this Law shall also apply to vulnerable persons.

Article 140¹⁶. Accommodation of an asylum applicant in the Republic of Lithuania

An unaccompanied minor asylum applicant shall be accommodated in the accommodation facilities referred to in Article 79(4) of this Law or other accommodation suitable for the accommodation of minors, unless his representative objects thereto.

Article 140¹⁷. Grounds for detention of an asylum applicant

An asylum applicant may be detained:

- 1) in the cases referred to in Article 113(4) of this Law;
- 2) when he entered the territory of the Republic of Lithuania by illegally crossing the state border of the Republic of Lithuania.

Article 140¹⁸. Detention of a foreigner

1. A foreigner's detention must be as short as possible, and in the cases specified in Article 113(2) of this Law the foreigner may be detained for no longer than it is necessary for the taking of a decision on the return of the foreigner to a foreign state, expulsion from the Republic of Lithuania, imposition upon the foreigner of the obligation to leave the Republic of Lithuania or transfer of an asylum applicant to another EU Member State responsible for examining an

application for asylum and/or for the enforcement of the expulsion from the Republic of Lithuania or the transfer of the asylum applicant to another EU Member State responsible for examining the application for asylum. The State Border Guard Service shall, on a periodical basis but at least once every three months, verify the circumstances affecting the justification of detention of a foreigner, and shall, in the cases and in accordance with the procedure laid down in Article 140²¹ of this Law, refer to a court with a request to review the decision to detain the foreigner.

2. The provisions of Article 114(6) of this Law concerning the detention of a foreigner shall not apply.

Article 140¹⁹. Alternatives to detention

1. Alternatives to detention shall be as follows:

- 1) those referred to in points 1, 2 and 3 of Article 115(2) of this Law;
- 2) accommodation of a foreigner at the State Border Guard Service or another facility adapted for that purpose without restricting his freedom of movement;
- 3) accommodation of a foreigner at the State Border Guard Service or another facility adapted for this purpose with the right of movement only within the territory belonging to the accommodation facility.

2. The alternative to detention referred to in point 2 of paragraph 1 of this Article may be provided only to asylum applicants and foreigners in respect of whose applications for asylum a final decision has been taken and who are returned to a foreign state.

3. The provisions of Article 115(5) of this Law concerning the provision of an alternative to detention shall not apply.

Article 140²⁰. Referral to a court with a motion to detain a foreigner or to provide an alternative to detention

1. If there is a ground for detaining a foreigner laid down by this Law, an officer of the State Border Guard Service shall refer to a district court of the place of the foreigner's stay or any other district court which is nearest to the place of the foreigner's stay with a motion to detain the foreigner for a period exceeding 48 hours or to provide to the foreigner an alternative to detention within 48 hours from the detention of the foreigner. The foreigner's presence at a court hearing shall be mandatory. During the court hearing of the motion to detain the foreigner or to provide to him the alternative to detention, the foreigner shall have the right to state-guaranteed legal aid.

2. The provisions of Article 116(1) of this Law concerning referral to a court with a motion to detain a foreigner or to provide to him an alternative to detention shall not apply.

Article 140²¹. Review of a decision to detain a foreigner

1. After grounds for a foreigner's detention cease to prevail, the foreigner shall be entitled to, whereas the institution which initiated the foreigner's detention must without delay, refer to a district court of the place of the foreigner's stay or to any other district court which is nearest to the place of foreigner's stay with a request to review the decision to detain the foreigner. After grounds for an asylum applicant's detention cease to prevail, the institution which initiated the asylum applicant's detention must without delay refer to a district court of the place of the

foreigner's stay or any other district court which is nearest to the place of the foreigner's stay with a request to review the decision to detain the asylum applicant. If the foreigner who has been detained on the grounds referred to in Article 113(1) and (2) of this Law lodges an application for asylum, the State Border Guard Service must without delay refer to the district court of the place of the foreigner's stay or any other district court which is nearest to the place of the foreigner's stay with a request to review the decision to detain the asylum applicant.

2. Where a reasonable prospect of a foreigner's expulsion from the Republic of Lithuania no longer exists for legal or other objective considerations, the institution which initiated the foreigner's detention must refer to a district court of the place of the foreigner's stay or any other district court which is nearest to the place of the foreigner's stay with a request to review the decision to detain the foreigner.

