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Network

# Comparative overview of national protection statuses in Lithuania

## 2019/1

EMN STUDY

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EMN is a Network composed of the European Commission and National Contact Points (EMN NCPs) in each Member State, and in Norway, which aims to collect, analyse and provide up-to date, objective, reliable and comparable information on migration and asylum. By the decree of the Government of Republic of Lithuania International Organization for Migration Vilnius Office acts as the national coordinator for the EMN activities in Lithuania.

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EMN STUDY

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# SUMMARY

A unified procedure for granting asylum is used in Lithuania during which refugee status or subsidiary protection can be granted. For exceptional cases, legislation also provides for the option of granting temporary protection status according to a special procedure. These three international protection statuses are harmonised at the European Union level.

There are no other forms of protection established in Lithuanian national law that can be granted to aliens, but it should be noted that a temporary residence permit (hereinafter – TRP) can be issued in Lithuania to aliens who cannot leave the Republic of Lithuania for humanitarian reasons, aliens who cannot be returned to the foreign state or expelled from Lithuania, aliens whose expulsion from Lithuania is suspended, and unaccompanied minor aliens not being returned to a foreign state.<sup>1</sup> The grounds for issuing these temporary residence permits are provided for in Article 40(1)(8) of the Republic of Lithuania Law on the Legal Status of Aliens (hereinafter – the Law).

The above-mentioned humanitarian reasons are considered to be an illness or other acute health impairment or condition, a personal reason which the alien could not have foreseen and avoided, and force majeure due to which the alien is unable to leave the Republic of Lithuania. It is forbidden to expel or return an alien to a country where his or her life or liberty is in danger, or where he or she may be persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, or to a country from which he or she may later be sent to such a country. An alien may not be expelled from the Republic of Lithuania or returned to a foreign state if there are serious grounds for believing that in that country, the alien will be subjected to torture or cruel, inhuman or degrading treatment or punishment. An alien may not be expelled from the Republic of Lithuania or returned to a foreign state if he or she has been given a decision period in accordance with the procedure established by the Government of the Republic of Lithuania, during which he or she, as a victim or former victim of crimes related to human trafficking, must decide whether or not to cooperate with a pre-trial investigation institution or with the court.

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<sup>1</sup> In accordance with Article 40(1)(8) of the Republic of Lithuania Law on the Legal Status of Aliens:

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

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

The decision to issue a temporary Lithuanian residence permit (for the above-mentioned grounds) is taken by the Migration Department, i.e. the same authority that is authorised to examine applications for asylum and to decide on granting asylum in Lithuania. The decision on a temporary permit to reside in Lithuania for unaccompanied minor aliens not being returned to a foreign state, aliens who cannot leave the Republic of Lithuania for humanitarian reasons, aliens who cannot be returned to the foreign state or expelled from Lithuania, and aliens whose expulsion from Lithuania is suspended can be made by the alien applying for such a temporary residence permit or by resolving the issue of the legal status of the alien in Lithuania (e.g. examining the alien's asylum application or deciding on the alien's return or expulsion).

Temporary Lithuanian residence permits issued to aliens for the aforementioned reasons are valid for one year. Once the temporary residence permit expires, the alien may apply for the temporary residence permit to be renewed. A temporary residence permit may be withdrawn if it was obtained by fraud, if the reasons for which the alien was issued the temporary residence permit cease to exist, if the alien's presence in the Republic of Lithuania may pose a threat to national security, public order or human health, or on other grounds provided for in Article 50 of the Law.

Aliens who are granted a temporary permit to reside in Lithuania for the above-mentioned reasons may work in Lithuania for the period of validity of the temporary residence permit, may take advantage of health care if they are working, and may study according to the procedure established by law. In principle, they are granted the same rights as other aliens legally present in Lithuania.

With regard to the aims of this study, a temporary residence permit issued to aliens who cannot leave the Republic of Lithuania for humanitarian reasons, aliens who cannot be returned to the foreign state or expelled from Lithuania, and unaccompanied minor aliens that cannot be returned to a foreign state<sup>2</sup> will be considered as national protection status and will be reviewed in further questions as far as the scope of this study entails.

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<sup>2</sup> In accordance with Article 40(1)(8) of the Republic of Lithuania Law on the Legal Status of Aliens.

# 1.

## Overview and mapping of national protection statuses

### Q1. Aside from the EU-harmonised protection statuses, are there any other protection statuses currently available in Lithuania?

In Lithuania, the following protection statuses are granted to aliens: refugee status, subsidiary protection and temporary protection.<sup>3</sup>

There are no other protection statuses established in national law, but it should be noted that in accordance with Article 40(1)(8) of the Law, a temporary Lithuanian residence permit may be issued to:

- Aliens who cannot leave the Republic of Lithuania for humanitarian reasons. In accordance with the Article 2(71) of the Law, Humanitarian reasons means an illness or other acute health impairment or condition, a personal reason which the alien could not have foreseen and avoided, and force majeure due to which the alien is unable to leave the Republic of Lithuania.

