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Directorate B : Immigration and Asylum  
**Unit B1 : Immigration and Integration**

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**EUROPEAN MIGRATION NETWORK**

*First Focussed Study 2013*

*Attracting Highly Qualified and Qualified Third-  
Country Nationals*

**Common Template**

Final: 7<sup>th</sup> March 2013

**Subject:** Common Template for the EMN Focussed Study 2013 on “Attracting Highly Qualified and Qualified Third-Country Nationals” as proposed by the European Commission and AT EMN NCP.

**Action:** EMN NCPs are invited to submit their completed Common Templates by Friday 10<sup>th</sup> May 2013. If needed, further clarifications can be provided on the occasion of the 60<sup>th</sup> EMN NCP meeting or by directly contacting the EMN Service Provider (ICF GHK-COWI) at [emn@ghkint.com](mailto:emn@ghkint.com).

**EMN FOCUSSED STUDY 2013**

**Attracting Highly Qualified and Qualified Third-Country Nationals**

Top-line “Factsheet”  
(National Contribution)  
Executive Summary  
(Synthesis Report)

*National contribution (one page only)*

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

Currently, the main political document defining Lithuanian labour immigration policy is the Lithuanian Immigration Policy Guidelines. The Guidelines specify that immigration of third-country nationals must be temporary and only viewed as a secondary mean of meeting the need for labour market. The current Lithuanian immigration system is based on this principle.

Attraction of workers from third countries is left to the discretion of employers – third-country workers can come to Lithuania to work only at the initiative and/or invitation of employers (enterprises, higher education institutions, etc.), and most often they are subject to a labour market test. Third-country nationals can come to Lithuania only for the purposes of qualified or highly qualified employment; only Lithuanian residence may perform unskilled work.

The concept of a highly qualified third-country worker has been present in the law of Lithuania only since 1 January 2013, upon transposition of Directive 2009/50/EC and introduction of a new immigration scheme for highly qualified workers. So far, there has been a slow progress in making use of this scheme (during the first quarter of 2013, residence permits were issued to as few as 11 highly qualified workers and 1158 qualified workers).

Qualified workers include researchers and teachers, company executives and the prospective personnel within the framework of the Visaginas nuclear power plant project. For representatives of these groups a specific legal regulation has been provided for.

In order to facilitate and fast-track the immigration procedures of individual categories of third-country nationals and to make Lithuania more attractive for immigrants, the following measures are used: the possibility to enter under a national visa valid in the first year (it is issued much faster than a temporary residence permit); release from the fee for the issuance of a national visa; release from the obligation to obtain a work permit (for certain groups); the possibility to apply for a work permit without leaving Lithuania; the permission to bring family members (for highly qualified workers, researchers, investors).

Lithuania has concluded a number of international agreements on the exchange of scholars and other highly qualified workers, but their contribution to attraction of third-country workers is not evident and impact is currently limited.

In implementing migration policy, use is made only of statutory measures (legislative amendments), whereas other measures (e.g., cooperation with third countries in implementing projects, information campaigns, etc.) are in fact not undertaken.

The employer surveys carried out to date show that although employers experience bureaucratic difficulties in terms of bringing workers from third countries, they are in general satisfied with the current immigration system. However, there are also claims that the system needs to be further simplified. Meanwhile, the academic community and third-country nationals believe that the Lithuanian immigration system should be more flexible.

*Synthesis Report (up three pages)*

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

## Section 1 National Policies and Measures (Maximum 8 pages)

*This section reviews the national policies and measures that Member States employ in order to attract highly qualified and qualified third-country nationals. Reference is made to the International Standard Qualifications as regards education (ISCED) and occupation (ISCO-08) and/or the respective salary threshold when outlining the target group of these policies and measures (see examples above).*

### **1.1 Policies**

***Q.1. Are there national policies in place for the attraction of highly qualified and qualified third-country nationals?***

Yes. The Economic Migration Regulation Strategy<sup>1</sup> and the Lithuanian Immigration Policy Guidelines<sup>2</sup> stipulate the objective of attracting the labour force required by the Lithuanian labour market, especially highly qualified workers, from third countries. Lithuanian labour immigration policy is based on the principle that immigration is only a secondary means of addressing the problems of the national labour market.

Attracting students, teachers and researchers from third countries in order to promote the internationalisation of higher education in Lithuania remains an unvarying priority. This objective is enshrined in the Programmes on Internationalisation of Higher Education of Lithuania 2008-2010 and 2011-2012<sup>3</sup> and the Government Programme for 2012-2016.

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<sup>1</sup> Government of the Republic of Lithuania Resolution No 416 of 25 April 2007 on Approval of the Economic Migration Regulation Strategy and the Plan of Implementation Measures 2007-2008 (Official Gazette, No 77-3177, 2009).

<sup>2</sup> Government of the Republic of Lithuania Resolution No 1317 of 3 December 2008 on Approval of the Lithuanian Immigration Policy Guidelines (Official Gazette, No 143-5706, 2008).