3. The provisions of Article 118(1) and (1¹) of this Law concerning the review of a decision to detain a foreigner shall not apply.

Article 140²². Issue of a temporary residence permit to a foreigner

1. If a decision on the expulsion from the Republic of Lithuania of a foreigner who entered in the Republic of Lithuania during declared martial law, state of emergency, also an emergency declared due to a mass influx of foreigners is not enforced within five years from the taking of such a decision, the foreigner shall be issued a temporary residence permit.

2. In the case referred to in paragraph 1 of this Article, a foreigner shall, on the ground laid down in Article 40(1)(8) of this Law, be issued a temporary residence permit valid for a period not exceeding one year, during the period of validity whereof the foreigner shall have the right to take up employment.

3. The time limit referred to in paragraph 1 of this Article shall continue to run also after the end of declared martial law, state of emergency as well as an emergency declared due to a mass influx of foreigners.

4. The provisions of Article 132 of this Law concerning the issue of a temporary residence permit to a foreigner shall not apply.

Article 140²³. Provision of humanitarian aid

1. In the event of declaration of martial law, a state of emergency, also declaration of an emergency due to a mass influx of foreigners, humanitarian aid shall be provided to foreigners in the territory of the Republic of Lithuania by state and municipal institutions and agencies of the Republic of Lithuania, also by non-governmental organisations under a contract or an agreement on the provision of humanitarian aid concluded with the Government or an institution authorised by it, as well as by international organisations. When concluding contracts or agreements with non-governmental organisations on the provision of humanitarian aid, account shall be taken of the experience of a non-governmental organisation in the provision of humanitarian aid to foreigners and the need for the provision of humanitarian aid as established by the Government or the institution authorised by it.

2. The Ministry of Social Security and Labour shall coordinate the provision of humanitarian aid to foreigners within the territory of the Republic of Lithuania by non-governmental organisations and international organisations.

SECTION THREE

APPEAL AGAINST DECISIONS ON AN APPLICATION FOR ASYLUM, ON RETURN, EXPULSION AND ENTRY BAN

Article 140²⁴. Filing of an appeal and time limits for filing an appeal

1. An appeal against the decisions referred to in Article 77(1), Article 86(3), Article 87(3) and Articles 125, 126 and 133 of this Law may be filed with the relevant regional administrative court within seven days from the service of a decision.
2. A court decision taken in respect of a decision referred to in paragraph 1 of this Article may be appealed against to the Supreme Administrative Court of Lithuania within 14 days from the publication of the decision in accordance with the procedure laid down by the Law on Administrative Proceedings.

Article 140²⁵. Suspension of the enforcement of a decision appealed against

1. The enforcement of a decision appealed against shall be suspended in the cases referred to in points 1, 4, and 5 of Article 139(1) of this Law.
2. In the case not specified in paragraph 1 of this Article, the enforcement of a decision appealed against may be suspended by a ruling of the relevant administrative court regarding measures securing a claim. The court shall issue the ruling regarding the measures securing the claim not later than within two days from the receipt of a request to apply such measures or, where this request is submitted together with the appeal, from the receipt of the appeal.

Article 140²⁶. Examination of appeals

The relevant regional administrative court must examine an appeal and take a decision within two months from the admission of the appeal, while the Supreme Administrative Court of Lithuania – within one month from the admission of the appeal.

SECTION FOUR

APPOINTMENT OF REPRESENTATIVES OF UNACCOMPANIED MINOR FOREIGNERS

Article 140²⁷. Appointment of representatives of unaccompanied minor foreigners

1. In the event of declaration of martial law, a state of emergency, declaration of an emergency due to a mass influx of foreigners, when appointing as a representative of an unaccompanied minor foreigner a natural person who is:
 - 1) a national of a foreign state or a stateless person, irrespective of the legitimacy of his stay on the territory of the Republic of Lithuania, with the exception of nationals of an EU Member State being in possession of a certificate of the right of temporary or permanent residence in the Republic of Lithuania, family members of nationals of an EU Member State being in possession of an EU temporary or permanent residence card, he shall be exempted from the requirements set out in Article 3.268(2) and Article 3.269 of the Civil Code of the Republic of Lithuania;
 - 2) a citizen of the Republic of Lithuania, a national of an EU Member State being in possession of a certificate of the right of temporary or permanent residence in the Republic of Lithuania, a family member of a national of an EU Member State being in possession of an EU temporary or

permanent residence card, he shall be exempted from the requirement set out in Article 3.268(2) (2) of the Civil Code.