- Aliens who cannot be returned to the foreign state or expelled from the Republic of Lithuania in the cases specified in Article 130(1), Article 130(2) and Article 130(4) of the Law:

1. It is forbidden to expel or return an alien to a country where his or her life or liberty is in danger, or where he or she may be persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, or to a country from which he or she may later be sent to such a country.

2. An alien may not be expelled from the Republic of Lithuania or returned to a foreign state if there are serious grounds for believing that in that country, the alien will be subjected to torture or cruel, inhuman or degrading treatment or punishment.

3. An alien may not be expelled from the Republic of Lithuania or returned to a foreign state if he or she has been given a decision period in accordance with the procedure established by the Government of the Republic of Lithuania, during which he or she, as a victim or former victim of crimes related to human trafficking, must decide whether or not to cooperate with a pre-trial investigation institution or with the court.

- Unaccompanied minor aliens not being returned to a foreign state.<sup>4</sup> In the cases established in Article 129 of the Law:

1. An unaccompanied minor alien who is illegally present or residing within the territory of the Republic of Lithuania shall only be returned in the case that he or she will be duly taken care of in the foreign state to which he or she is returned, taking into consideration his or her needs, age and level of independence.

2. If an unaccompanied minor alien is not returned to a foreign state, he or she shall be issued a temporary residence permit valid for no more than one year.

<sup>3</sup> Article 2(121) and Article 2(23) of the Republic of Lithuania Law on the Legal Status of Aliens.

<sup>4</sup> In accordance with Article 2(161) of the Law, a minor alien is an alien who is under 18 years of age. In accordance with the Article 2(16) of the Law, an unaccompanied minor alien is a minor alien who entered the Republic of Lithuania without his or her parents or other legal representatives or who, after entering the Republic of Lithuania, was left without them, until said persons begin to effectively take care of him or her.

■ An alien when enforcement of a decision to expel is suspended, in the cases specified in Article 132(1) of the Law: an alien may be issued a temporary residence permit when enforcement of the decision to expel the alien from the Republic of Lithuania is suspended due to the fact that the foreign state that the alien can be expelled to refuses to accept him or her (the alien is refused admission by a foreign country to which he may be expelled); because the alien is in need of urgent medical care, the necessity of which is confirmed by the medical advisory committee of a health care institution; because the alien cannot be expelled for objective reasons (the alien does not hold a valid travel document, there are no possibilities to obtain travel tickets, etc.).

With regard to the aims of this study, a temporary Lithuanian residence permit issued to aliens who cannot leave the Republic of Lithuania for humanitarian reasons, aliens who cannot be returned to the foreign state or expelled from Lithuania, or unaccompanied minor aliens not being returned to a foreign state will be treated as national protection status and will be reviewed in further questions as far as the scope of this study entails.

## Q2. If no to Q1, please elaborate.

Not applicable.

## Q3. If yes to Q1, please complete Table 1 with the type of non-harmonised protection statuses currently available.

**Table 1** Type of non-harmonised protection status(es) currently available.

As mentioned in response to Q1, there are no (non-harmonised) national protection statuses established in Lithuanian national law, but in completing this table, a temporary residence permit for humanitarian reasons, inability to return and other reasons mentioned will be considered as national protection status.

	Yes	No	Comments
<b>Constitutional asylum</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Collective protection</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Other national (including humanitarian) statuses based on:</b>			
Medical reasons	<input checked="" type="checkbox"/>	<input type="checkbox"/>	An alien may be issued a temporary permit to reside in Lithuania due to an illness or other acute health impairment or condition.
Statuses available for climate change reasons and natural disasters	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Although national law does not provide for protection status for

			climate change reasons and natural disasters, an alien may be issued a temporary permit to reside in Lithuania in the event of force majeure.
Statuses available for local personnel of armed forces of respective Member States (e.g. interpreters in Afghanistan or Iraq)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Special statuses available for unaccompanied/aged-out minors	<input checked="" type="checkbox"/>	<input type="checkbox"/>	An unaccompanied minor alien who is not returned to a foreign state may be issued a temporary permit to reside in Lithuania. <sup>5</sup>
Special statuses available for children	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Other grounds</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	An alien who cannot be expelled or returned to a country where his or her life or liberty is in danger, or where he or she may be persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, or to a country from which he or she may later be sent to such a country, may be issued a temporary Lithuanian residence permit. An alien who is not expelled from the Republic of Lithuania or returned to a foreign state if there are serious grounds for believing that in that country, the alien will be subjected to torture or cruel, inhuman or degrading treatment or punishment may be issued a temporary permit to reside in Lithuania.
Prohibition to expel/return an alien			

<sup>5</sup> In accordance with Article 129 of the Law:

1. An unaccompanied minor alien who is illegally present or residing within the territory of the Republic of Lithuania shall only be returned in the case that he or she will be duly taken care of in the foreign state to which he or she is returned, taking into consideration his or her needs, age and level of independence.
2. If an unaccompanied minor alien is not returned to a foreign state, he or she shall be issued a temporary residence permit valid for no more than one year.