<sup>3</sup> Government of the Republic of Lithuania Resolution No 732 of 9 July 2008 on Approval of the Programme on Internationalisation of Higher Education 2008-2010 (Official Gazette, No 85-3384, 2008) and Minister of Education and Science of the Republic of Lithuania Order No V-178 of 2 February 2011 on Approval of the Programme on Internationalisation of Higher Education 2011-2012 (Official Gazette, No 16-785, 2011).

The Lithuanian Government Programme for 2012-2016<sup>4</sup> stresses other aspects of migration (emigration reduction, promotion of return migration, combating irregular migration), but the Prime Minister has formed a working group to prepare, by 13 October 2013, and submit to the Government a draft of comprehensive migration policy guidelines.<sup>5</sup>

***Q1.a. If Yes, please indicate the following:***

- ***National definition of highly qualified third-country nationals, including references to relevant international standards such as ISCED/ISCO and/or salary thresholds;***

The amendments to the Law on the Legal Status of Aliens (hereinafter: the ‘LLSA’) which entered into force on 1 January 2013<sup>6</sup> introduce a definition of a high professional qualification and set forth requirements for third-country nationals seeking highly qualified employment. According to Articles 2 and 44 of the updated version of the LLSA, a third-country national is considered to be a highly qualified worker provided that (s)he meets the requirements listed in the table below.

Table 1: Highly qualified workers (requirements)

	<i>Requirements</i>	<i>Corresponding standard</i>
<i>1. Level of education or</i>	a) In the case of non-regulated professions – higher education qualification b) In the case of regulated professions <sup>7</sup> – professional qualification and, if required, professional experience	a) ISCED <sup>8</sup> Levels 5 and 6 b) ISCED level 4, 5 or 6; ISCO-08 Sub-major Groups 21, 22, 23, 26 and 32
<i>Experience</i>	a) In the case of non-regulated professions – not less than five years of professional experience equivalent to a higher education qualification, as stipulated by legal acts of the Republic	a) Currently not stipulated in legal acts

<sup>4</sup> Approved by Seimas of the Republic of Lithuania Resolution No XII-51 of 13 December 2012 (Official Gazette, No 149-7630, 2012).

<sup>5</sup> Prime Minister of the Republic of Lithuania Ordinance No 100 of 18 March 2013 on the Formation of a Working Group.

<sup>6</sup> Law Amending Articles 1, 2, 6, 9, 10, 11, 12(1), 17, 19, 21, 22, 24, 26, 33, 37, 38, 40, 43, 49(1), 50, 53, 54, 55, 57, 58, 89, 97, 98, 99, 100, 101, 102, 104, 106, 113, 128, 131, 133, 139, 140(1) and 141(1) and the Annex of the Law on the Legal Status of Aliens, Supplementing the Law with Articles 44(1), 49(3), 98(1), 99(1), 103(1), 105, 105(1), 105(2), 105(3), 105(4) and 106(1) and Repealing Articles 12(2), 13, 14, 15, 16, 18, 20 and 145 (Official Gazette, No 85-4450, 2012).

<sup>7</sup> The list of regulated professions of Lithuania is available from:

[http://www.profesijos.lt/go.php/lit/LR\\_reglamentuojamosprofesijos\\_irkompeten/80](http://www.profesijos.lt/go.php/lit/LR_reglamentuojamosprofesijos_irkompeten/80)

<sup>8</sup> ([http://www.unesco.org/education/information/nfsunesco/doc/isced\\_1997.htm](http://www.unesco.org/education/information/nfsunesco/doc/isced_1997.htm))

	of Lithuania <sup>9</sup> b) In the case of regulated professions – professional experience, if stipulated by legal acts of the Republic of Lithuania <sup>10</sup>	b) Currently no such professions
<b>2. Salary</b>	Not less than 2 amounts of average monthly gross earnings in the whole economy. <sup>11</sup> In April 2013, gross earnings should amount to not less than LTL 4092 (EUR 1186).	

➤ **National definition of qualified third-country nationals, including references to relevant international standards such as ISCED/ISCO and/or salary thresholds.**

National legislation does not define the concept of a qualified third-country national, but a systematic evaluation of legal acts allows for the conclusion that qualified workers are all other third-country workers who come to Lithuania for the purposes of employment and who are not attributed to the category of highly qualified workers.

Article 57(3) of the LLSA stipulates that a work permit may be issued to a third-country national if there is no specialist in Lithuania meeting the employer’s qualification requirements. This is reflected also in the procedure for issuing work permits to aliens<sup>12</sup> under which a work permit may be issued only to those third-country nationals who submit evidence of the relevant qualification.

Unskilled workers (ISCO-08, Level 9) may come to Lithuania for work only in hypothetical situations, if they fall in the category of persons exempt from the requirement to obtain a work permit in Lithuania.<sup>13</sup>

Table 2: Qualified workers (requirements)

	<i>Requirements</i>	<i>Reference to standard</i>
<b>1. Education level</b>	a) If a work permit is required – the relevant qualification b) If a work permit is not required – the relevant qualification, except for hypothetical cases <sup>14</sup>	a) ISCO-08 Levels 1-8 b) ISCO-08 Levels 1-8 (and Level 9?)