2. A natural person referred to in point 2 of paragraph 1 of this Article may be appointed as a representative of an unaccompanied minor foreigner until his preparedness to become the guardian/curator of the unaccompanied minor foreigner has been verified in accordance with the procedure laid down in the Regulations of the Organisation of a Child's Guardianship as approved by the Government, provided this is not in conflict with the child's interests.

CHAPTER XI FINAL PROVISIONS

Article 141. Right of access to data and powers of civil servants of the Migration Department

1. The Migration Department, the State Border Guard Service shall have the right to receive free of charge from state and municipal institutions, agencies and undertakings of the Republic of Lithuania the data needed to perform the functions related to determination of the legal status of foreigners in the Republic of Lithuania.

2. In determining the legal status of foreigners in the Republic of Lithuania or in taking decisions on the legal status of foreigners in the Republic of Lithuania, civil servants of the Migration Department shall:

1) have the right to visit and inspect the premises of an undertaking or a branch or representative office of an undertaking established in a foreign state without prior warning where it is suspected that foreigners illegally staying in the Republic of Lithuania may be held or reside therein or where it is suspected that the undertaking of which a foreigner is a participant or the manager or the host undertaking established in the Republic of Lithuania to which the foreigner is transferred within the framework of an intra-corporate transfer is a shell entity;

2) have the right to request and obtain from a foreigner, his spouse, an undertaking or other persons data, documents (copies, extracts thereof), explanations, evidence, to invite the foreigner, a representative of the undertaking, the spouse of the foreigner or another person for an interview to the office premises of the Migration Department, to photograph, to make video and audio recordings, also to process these data;

3) have the right to enter the residential premises of a natural person only with the consent of the natural person;

4) have other rights specified in this Law.

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

Article 142. Register of Foreigners

1. The objects of the Register of Foreigners shall be persons whose data are processed in the Register of Foreigners:

1) foreigners whose legal status in the Republic of Lithuania is determined under this Law and other laws of the Republic of Lithuania, legal acts of the European Union and international treaties;

2) e-residents;

3) other foreigners not referred to in points 1 and 2 of this paragraph who have economic and/or social interests and/or obligations in the Republic of Lithuania.

1¹. The Register of Foreigners shall be a state register.

2. The Register of Foreigners shall be established and the regulations thereof approved by the Government of the Republic of Lithuania. The data controller of the Register of Foreigners shall be the Ministry of the Interior of the Republic of Lithuania, and the data processors of this Register shall be designated by the Government of the Republic of Lithuania.

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

Article 142¹. Lithuanian Migration Information System

The Lithuanian Migration Information System shall be a state information system intended for the processing, by means of information technologies, of the data required for taking decisions on the determination of the legal status of foreigners in the Republic of Lithuania, as well as for the centralised management of other migration services provided to persons and procedures governed by laws of the Republic of Lithuania, legal acts of the European Union and international treaties and for the accumulation and provision of all related data.

Article 143. Liability of foreigners

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

Article 144. Application of international treaties

If international treaties to which the Republic of Lithuania is a party contain provisions other than those specified in this Law, the provisions of the international treaties shall apply.

Article 145. *Repealed as of 1 January 2013.*

Article 146. Implementation of the Law

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

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

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

2) Law Amending Article 15 of the Law of the Republic of Lithuania on Refugee Status in the Republic of Lithuania (Official Gazette, No 29-707,[1996](#));

3) Law Repealing Article 18 and Amending Article 19 of the Law of the Republic of Lithuania on Refugee Status in the Republic of Lithuania (Official Gazette, No [108-2734](#), 1997);