Q4. If yes to Q1, please complete Table 2 with the type of statuses currently available for relocated and resettled persons, persons who are admitted through private/community sponsorship or other type of special programmes.

**Table 2** Type of protection status currently available for relocated and resettled persons, persons who are admitted through private/community sponsorship or other type of special programmes.

As mentioned in response to Q1, there are no (non-harmonised) national protection statuses established in Lithuanian national law, but in completing this table, a temporary residence permit for humanitarian reasons, inability to return and other reasons mentioned will be considered as national protection status.

	Yes		No	Comments
	EU-harmonised protection status	Non-harmonised protection status		
<b>Status available for resettled persons</b>				
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<p>The transfer of aliens meeting the criteria established in the Law for granting asylum (refugee status or subsidiary protection) in the Republic of Lithuania from the territory of a European Union Member State or the territory of a third country to the territory of the Republic of Lithuania is carried out at EU level or according to bilateral agreements with European Union Member States or third countries.</p> <p>Within 24 hours of the transferred alien entering Lithuania and upon receipt of his or her application for asylum in Lithuania, a decision on examination of the application for asylum on the merits or a decision on granting asylum (refugee status or subsidiary protection) is taken.</p> <p>According to the Law, refugee status which the United Nations High Commissioner for Refugees granted the transferred alien may also be recognised.<sup>6</sup></p>

<sup>6</sup> Article 2 (Definitions), point 291 (Transfer of Aliens to the Territory of the Republic of Lithuania) and Article 871 (Transfer of Aliens to the Territory of the Republic of Lithuania) of the Law.

<b>Status available for relocated persons</b>				
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Same applies for relocated persons as for resettled persons. Please see above.
<b>Status available to beneficiaries of community/private sponsorship programmes</b>				
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Statuses available to beneficiaries of other special programmes</b>				
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	



# 2.

## Rationale, procedure and content of protection of national protection statuses

Q5. If yes to Q1 and indicated in Tables 1 and 2 types of non-harmonised protection status(es), please elaborate on rationale for the adoption of the status(es) and the determination procedure for each of the non-harmonised protection statuses. Please refer to the relevant law or policy throughout.

**Table 3:** Rationale for national protection status and determination procedure.

As mentioned in response to Q1, there are no (non-harmonised) national protection statuses established in Lithuanian national law, but in completing this table, a temporary residence permit for humanitarian reasons, inability to return and other reasons mentioned will be considered as national protection status	
<b>Background</b>	
Why was the status adopted?	N/A.
In what year was this status established?	N/A.
This status established on: A permanent basis	The above-mentioned bases are established in the Republic of Lithuania Law on the Legal Status of Aliens and are therefore valid permanently. Aliens who cannot leave the Republic of Lithuania for humanitarian reasons, <sup>7</sup> unaccompanied minor aliens not being returned to a foreign state, and aliens who cannot be returned to the foreign state or expelled from the Republic of Lithuania <sup>8</sup> may be issued a temporary Lithuanian residence permit valid for no more than one year. <sup>9</sup>

<sup>7</sup> In accordance with the Article 2(71) of the Law, 'Humanitarian reasons means an illness or other acute health impairment or condition, a personal reason which the alien could not have foreseen and avoided, and force majeure due to which the alien is unable to leave the Republic of Lithuania'.

<sup>8</sup> In the cases specified in Article 130(1), Article 130(2) and Article 130(4) of the Law:  
'Article 130. Prohibition to Expel or Return an Alien

1. It is forbidden to expel or return an alien to a country where his or her life or liberty is in danger, or where he or she may be persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, or to a country from which he or she may later be sent to such a country.

2. An alien may not be expelled from the Republic of Lithuania or returned to a foreign state if there are serious grounds for believing that in that country, the alien will be subjected to torture or cruel, inhuman or degrading treatment or punishment.

4. An alien may not be expelled from the Republic of Lithuania or returned to a foreign state if he or she has been given a decision period in accordance with the procedure established by the Government of the Republic of Lithuania, during which he or she, as a victim or former victim of crimes related to human trafficking, must decide whether or not to cooperate with a pre-trial investigation institution or with the court.'

<sup>9</sup> In accordance with Article 129(2), Article 130(5) and Article 130(1) of the Law.