<sup>9</sup> So far, there has been no legal act in Lithuania which would stipulate the procedure for recognising professional experience as equivalent to higher education qualification.

<sup>10</sup> This case is hypothetical, because presently, effective legal acts require the appropriate level of education in all cases.

<sup>11</sup> Precise figures are available from: <http://osp.stat.gov.lt/web/guest/statistiniu-rodikliu-analize?portletFormName=visualization&hash=dc3a1bbf-9c34-47fb-9a69-1d08ed9710c2>

<sup>12</sup> Minister of Social Security and Labour of the Republic of Lithuania Order No A1-133 of 27 March 2013 on Approval of the Description of Conditions and Procedure of Issuance Work Permits to Aliens (Official Gazette, No 34-1675, 2013).

<sup>13</sup> These cases are specified in point 9 of the Rules for Issuance of Work Permits to Aliens.

<sup>14</sup> For example, if a person is a member of a traditional Lithuanian religious association (community) or a member of a religious society recognised by the State and is maintained by this society; if a person comes to Lithuania to provide charity as a representative of a foreign charity organisation.

<b>2. Work experience</b>	<p>a) If a work permit is required – two years of work experience in the relevant qualification acquired over the last three years. This requirement does not apply to third-country nationals who have acquired education in Lithuania or are doing residency in Lithuania, also posted workers, trainees, apprentices or visitors under the international agreements on youth exchanges to which Lithuania is a party;</p> <p>b) If a work permit is not required – this requirement does not apply</p>	
<b>3. Salary</b>	The salary may not be less than that of a Lithuanian citizen doing the same job. Currently, the basis is the amount of average monthly gross earnings by economic sector and the type of economic activity.	

***Q1.b. If Yes, do the policies distinguish between highly qualified and qualified third-country nationals?***

No. The Economic Migration Regulation Strategy (2007) deals with qualified workers from third countries, and the Lithuanian Immigration Policy Guidelines (2008) – with highly qualified workers. However, both documents were adopted at the time when Lithuania did not have any clear definition of a highly qualified third-country national. Both policy documents discussed the workers holding qualifications in the relevant shortage field, hence in the policy context the concepts ‘highly qualified’ and ‘qualified’ should be considered as synonymous.

***Q1.c. If Yes, please indicate the rationale for their distinction.***

N / A

***Q1.d. If Yes, what is the main rationale for these policies? What is the objective? Please consider whether this rationale is linked to circular, temporary or permanent migration.***

The main rationale for and objective of attraction of highly qualified workers to Lithuania are to contribute to the future-oriented development of Lithuania and to attract qualified workers to meet the needs of the Lithuanian labour market. As regards third-country teachers and researchers, they are attracted with a view to promoting the internationalisation of Lithuanian science, namely, to raising the global profile of Lithuanian higher education so that Lithuania would become an international centre of research and studies.

The policy of attraction of qualified workers focuses on the temporary migration of third-country nationals. One of the key objectives of Lithuania’s national policy is to promote the return of Lithuanian citizens who emigrated. Hence, the aim is to ensure that third-country nationals do not occupy jobs that will be needed by the Lithuanian citizens planning to return in the future.

It is somewhat more complicated to determine the actual aim of attracting researchers

and teachers from third countries, that is, whether it is temporary immigration or their long-term participation in the Lithuanian higher education and economy. As regards programmes on internationalisation of higher education, more attention has been paid to mobility of Lithuanian students, lecturers and researchers, while third-country nationals have been given a secondary role.<sup>15</sup> In such programmes, promotion of internationalisation of higher education is discussed as an isolated phenomenon, without relating this goal with other potential areas of development of the State (for example, the programmes do not focus on the link between research and innovation and the economic development, on the contribution of third-country nationals to improving the quality of studies, etc.). Programme implementation measures focus on facilitation of entry for researchers and teachers, rather than on their integration or provision of conditions for permanent residence. It follows that migration of researchers and teachers is also perceived as circular or temporary, rather than as a permanent migration.

***Q1.e. If Yes, briefly outline the main features of the policies. Please consider whether the following exists:***

The amendments to the LLSA which became effective on 1 January 2013 establish more favourable conditions for highly qualified workers to come to work in Lithuania. However, these conditions are specified in respect of implementation of Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, rather than in respect of implementation of Lithuanian policy on attraction of qualified workers.

Until the adoption of the mentioned amendments to the LLSA, there did not exist any specially developed entry scheme for skilled workers. Isolated measures were applied: fast-tracking of immigration procedures for qualified workers (teachers, researchers, and workers holding work permits may work for the first year in Lithuania under a national visa, which is issued faster than residence permits – within 15 days); facilitation of conditions for invitation of family members (highly qualified workers, researchers and teachers teaching under international agreements or academic exchange programmes are not subject to the requirement to have resided in Lithuania for two years and have reasonable prospects of obtaining the right of permanent residence in Lithuania).

- *Points-based system (i.e. a system that admits third-country nationals who have a sufficient number of qualifications and experiences from a list that typically includes language skills, work experience, education and age);*

No.