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

- 5) Law of the Republic of Lithuania on the Legal Status of Foreigners (Official Gazette, No [115-3236](#), 1998);
- 6) Law Amending Articles 5, 7, 10 and 14 of the Law of the Republic of Lithuania on the Legal Status of Foreigners (Official Gazette, No [89-2618](#), 1999);
- 7) Law Amending Articles 19 and 26 of the Law of the Republic of Lithuania on the Legal Status of Foreigners (Official Gazette, No [5-125](#), 2000);
- 8) Law Amending the Law of the Republic of Lithuania on Refugee Status in the Republic of Lithuania (Official Gazette, No [56-1651](#), 2000);
- 9) Law Amending Article 7 of the Law of the Republic of Lithuania on the Legal Status of Foreigners (Official Gazette, No [92-2865](#), 2000);
- 10) Law Amending the Law of the Republic of Lithuania on Refugee Status in the Republic of Lithuania (Official Gazette, No [56-1651](#), 2000);
- 11) Law Amending Articles 8, 9 and 11 of the Law of the Republic of Lithuania on Refugee Status in the Republic of Lithuania (Official Gazette, No [92-2859](#), 2000);
- 12) Law Amending the Law of the Republic of Lithuania on the Legal Status of Foreigners (Official Gazette, No [55-1944](#), 2001);
- 13) Law Amending Articles 2, 4, 5, 6, 8, 9, 10, 11, 13, 14, 17, 18, 22 and 26 of the Law of the Republic of Lithuania on Refugee Status and Supplementing the Law with Articles 12⁽¹⁾, 12⁽²⁾, 12⁽³⁾, 12⁽⁴⁾, 12⁽⁵⁾ and 12⁽⁶⁾ (Official Gazette, No [13-466](#), 2002);
- 14) Law Amending Articles 4 and 7 of the Law of the Republic of Lithuania on Refugee Status (Official Gazette, No [38-1688](#), 2003).

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

ACTING

PRESIDENT OF THE REPUBLIC

ARTŪRAS PAULAUSKAS

Annex to
the Republic of Lithuania
Law on the
Legal Status of Foreigners

LEGAL ACTS OF THE EUROPEAN UNION IMPLEMENTED BY THIS LAW

1. The Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders.

2. Convention of 19 June 1990 implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders, as last amended by Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018.
3. Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals.
4. Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof.
5. Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals, as last amended by Regulation (EU) 2017/1954 of the European Parliament and of the Council of 25 October 2017.
6. Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification.
7. Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents.
8. Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air.
9. Council Decision 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals.
10. Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.
11. Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities.
12. Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States, as last amended by Regulation (EC) No 444/2009 of the European Parliament and of the Council of 28 May 2009.
13. Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II), as last amended by Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018.
14. Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation), as last amended by Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019.
15. Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

16. Council Directive 2009/50 EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.
17. Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.
18. Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code), as last amended by Regulation (EU) 2019/1155 of the European Parliament and of the Council of 20 June 2019.
19. Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted.
20. Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State.
21. Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast).
22. Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).
23. Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast).
24. Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast).
25. Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.
26. Regulation (EU) No 516/2014 of the European Parliament and of the Council of 16 April 2014 establishing the Asylum, Migration and Integration Fund, amending Council Decision 2008/381/EC and repealing Decisions No 573/2007/EC and No 575/2007/EC of the European Parliament and of the Council and Council Decision 2007/435/EC, as last amended by Commission Delegated Regulation (EU) 2020/445 of 15 October 2019.
27. Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.
28. Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen

Borders Code), as last amended by Regulation (EU) 2019/817 of the European Parliament and of the Council of 20 May 2019.

29. Directive (EU) 2016/801 of the European Parliament and of the Council of 11 May 2016 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing (recast).

30. Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226, as last amended by Regulation (EU) 2021/1152 of the European Parliament and of the Council of 7 July 2021.

31. Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

32. Regulation (EU) 2018/1860 of the European Parliament and of the Council of 28 November 2018 on the use of the Schengen Information System for the return of illegally staying third-country nationals, as last amended by Regulation (EU) 2021/1152 of the European Parliament and of the Council of 7 July 2021.

33. Regulation (EU) 2018/1861 of the European Parliament and of the Council of 28 November 2018 on the establishment, operation and use of the Schengen Information System (SIS) in the field of border checks, and amending the Convention implementing the Schengen Agreement, and amending and repealing Regulation (EC) No 1987/2006, as last amended by Regulation (EU) 2021/1152 of the European Parliament and of the Council of 7 July 2021.