As mentioned in response to Q1, there are no (non-harmonised) national protection statuses established in Lithuanian national law, but in completing this table, a temporary residence permit for humanitarian reasons, inability to return and other reasons mentioned will be considered as national protection status

<b>Legal basis</b>	
The status set out in: Legislation	The bases in question are established in the Republic of Lithuania Law on the Legal Status of Aliens.
<b>Eligibility</b>	
Who is eligible to receive this status?	<ul style="list-style-type: none"> <li>▪ An unaccompanied minor alien who is not returned to a foreign country;</li> <li>▪ An alien who cannot leave the Republic of Lithuania for humanitarian reasons (i.e. an illness or other acute health impairment or condition, a personal reason which the alien could not have foreseen and avoided, or force majeure);</li> <li>▪ When an alien cannot be returned to the foreign state or expelled from the Republic of Lithuania: <ul style="list-style-type: none"> <li>▪ It is forbidden to expel or return an alien to a country where his or her life or liberty is in danger, or where he or she may be persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, or to a country from which he or she may later be sent to such a country.</li> <li>▪ An alien may not be expelled from the Republic of Lithuania or returned to a foreign state if there are serious grounds for believing that in that country, the alien will be subjected to torture or cruel, inhuman or degrading treatment or punishment.</li> </ul> </li> </ul>
<b>Determination procedure</b>	
Is an application procedure set out in: Legislation	Established in the Law: An alien may apply for a temporary residence permit in accordance with the procedure provided in the Law. <sup>10</sup>

<sup>10</sup> In accordance with Article 40(1)(8) of the Law.

	Otherwise: the decision to issue a temporary residence permit may also be taken without the alien applying for a temporary residence permit. This decision may be made during other administrative procedures when the issue of the legal status of the alien in Lithuania is being resolved.
When is application for the national protection status possible: a) Immediately, as part of a single procedure examining the need for international protection b) Immediately, as part of a separate procedure c) After exhausting the asylum procedure in-country d) Other	Application is possible in all of the cases listed (a, b and c) as well as in resolving the issue of the legal status of the alien in Lithuania.
Where does the application take place:	In the territory of the Republic of Lithuania.
Briefly outline the procedure in terms of: ▪ Authorities involved in examining the application and, if applicable, the issuance of a permit of stay ▪ Existing timelines and notification of the (first instance) decision, information to the beneficiary	<p>The decision to issue a temporary residence permit on the grounds established in Article 40(1)(8) of the Law is taken by the Migration Department. The Migration Department is the only institution in Lithuania authorised to examine applications for asylum and to decide on granting asylum.</p> <p>If an alien has applied for a temporary residence permit based on Article 40(1)(8) of the Law, the application must be examined within the time limit prescribed by the Law, i.e. within four months of submission of the application.</p> <p>Meanwhile, an application for asylum in Lithuania must be examined on the merits as soon as possible and no later than within three months of the day of the decision of the Migration Department on examination of the application for asylum on the merits. The established time limit for examination of the application for asylum on the merits may be extended by decision of the Migration Department for a maximum of three months if it is impossible to hear the application for asylum</p>

	within the prescribed time limit because the investigation requires assessment of complex legal and/or factual circumstances.
<b>Appeal procedures</b>	
Is there an appeal in the event of a negative decision?	Yes. Decisions taken pursuant to the Law may be appealed against in accordance with the procedure established by the Law and the Law on Administrative Proceedings.
If yes, is it a two-level system of appeal or one level?	Two-level system of appeal.
If two level please explain:	The first instance is the Vilnius Regional Administrative Court and the second instance is the Supreme Administrative Court of Lithuania.
Does the appeal have an automatic suspensive effect?	Yes. In the cases provided in Article 139 of the Law:  1. Enforcement of a decision that has been appealed is suspended when: 1) the alien's residence permit is withdrawn; 2) the application for asylum filed by an alien who has entered the Republic of Lithuania from a safe third country is not examined and he or she is returned or expelled from the Republic of Lithuania to the safe third country; 3) the alien is refused asylum, except in the case when a decision is taken upon examining the application for asylum on the merits as a matter of urgency, examination of the asylum application is terminated, or the asylum granted is withdrawn and he or she is expelled from the Republic of Lithuania or returned to a foreign state.  2. In cases not established in paragraph 1 of this Article, enforcement of a decision that has been appealed may be suspended by order of the relevant administrative court on enforcement measures.
Are the authorities involved the same as those in appeal procedures against a negative decision in the international protection procedure?	Yes.

If the decision on the appeal is negative, will it result in a return decision being issued?	Yes, if there are no other grounds provided in the Law that would allow the alien to stay in Lithuania or which would make it impossible to return/expel the alien.
If there is no possibility for appeal, please explain what happens	N/A.
<b>Change of status</b>	
In case the applicant fails on appeal or his/her status ends or is not renewed, can s/he apply for: a. International protection status b. Other legal migration statuses	Yes. All aliens may apply for asylum (refugee status and subsidiary protection) in Lithuania. It should also be mentioned that an alien whose presence in Lithuania is legal may also apply in the procedure provided for in the Law for other grounds for issuing a Lithuanian residence permit provided for in the Law (e.g., as a family member, upon marrying a Lithuanian citizen, on the basis of work, etc.).
<b>Relevant case law</b>	
Is there any relevant case law (by the highest instance courts and final judgements) that led to systemic changes in the procedure (and/or with major policy implications) concerning this national protection status	No.