- *Employer-led system (i.e. a system that allows employers to select the workers they need, subject to, government regulations);*

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<sup>15</sup> For more information, see the study “International students in Lithuania” (2012) prepared by the Lithuanian (LT) EMN NCP.

Yes.<sup>16</sup> Employers must apply to state institutions for the issuance of work permits to third country nationals. Work permits allow third-country nationals to work a specific occupation for a specific employer. In order to change the nature of work or the employer, it is necessary to obtain a new work permit.

If a work permit is not required, third-country nationals must provide letters of mediation from their host employers or other evidence of entry for the purpose of employment with specific organisations or companies.

Thus, Lithuanian law does not provide for a possibility for third-country nationals to enter the country independently, without finding a specific employer beforehand. Certainly, the exception applies to third-country nationals who set up a company themselves or enter for the purpose of self-employment (and therefore do not have an employer).

- *Hybrid system (i.e. combination of points-based and employer-driven model);*

No.

***Q.2. Are other groups of third-country nationals included in the national policies on attracting (highly) qualified third-country nationals?***

Yes. While all third-country workers entering Lithuania can be divided into highly qualified and qualified workers, it is still possible to identify within these large groups several other categories of third-country nationals subject to special immigration rules.

***Q2.a. If Yes, please indicate what other groups are included (i.e. investors, entrepreneurs, international graduates, transferred workers etc.)?***

*Refer whenever possible to existing EMN studies covering relevant information on these groups.*

In the study “Satisfying labour demand through migration” (2010) prepared by the Lithuanian (LT) EMN NCP, the following are identified in the category of highly qualified workers:

- 1) top executives of a registered enterprise, agency or organisation, where the primary purpose of entry is employment with the enterprise;
- 2) foreign nationals who come to conduct research or engage in pedagogical activities.

Since 2013, highly qualified workers are defined according to specific criteria which would not be met by some representatives of the above categories (executives would not need to possess the required level of education, while researchers or teachers would not need to have sufficiently high earnings). Therefore, it is appropriate to identify these special categories and to establish individual immigration rules.

The Law on Nuclear Energy<sup>17</sup> which entered into force on 28 June 2012 identifies another category of third-country workers: third-country nationals who participate in

<sup>16</sup> For more information, see the study “Satisfying labour demand through migration” (2010) carried out by the Lithuanian (LT) EMN NCP.

<sup>17</sup> Official Gazette, No 73-3779, 2012.



the implementation of a new nuclear power plant project as natural persons or the staff of legal persons (including contractors and subcontractors), the staff (working on a part-time contractual basis) and agents entering Lithuania for the purpose of employment or pursuit of lawful activities in designing, constructing or otherwise implementing the project. Such third-country nationals must be in possession of the necessary qualifications required by the Lithuanian laws regulating construction activities.

These individuals will not be subject to a work permit, and temporary residence permits in Lithuania will be issued for three years (other third-country workers are issued temporary residence permits valid for one year) and may later be replaced. These individuals will be able to immediately bring family members, who will be issued temporary residence permits valid during the same period.

It should be noted that this Law will be valid only during the implementation of the specific Visaginas nuclear power plant project – when designing, constructing, and operating the power plant and decommissioning of the plant.

***Q.3. Do the policies in your Member State focus on specific areas of occupations?***

No. Laws do not deal with specific professions. However, there are individual programmes focusing on researchers and teachers coming to teach at Lithuanian higher education institutions.

***If Yes, please briefly indicate the specific areas of occupations and their link with the policies.***

As it has already been mentioned, attraction of scholars and researchers from abroad has the aim of promoting the internationalisation of higher education in Lithuania, improving the quality of higher education and research in Lithuania.

***Q.4. Has the transposition of EU Directives led to more favourable legislation/measures/conditions for specific groups of (highly) qualified third-country nationals?***

Yes.

***Q4.a. If Yes, please indicate the relevant Directives and the more favourable legislation/measures/conditions which were created for these specific groups (i.e. EU Blue Card Directive and Researchers Directive).***

Upon transposition, on 23 February 2008,<sup>18</sup> of Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (Researchers Directive), national legal acts stipulate a separate group of third-country nationals, namely, researchers. Until the transposition of the Directive, researchers were subject to general provisions applicable to other third-country nationals entering Lithuania for the purposes of employment or pursuit of

<sup>18</sup> Law Amending Articles 2, 5, 8, 26, 32, 35, 40, 43, 46, 50, 53, 71, 72, 90, 99, 104, 113, 124, 125, 126, 127, 131, 133 and 134, Section One of Chapter III and the Annex of the Law on the Legal Status of Aliens, Supplementing the Law with Article 49(2) and Repealing Article 7 (Official Gazette, No 22-803, 2008).

any other lawful activity. Upon the transposition of the Directive, the following favourable conditions have been provided and the following new measures have been introduced in respect of third-country researchers wishing to conduct scientific research and/or development activities:

- 1) researchers may immediately invite family members to join them (other categories of third-country nationals need to have resided in Lithuania for two years), they do not need to have reasonable prospects of permanent residence in Lithuania and to hold a residence permit valid for not less than one year;
- 2) researchers entering under the scheme introduced by the Researchers Directive (i.e., entering for the purposes of scientific research under an employment contract entered into with a research institution) do not need to obtain a work permit in Lithuania<sup>19</sup>;
- 3) researchers conducting research have been allowed to engage in pedagogical work at higher education institutions (i.e., allowed to work in a second job under the same residence permit);
- 4) legal acts stipulate that not only to the researcher himself, but also the host authority may apply for the issuance of a residence permit to the researcher.