Q6. If yes to Q1 and indicated in Tables 1 and 2 types of non-harmonised protection status, please also fill in Table 4.

As mentioned in response to Q1, there are no (non-harmonised) national protection statuses established in Lithuanian national law, but in completing this table, a temporary residence permit for humanitarian reasons, inability to return and other reasons mentioned will be considered as national protection status	Yes	No	Other	Details
<b>Residence permit</b>				
Issuance of a residence permit required?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Aliens for whom Article 40(1) (8) of the Law is applicable are issued a temporary Lithuanian residence permit that is valid for no more than one year. In

As mentioned in response to Q1, there are no (non-harmonised) national protection statuses established in Lithuanian national law, but in completing this table, a temporary residence permit for humanitarian reasons, inability to return and other reasons mentioned will be considered as national protection status	Yes	No	Other	Details
				accordance with the provisions of Article 26(2) of the Law, simplified conditions <sup>11</sup> for issuing a TRP are applicable for such an alien.
Validity of the first residence permit (in years)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No more than one year.
Possibilities of renewal/extension?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Once the temporary Lithuanian residence permit expires, the alien may apply for the permit to be renewed, provided that the circumstances for which the TRP was granted have not ceased to exist.
Validity of the residence permit after renewal? (in years)	-	-	-	If a temporary residence permit was renewed on the basis of Article 40(1)(8) of the Law, the renewed temporary permit to reside in Lithuania is also valid for no more than one year.
Time period required to be entitled to permanent residence permit (in years) <sup>12</sup>	-	-	-	A permanent residence permit may be issued to an alien if he or she has resided continuously in the Republic of Lithuania for the past five years and had a temporary residence permit.

<sup>11</sup> The requirements provided for in points 2–5 of Article 26(1) of the Law do not apply: have valid health insurance or confirmation that the alien has pledged to cover the costs of the health care services provided thereto while living in the Republic of Lithuania; have adequate funds and/or receives regular income which is sufficient for subsistence in the Republic of Lithuania; have an appropriate living space, etc.

<sup>12</sup> See definition of permanent residence used in the Long-Term Residence Directive, i.e. third-country nationals who have resided and continuously within its territory for five years prior to the submission of the application for a permanent residence permit.

Does this time period differ from the general rule for applying for permanent residence permit?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Travel document</b>				
Is a travel document issued?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	A foreign national who has the right to reside in the Republic of Lithuania and is unable to obtain a travel document from his or her country of origin for objective reasons may be issued with a document entitling him or her to leave the Republic of Lithuania and return to the Republic of Lithuania during the period of validity of the document.
If so, what type of document is it?	-	-	-	An alien's passport.
Validity (in years)	-	-	-	An alien's passport is issued and renewed for the period of validity of the residence permit held by the alien but for no less than three months and no more than five years; if it is temporarily impossible to scan any of the alien's fingerprints, then for no more than one year.
<b>Accommodation</b>				
Access to accommodation (on the same basis as other legally residing third-country nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	No special provisions apply. An alien has the same rights and opportunities as other third-country nationals legally residing in Lithuania.
Access to specific schemes/programmes to support access to accommodation?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Dispersal mechanism <sup>13</sup>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

<sup>13</sup> In asylum policies, a 'dispersal mechanism' refers to a policy implemented by national authorities to 'distribute' asylum seekers or beneficiaries of protection across the territory of the State, to ensure an even distribution among local authorities and avoid 'overburdening' available accommodation or housing facilities.

As mentioned in response to Q1, there are no (non-harmonised) national protection statuses established in Lithuanian national law, but in completing this table, a temporary residence permit for humanitarian reasons, inability to return and other reasons mentioned will be considered as national protection status	Yes	No	Other	Details
<b>Family reunification</b>				
Right to family reunification?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	General provisions apply for family reunification, i.e. an alien who is being joined for the purpose of family reunification must have lived in Lithuania for two years, have a temporary residence permit valid for at least one year, and have reasonable prospects for acquiring the right to live in the Republic of Lithuania permanently.
Eligible family members, for example:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The alien's spouse or person with whom a registered partnership agreement has been concluded.
<ul style="list-style-type: none"> <li>▪ partner in a legal marriage or in a comparable relationship</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The alien's spouse or person with whom a registered partnership agreement has been concluded.
<ul style="list-style-type: none"> <li>▪ unmarried partner (e.g. registered partnership, cohabitation, attested long term relationship)</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The alien's spouse or person with whom a registered partnership agreement has been concluded.
<ul style="list-style-type: none"> <li>▪ underage partner</li> </ul>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The provisions for family reunification are applicable when both alien spouses are at least 21 years of age, except in cases when the alien who is joined by his or her spouse has a temporary residence permit issued to a long-term resident of the European Union and his or her family was created before coming to Lithuania.