Subsequent amendments have not introduced any major modifications to this scheme, apart from fast-tracking the entry of researchers to Lithuania (under a national visa).

Directive 2009/50/EC (the Blue Card Directive), as mentioned above, has also created a new scheme and introduced the concept of a highly qualified third-country worker. Until the transposition of the Directive into national law, the only facilitation provided for highly qualified workers was, basically, the possibility to bring family members in derogation of the requirements of two years of residence and reasonable prospects of permanent residence in Lithuania. Moreover, certain categories of workers were not subject to a work permit (this procedure remained in force also after transposing the Blue Card Directive). Upon the transposition of the Directive, the following favourable conditions and new measures have been specified in respect of highly qualified workers:

- 1) the amount of remuneration to be received by a worker to be considered highly qualified has been reduced – from the previously required three to two amounts of average monthly gross earnings;
- 2) the Lithuanian labour market needs assessment procedure applicable prior to the issuance of a residence permit to a worker has been facilitated – the procedure for decision-making when a person's occupation meets the labour market needs according to the high qualification<sup>20</sup> applies, rather than the standard procedure for issuance of

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<sup>19</sup> This provision has been applied since 27 April 2006, upon entry into force of a new procedure for issuing work permits, namely, Minister of Social Security and Labour of the Republic of Lithuania Order No A1-118 of 24 April 2006 on Approval of the Description of Conditions and Procedure of Issuance of Work Permits to Aliens (Official Gazette, No 46-1669, 2006).

<sup>20</sup> Approved by Minister of Social Security and Labour of the Republic of Lithuania Order No A1-587 of 28 December 2012 on Approval of the Procedure for Taking a Decision on Conformity of Jobs Requiring High Professional Qualifications of Aliens to the Needs of the Labour Market of the Republic of Lithuania (Official Gazette, No 1-11, 2013).

work permits. Facilitations are basically related to fast-tracking (labour market test was shortened from one month to 21 days; a decision is to be taken within 7+7<sup>21</sup> days, as compared to the time limits for the issuance of work permits laid down in respect of other categories: 21+20 (in general cases), 15+10 (in respect of interns and trainees), 14+10 (in respect of workers in shortage occupations, in accordance with the list approved by the Minister of Social Security and Labour) or 10+10 (in respect of aliens posted for work on a temporary basis, to carry out a specific project)) and simplification (the employer must submit a smaller number of documents, a decision adopted is immediately delivered to an authority in charge of adoption of a decision on the issuance of the residence permit) of the procedure;

3) in the third and subsequent years of employment in Lithuania, a highly qualified worker may change employers without having to replace his valid residence permit (other third-country nationals wishing to change the employer must obtain a new residence permit and a work permit, if required);

4) a highly qualified worker's application for the issuance of a residence permit is examined within two months (applications of other workers – no later than within six months);

5) when calculating the five-year period required for a highly qualified worker to be eligible for a permanent residence permit, account is taken of three years of residence in other EU Member States (other third-country nationals must have resided in Lithuania over the entire five-year period in order to obtain the permanent residence permit).

In the field of social protection, all employees are treated equally and are granted the same social benefits. The exception is child benefits: highly qualified workers or third-country nationals who have acquired the right of permanent residence in Lithuania alone are eligible for such benefits.

The table below presents the list of the main social benefits.

**Table 3: List of the main social benefits**

<b>Entitlement to unemployment benefits</b>	<b>Entitlement to child benefits</b>	<b>Free access to primary healthcare</b>	<b>Free access to secondary healthcare</b>	<b>Free access to compulsory education for children</b>
Allocation and payment of unemployment benefits in Lithuania are regulated by the Law on Unemployment Social Insurance (Official Gazette, No 4-26, 2004). Unemployment insurance benefits are paid to employees hired within the framework of compulsory insurance. These benefits are income-dependent. The insured persons who are registered as unemployed at a local labour exchange are eligible for an unemployment insurance benefit provided that they meet other requirements	Child benefits are allocated in Lithuania under the Law of the Republic of Lithuania on Benefits for Children (Official Gazette, No 89-1706, 1994). This Law also applies to aliens who reside in the Republic of Lithuania and who have been appointed guardians (curators) of a child who is a citizen of the Republic of Lithuania aliens residing in the Republic of Lithuania	Free access to primary healthcare in Lithuania is regulated by the Law of the Republic of Lithuania on the Health System (Official Gazette, No 63-1231, 1994). Emergency medical care is ensured for all aliens.	Free access to secondary healthcare in Lithuania is regulated by the Law of the Republic of Lithuania on Health Insurance (Official Gazette, No 55-1287, 1996). Access to healthcare is ensured for aliens who are unaccompanied minors, also the persons to whom international protection has been granted or who are legally employed in Lithuania.	Free access to compulsory education for children is regulated by the Law of the Republic of Lithuania on Education (Official Gazette, No 23-593, 1991). Free access to compulsory education is ensured for all children until the age of 16, also for aliens having the right of permanent or temporary residence in the Republic of Lithuania and for EU citizens and their

<sup>21</sup> The first digit shows the time of examination of an application by a local labour exchange, and the second digit – the time of taking a decision by the Lithuanian (national) labour exchange.

specified by legal acts.	and to alien children who reside in the Republic of Lithuania and who have been placed under guardianship (curatorship), also to aliens who reside in the Republic of Lithuania and who have been issued a temporary residence permit for the purposes of highly qualified employment in the Republic of Lithuania.			family members in possession of a certificate.
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***Q.5. Are the national policies addressing the aspect of brain drain in the countries of origin?***

A provision of Directive 2009/50/EC has been transposed into national law with a view to mitigating the impact of brain drain: the LLSA stipulates that the permanent residence permit held by a highly qualified worker is not revoked if (s)he departs to his/her country of origin for the purpose of undertaking employment, engaging in any other lawful activity or studying and does not stay abroad for more than 24 months in succession.

Apart from this case, Lithuanian migration policy does not devote attention to the problem of brain drain. On the other hand, as already mentioned, Lithuanian policy is more focused on the short-term attraction of third-country workers, hence, the aim is to make third-country workers to return to their countries of origin.

***Q.6. Are the national policies addressing the aspect of brain circulation with the countries of origin?***

No. For more information about regulation of circular migration in Lithuania, see the study “Circular and temporary migration” prepared by the EMN NCP for Lithuania (2010).

***Q6.a. If Yes (to either of these questions), please briefly indicate how the national policies address these aspects, supporting your answers with reference to research or any other sources of information.***

N / A.

***Q.7. Have your national policies been the subject of public debate?***

No. Currently, the largest migration problem, which is widely discussed by the media, politicians and various public figures, is emigration of Lithuanian citizens. In comparison, little attention is devoted to the issues of attraction of third-country nationals. It most often takes the form of occasional opinions exchanged by representatives of employers and economic analysts concerning the fact that with high volumes of emigration of Lithuania residents Lithuania needs or will soon need to resort to employment of third-country nationals.

Recently, there has been an increase in the number of articles, especially online media<sup>22</sup>, claiming that third-country nationals are making use of Lithuanian legal loopholes and easily obtain residence permits in Lithuania by establishing fictitious enterprises in Lithuania, contracting marriages of convenience with Lithuanian citizens or declaring a fictitious place of residence in Lithuania. The media are shaping the opinion that Lithuania is an easy gateway to the European Union. This issue has been discussed in the Committee on National Security and Defence of the Seimas. Presently, the Ministry of the Interior is drafting amendments to the law concerning the problem of abuse of a temporary residence permit for the purposes of engaging in lawful activities.

***Q7.a. If Yes, please briefly indicate the main features of the policies which were debated as well as the reasons for such debate and the level at which these occurred (e.g. Parliament, society, media). Please support your answer with reference to research or any other sources of information.***

N / A.

***Q7.b. If Yes, please briefly indicate possible impacts of the debate on the national policies.***

N / A.

## **1.2 Measures**

*Refer to the legal framework in case relevant changes to labour migration legislation have occurred as compared to the information contained in the EMN Study on Satisfying Labour Demand through Migration.*

***Q.8. Does your Member State employ concrete measures in order to satisfy the policy goals?***

Yes. The LLSA and secondary legislation provide for more favourable regulation of the entry of highly qualified workers, researchers and individual categories of qualified workers. Moreover, the issue of more favourable entry conditions for foreign investors is being considered.

The Ministry of Education and Science has introduced a programme on internationalisation of higher education designed to attract students from third countries to Lithuania (participation in study fairs) and a researcher career programme,<sup>23</sup> which has among its goals the attraction of researchers from third countries for a short period of time to assist in improving higher education in Lithuania.

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<sup>22</sup>For example, see

[http://www.respublika.lt/lt/naujienos/lietuva/kitos\\_lietuvos\\_zinios/savu\\_bedarbiu\\_neuztenka/](http://www.respublika.lt/lt/naujienos/lietuva/kitos_lietuvos_zinios/savu_bedarbiu_neuztenka/) ;  
<http://www.delfi.lt/news/daily/crime/vilniaus-policija-emesi-butu-savininku-apgyvendinanciu-burius-imigrantu.d?id=60947071> ; <http://www.delfi.lt/news/daily/lithuania/fiktyviai-santuokai-su-pakistanieciu-pasiryzusi-lietuve-buvo-isprievartauta-ir-uzdaryta.d?id=60701649> ;  
<http://www.delfi.lt/news/daily/lithuania/vsd-lietuva-garseja-kaip-salis-i-kuria-lengva-patekti-uzsienieciams.d?id=60665993> .

<sup>23</sup> Minister of Education and Science of the Republic of Lithuania Order No ISAK-2335 of 3 December 2007 (Official Gazette, No 44-1665, 2008, with subsequent amendments).