<ul style="list-style-type: none"> <li>▪ minor child (beneficiary's and/or partner's; foster or adopted child)</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Minor children of the spouse or person with whom a registered partnership agreement has been concluded, provided that said are not married and are dependent on the parents.
<ul style="list-style-type: none"> <li>▪ adult dependent children (beneficiary's and/or partner's or adopted child)</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>▪ brother or sisters</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<ul style="list-style-type: none"> <li>▪ dependent parents</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Parents who have been dependent for at least one year and who cannot take advantage of the support of other family members living in a foreign state.
<ul style="list-style-type: none"> <li>▪ parents of UAMs</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Material requirements sponsor must guarantee, for example: <ul style="list-style-type: none"> <li>▪ accommodation</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A TRP can be issued to or renewed for a family member of an alien if the alien (sponsor) has an appropriate living space in the Republic of Lithuania which he or she plans to declare as his or her place of residence, which has at least seven square metres of floor area for each adult who has declared residence therein, and which he or she either owns or is using on the basis of lease or loan, with the corresponding contract concluded for a period at least as long as the temporary residence permit is valid and registered in the prescribed manner, or if the alien presents a pledge confirmed in the manner prescribed by legislation that a natural or

As mentioned in response to Q1, there are no (non-harmonised) national protection statuses established in Lithuanian national law, but in completing this table, a temporary residence permit for humanitarian reasons, inability to return and other reasons mentioned will be considered as national protection status	Yes	No	Other	Details
Material requirements sponsor must guarantee, for example:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	legal person will provide him or her, for the duration of the validity of the temporary residence permit, with an appropriate living space which he or she will declare as his or her place of residence, and which meets the living space per person requirement.
<ul style="list-style-type: none"> <li>■ accommodation</li> </ul>				
<ul style="list-style-type: none"> <li>■ health insurance</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A TRP can be issued to or renewed for a family member of an alien if the alien (sponsor) has a valid health insurance document when said is not covered by compulsory health insurance in the cases provided by the laws of the the Republic of Lithuania, or, in the cases established by the Government of the Republic of Lithuania, has confirmation that the alien or a Republic of Lithuania citizen residing in the Republic of Lithuania has pledged to cover the costs of the health care services provided to him or her while living in the Republic of Lithuania.
<ul style="list-style-type: none"> <li>■ sufficient income/financial means</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A TRP can be issued to or renewed for a family member

<ul style="list-style-type: none"> <li>■ sufficient income/financial means</li> </ul>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	of an alien if the alien (sponsor) has adequate funds and/or receives regular income which is sufficient for subsistence in the Republic of Lithuania.
<ul style="list-style-type: none"> <li>■ other (e.g. criminal record, medical certificate)</li> </ul>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
Is there an equivalent of a 'grace period' <sup>14</sup> during which no material conditions are required?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
What is the validity of the residence permit of the family member?	-	-	-	If an alien joins an alien who has a temporary permit to reside in Lithuania, then the former is issued a temporary residence permit for the same period as that of the alien whom he or she is joining.
<b>Labour market and qualifications</b>				
Specific conditions to be granted access (e.g. hold work permit)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	An alien is released from the obligation to obtain a work permit if the permit is issued on the basis of Article 40(1)(8) of the Law.
Access to procedures for recognition of qualifications?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The same as for all aliens legally residing in Lithuania.
<b>Social assistance</b>				
Social assistance limited to core benefits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
<b>Health care</b>				
Access to emergency health care?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Emergency health care is provided to all individuals.  An alien who has been granted a temporary Lithuanian residence permit is only entitled to health care services paid for from the Compulsory

<sup>14</sup> See Article 12 of the Family Reunification Directive: material requirements do not have to be fulfilled or may be subject to a grace period before these requirements apply (minimum 3 months).

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Access to emergency health care?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Health Insurance Fund <sup>15</sup> in the case that he or she is engaged in economic activities, e.g. working with a business certificate or employed under an employment contract.  If these aliens worked in Lithuania for at least six months, they have the right, upon termination of their activities or employment relations, to register with the local labour exchange as unemployed, in which case they will be covered by compulsory health insurance by the state while they look for a new job.
Specific support to those with special needs (e.g. to persons who have undergone torture, rape, or other serious forms of psychological, physical or sexual violence)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	An alien may apply for state aid, which is provided to all persons with special needs. <sup>16</sup>
<b>Education</b>				
Access to general system of education (same as nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The state guarantees all aliens who have the right to reside permanently or temporarily

<sup>15</sup> Compulsory health insurance – the state-established system of personal health care and economic measures which, in the case of an insured event, guarantees persons covered by compulsory health insurance, on the established grounds and conditions, the provision of health services and payment for the costs of these services, as well as reimbursement of the cost of purchasing medication and medical aids and the cost of renting medical tools (devices) necessary for providing health care to the insured at home.