***Q8.a. If Yes, please indicate the measures that contribute to the implementation of the national policies and indicate their specific goals.***

Specific favourable provisions have already been mentioned in the section concerning transposition of directives. A brief summary will be presented here.

*The listings below can be used as examples. Please support your answers with reference to research or any other sources of information.*

- *Employer sponsorship and/or involvement in migration process;*

The entry of all workers employed under employment contracts is employer-led.

- *Free access to the labour market;*

No. Researchers, top executives of enterprises<sup>24</sup> and other individual groups which do not require a work permit, in the future also the nuclear power plant personnel can work only in a specific occupation which is the purpose of their entry. If they want to work in another occupation, they must obtain work permits. After the lapse of two years of employment, highly qualified workers are free to change employers, but only if they continue with highly qualified employment.

- *Fast-tracking of procedures;*

As mentioned above, highly qualified workers' immigration procedures (assessment of labour market needs and examination of applications for the issuance of a residence permit) have been fast-tracked. The entry procedure for a number of qualified workers has also been fast-tracked by providing the possibility to enter in the first year under a national visa (it is issued usually within 15 days) and to apply for a residence permit for the second year of employment while already staying and working in Lithuania. Since April 2011, a national visa may be issued to the following groups of qualified third-country nationals<sup>25</sup>:

- teachers, researchers and accompanying family members;
- professional athletes and coaches;
- artists;
- workers holding work permits;
- seafarers arriving to a ship registered in Lithuania or undergoing repairs in Lithuania;
- journalists accredited in Lithuania.

- *Provision of information including information campaigns;*

Yes. Information is provided, although the provision is not centralised. Information provided by the Migration Department (concerning entry conditions), the public establishment *Invest Lithuania* (information intended for entrepreneurs), higher

<sup>24</sup> With the exception of top executives of the enterprises whose authorised capital does not exceed LTL 50 000 and which has established less than 3 workplaces (see the procedure for issuing work permits).

<sup>25</sup> Minister of the Interior of the Republic of Lithuania and Minister of Foreign Affairs of the Republic of Lithuania Order No 1V-233/V-66 of 24 March 2011 on Amendment of Minister of the Interior of the Republic of Lithuania and Minister of Foreign Affairs of the Republic of Lithuania Order No 1V-280/V-109 of 2 September 2004 on Approval of the Description of the Procedure for Submitting Documents for the Issuance of Visas, Issuing and Revoking Visas, Consultation, Accrediting Tour Operators and Travel Agencies and Verifying Letters of Invitation for Temporary Entry of Aliens to the Republic of Lithuania (Official Gazette, No 38-1832, 2011, with subsequent amendments). For the first time, workers were able to enter the country under a national visa in 2007 (Official Gazette, No121-4969, 2007); in 2011, the list of workers eligible for a national visa was expanded

education institutions (for students), the Lithuanian Labour Exchange (for employers wishing to employ third-country nationals). Other special measures on (highly) qualified employee information are not undertaken.

➤ *Attendance of recruitment fairs abroad;*

This measure is not implemented in a targeted and planned manner. In some cases, Lithuanian representatives participate in international fairs presenting opportunities for investment, business or studies in Lithuania.

➤ *Cooperation with institutions/organisations in third countries;*

No.

➤ *Others*

As a rule, third-country nationals must obtain work permits in Lithuania when staying outside Lithuania. However, certain groups of third-country nationals have been given the opportunity to apply for a work permit in the territory of Lithuania.<sup>26</sup> These groups are as follows:

- third-country nationals who can enter Lithuania without a visa;
- third-country nationals who cannot be expelled or returned from Lithuania;
- students who have acquired education in Lithuania and have agreed with the employer on employment in Lithuania in the acquired profession;
- the third-country nationals who enter Lithuania under international agreements<sup>27</sup> on youth exchanges;
- the third-country nationals employed in the areas of economic activity in which a shortage of workers in a certain occupation<sup>28</sup> is established, resulting in restrictions on operation of the companies that employ third-country nationals.

Additionally, legal acts<sup>29</sup> provide that teachers who come under international treaties and researchers are exempt from fees for the issuance of a national visa.

***Q8.b. If Yes, are there any measures aimed at facilitating the integration of (highly) qualified third-country nationals?***

No.

*The listings below can be used as examples. Please support your answers with reference to research or any other sources of information.*

➤ *Improvement of language proficiency;*

➤ *Provision of information and civic orientation;*

<sup>26</sup> Minister of Social Security and Labour of the Republic of Lithuania and Minister of the Interior of the Republic of Lithuania Order No A1-223/IV-310 of 28 September 2004 on Approval of the Description of Conditions and Procedure of Issuance of Work Permits to Aliens during Stay in the Republic of Lithuania (Official Gazette, No149-5435, 2004, with subsequent amendments).

<sup>27</sup> So far, a single agreement with Canada has been concluded.

<sup>28</sup> A shortage occupation list classified by economic activity is approved on a semi-annual basis by the Minister of Social Security and Labour. During the economic boom, this list contained up to 20-30 occupations, while in the first half of 2013, as few as four occupations were listed (see [http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_l?p\\_id=441379&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_l?p_id=441379&p_query=&p_tr2=2)).