<sup>16</sup> <https://socmin.lrv.lt/lt/veiklos-sritys/socialine-integracija/pagalba-nukentejusiems-nuo-prekybos-zmonemis>

Access to general system of education (same as nationals)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	in the Republic of Lithuania: pre-primary, primary, basic and secondary education; access to programmes of higher education or vocational training leading to a first qualification. <sup>17</sup> The children of a person who has the right to reside permanently or temporarily in the Republic of Lithuania are provided the opportunity to learn the state language in the state language, and, if possible, to learn their mother tongue.
Additional support provided (e.g. preparatory classes, additional classes of official language, remedial classes, assistance of intercultural assistant)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Additional support is not provided, but they may use services under the same conditions as other third country nationals legally residing in Lithuania.
<b>Integration</b>				
Access to 'mainstream' support (available for legally residing third-country nationals)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Special integration assistance is not provided, but they may use services under the same conditions as other third country nationals legally residing in Lithuania.
Access to targeted support (i.e. specifically for beneficiaries of the status)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
If so, how long is the support granted for?	-	-	-	
<b>End of protection</b>				
Are there any formal ways foreseen to end or refuse to renew the national protection status (e.g. it is foreseen in national legislation)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

<sup>17</sup> Compulsory education – education until the age of 16 according to the pre-primary, primary and basic curriculum is compulsory and guaranteed by the state for citizens of the Republic of Lithuania residing in the Republic of Lithuania and aliens who have the right to reside permanently or temporarily in the Republic of Lithuania.

As mentioned in response to Q1, there are no (non-harmonised) national protection statuses established in Lithuanian national law, but in completing this table, a temporary residence permit for humanitarian reasons, inability to return and other reasons mentioned will be considered as national protection status	Yes	No	Other	Details
How can national protection end?				In accordance with Article 50 of the Law, an alien's temporary residence permit is withdrawn if:
<ul style="list-style-type: none"> <li>▪ The person no longer qualifies for protection <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></li> <li>▪ Protection was fraudulently acquired <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/></li> <li>▪ Status ceased <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></li> <li>▪ Status can no longer be renewed <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/></li> <li>▪ Other (please explain)</li> </ul>				<ul style="list-style-type: none"> <li>▪ the permit was obtained by fraud;</li> <li>▪ the alien's presence in the Republic of Lithuania may threaten or poses a threat to national security, public order or human health;</li> <li>▪ the reasons for which the alien was not returned to the foreign state or expelled, or was not able to leave the Republic of Lithuania for humanitarian reasons, have ceased to exist, when the temporary residence permit was issued thereto on the basis established in Article 40(1)(8) of this Law;</li> <li>▪ the alien leaves to reside or has been residing in a foreign country for more than six months;</li> <li>▪ the alien has tax arrears in the amount of more than one basic social benefit to the state budget of the Republic of Lithuania, municipal budgets or funds, the taxes paid to which are administered by</li> </ul>

				the State Tax Inspectorate, or to the State Social Insurance Fund budget. <ul style="list-style-type: none"> <li>▪ the alien fails to fulfil customs obligations or has not paid a fine (fines) imposed according to the procedure established by the laws of the Republic of Lithuania in an amount of more than one basic social benefit.</li> </ul>
<b>Naturalisation/citizenship acquisition</b>				
Minimum legal residence required to apply for citizenship/naturalisation				Citizenship of the Republic of Lithuania may be granted by naturalisation to an alien who has been a legal permanent resident <sup>18</sup> of the Republic of Lithuania for the past 10 years. An alien who has married a citizen of the Republic of Lithuania may be granted citizenship if he or she has legally and continuously resided with his or her spouse in the Republic of Lithuania for the past seven years.
<b>Status offers more or less favourable conditions (compared to either refugee or subsidiary protection)</b>				
Please describe the extent to which the status offers more, same or less favourable conditions compared to either refugee or subsidiary protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	In light of the fact that there are no other forms of protection established in Lithuania that can be granted to aliens besides harmonised forms of international protection, and taking into account the fact that issuing a temporary residence permit to an alien who cannot leave

<sup>18</sup> Legal permanent residence in the Republic of Lithuania is when a citizen of another state or a stateless person holding a statutory document granting or confirming the right to reside in the Republic of Lithuania has been residing in the Republic of Lithuania continuously for an uninterrupted period established by law. A person is considered to have resided continuously in the Republic of Lithuania for one year if he or she lived in the Republic of Lithuania for at least six months during that year.



As mentioned in response to Q1, there are no (non-harmonised) national protection statuses established in Lithuanian national law, but in completing this table, a temporary residence permit for humanitarian reasons, inability to return and other reasons mentioned will be considered as national protection status	Yes	No	Other	Details
Please describe the extent to which the status offers more, same or less favourable conditions compared to either refugee or subsidiary protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	The Republic of Lithuania for humanitarian reasons or an alien who cannot be returned to the foreign state or expelled from the Republic of Lithuania is not considered a form of national protection, comparison regarding more or less favourable conditions is impossible.
<b>Relevant case law</b>				
Is there any relevant case law (by the highest instance courts and final judgements) that led to systemic changes in the procedure (and/or with major policy implications) concerning this national protection status?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A.

# 3.

## National debates and challenges as regards national protection statuses

Q7. Are the national protection statuses the subject of debate in your Member State (e.g. political, academic and civil society debate)?

No.

Q8. What are the key practical or operational challenges in your Member State regarding national protection statuses?

No practical or operational challenges as there were very limited number of such cases (2 in 2017, 3 in 2018).

Q9. Did Lithuania adopt any measures to tackle the above-mentioned challenges?

Not applicable.

Q10. Is your Member State planning to introduce any new protection statuses that have been announced publicly (i.e. in the form of official strategy documents, existing draft legislation or proposal)?

No.

Q11. Is your Member State planning to terminate or significantly change any of the protection statuses currently available?

No, but in February 2019, a proposal was registered in the Seimas of the Republic of Lithuania to expand the grounds for granting subsidiary protection, providing that subsidiary protection be granted to an asylum seeker who is outside his or her country of origin and is unable to return there due to a well-founded fear that he or she would be denied the right to a fair trial; however, this proposal is still in the discussion stage.

Q12. If applicable, have any of the statuses identified within the 2010 EMN study,<sup>19</sup> and within the scope of the present study, ceased to exist or been significantly amended since 2010?

Not applicable.

<sup>19</sup> The Different National Practices Concerning Granting of Non-EU-Harmonised Protection Statuses'. Member States that participated in the 2010 EMN study, were Austria, Belgium, Bulgaria, Czech Republic, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Netherlands, Malta, Poland, Portugal, Slovak Republic, Slovenia, Spain, Sweden and United Kingdom.

Study is available at : [https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european\\_migration\\_network/reports/docs/emn-studies/non-eu-harmonised-protection-status/0\\_emn\\_synthesis\\_report\\_noneuharmonised\\_finalversion\\_january2011\\_en.pdf](https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/non-eu-harmonised-protection-status/0_emn_synthesis_report_noneuharmonised_finalversion_january2011_en.pdf).

# 4.

## Conclusions

Q13. With regard to the aims of this study, what conclusions would you draw from your findings reached in elaborating your national contribution? In particular, what is the relevance of your findings to (national and/or EU level) policy-makers?

All of the protection statuses that are granted in Lithuania are harmonised at the European Union level. However, unaccompanied minor aliens not being returned to a foreign state, aliens who cannot leave the Republic of Lithuania for humanitarian reasons, aliens who cannot be returned to the foreign state or expelled from Lithuania and aliens whose expulsion from Lithuania is suspended may be issued a temporary Lithuanian residence permit.

The decision to issue such a temporary Lithuanian residence permit, taking into account the above grounds, is taken by the Migration Department, i.e. the same authority that is authorised in Lithuania to examine applications for asylum and to decide on granting asylum. The decision on a temporary permit to reside in Lithuania can be made by the alien applying for such a temporary residence permit or by resolving the issue of the legal status of the alien in Lithuania (e.g. examining the alien's asylum application or deciding on the alien's return or expulsion).

Temporary residence permits issued to aliens for the aforementioned reasons are valid for one year.

In addition, some of the requirements provided for in points 2–5 of Article 26(1) of the Law do not apply to them, namely: to have valid health insurance or confirmation that the alien has pledged to cover the costs of the health care services provided thereto while living in the Republic of Lithuania; have adequate funds and/or receives regular income which is sufficient for subsistence in the Republic of Lithuania; have an appropriate living space, etc.

Once the temporary Lithuanian residence permit expires, the alien may apply for the temporary residence permit to be renewed, provided that the circumstances for which it was granted have not ceased to exist. A temporary Lithuanian residence permit may be withdrawn if it was obtained by fraud, if the reasons for which the alien was issued the temporary residence permit cease to exist, if the alien's presence in the Republic of Lithuania may threaten or poses a threat to national security, public order or human health, or on other grounds provided for in Article 50 of the Law.

Aliens who are granted a temporary permit to reside in Lithuania for the above-mentioned reasons may work in Lithuania for the period of validity of the temporary residence permit, may take advantage of health care if they are working, and may study according to the procedure established by law. In principle, they are granted the same rights as other aliens legally present in Lithuania.

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European Migration Network (EMN) is a network composed of migration and asylum experts from EU Member States, Norway and the European Commission. Its main objective is to collect, analyse and provide up-to-date, objective, reliable and comparable information on migration and asylum to policy makers at EU and Member State level and the general public.

The EMN National Contact Point (NCP) in Lithuania is composed of representatives from the Ministry of the Interior, the Migration Department, the State border guard service as well as the International Organization for Migration (IOM) Vilnius office which acts the national co-ordinator for the EMN activities in Lithuania. EMN NCP in Lithuania also collaborates with other entities from governmental as well as non-governmental institutions working in the area of migration.

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