<sup>29</sup> The Law of the Republic of Lithuania on Fees and Charges (Official Gazette, No 52-1484, 2000) and the Law of the Republic of Lithuania on Consular Fees (Official Gazette, No 51-951, 1994).

- *Social and legal guidance.*

**Q.9. Do public policies exist in your Member State that specifically aim at positively influencing the immigration decision of (highly) qualified third-country nationals?**

Yes. However, such initiatives are very limited (see information below).

**Q9.a. If Yes, please also indicate such incentives.**

*The listings below can be used as example. Please support your answers with reference to research or any sources of information*

- *Family reunification rights*

In accordance with general provisions, third-country nationals wishing to invite family members to come to Lithuania must have resided in Lithuania for the last two years, hold a residence permit valid for at least one year and have reasonable prospects of obtaining the right of permanent residence in Lithuania.

In order to attract qualified workers, an exception to this rule has been made for the following groups of third-country nationals:

- highly qualified workers;
- researchers;
- teachers who have entered the country to teach under the international treaties to which Lithuania is a party or according to EU academic exchange programmes with third countries;
- aliens who, by directly participating in the projects of importance to the State, have invested in Lithuania a property owned by them, borrowed or managed and used by the right of trust.

Moreover, family members of teachers and researchers have been provided with the opportunity to obtain a national visa and, after entering Lithuania together with the teachers and researchers, to reside in the country for a year and subsequently apply for a residence permit.

- *Tax incentives*

No. In Lithuania, tax incentives, if any, apply depending on workers' social and economic situation, rather than their nationality.

- *Social security / other welfare benefits*

Yes. Highly qualified workers and researchers are granted social benefits provided by respectively Directive 2009/50/EC and Directive 2005/71/EC. No additional privileges have been provided for.

- *Equal treatment / anti-discrimination measures*

No. General human rights protection provisions apply.

- *Language course*

No.



### 1.3 Relations with third countries and labour migration agreements

#### ***Q.10. Do the policies in your Member State focus on specific third countries?***

Yes. The Lithuanian Immigration Policy Guidelines establish that in attracting workers from third countries, it is purposeful to introduce geographical priority to workers from Belarus, Ukraine, Moldova and the South Caucasus countries. However, this political initiative has not been implemented by any specific instruments.

#### ***Q10.a. If Yes, please list these third countries, providing a brief indication of the reasons for focusing on specific third countries?***

Belarus, Ukraine, Moldova, Georgia, Armenia, Azerbaijan.

Lithuania gives priority to the EU's Eastern Partnership countries for historical and political reasons (the Soviet occupation, Lithuania's aspiration to help those countries in respect of European integration and consolidation of democracy). Lithuanian employers opt for citizens of these countries, particularly Belarus and Ukraine, due to a similar mentality, for linguistic and cultural reasons (the ability to communicate in Russian, a similar approach to work) as well as for other practical reasons (e.g. Long-haul truck drivers do not need visas for Russian federation/CIS countries).

#### ***Q.11. Has your Member State entered into labour migration agreements relating to attracting qualified and/or highly qualified third-country nationals to the national territory?***

Yes:

- The Agreement between the Government of the Republic of Lithuania and the Government of the Russian Federation of 29 June 1999 on the Temporary Employment of Citizens;
- The Agreement between the Government of the Republic of Lithuania and the Government of Ukraine of 28 March 1995 on Mutual Employment of Nationals.

#### ***Q11.a. If Yes, what role do these labour migration agreements play in executing your Member State's policies?***

These agreements were concluded no longer meet the present-day realities, while the provisions laid down in such agreements are less flexible than the general provisions of the LLSA on labour immigration.<sup>30</sup> Therefore, the agreements in principle do not contribute to implementation of Lithuanian migration policy.

#### ***Q11.b. If Yes, please fill out the following:***

##### ***- Agreement No.1***

***Third country:*** Ukraine

***Date of agreement:*** 28 March 1995 (entered into force on 11 August 1995)

<sup>30</sup>For more information, see the study "Satisfying labour demand through migration: Lithuanian contribution" (2010) carried by the Lithuanian (LT) EMN NPC.

**Purpose of agreement:** To stipulate entry conditions for highly qualified workers.

**Number of third-country nationals who have benefited from this measure:**  
Data unavailable

**Was the agreement adopted in the framework of Mobility Partnerships?**

No.

**- Agreement No.2:**

**Third country:** Russian Federation

**Date of agreement:** 29 June 1999 (entered into force on 5 January 2000)

**Purpose of agreement:** To stipulate entry conditions for highly qualified workers.

**Number of third-country nationals who have benefited from this measure:**  
Data unavailable

**Was the agreement adopted in the framework of Mobility Partnerships?**

No.

**Q.12. Has your Member State adopted legislations facilitating labour migration from specific third countries ('country-specific legislation')?**

No.

**Q12.a. If yes, please elaborate concisely.**

N / A

**Q.13. Has your Member State entered into other more favourable arrangements with non-EU/EEA countries and/or regions relating to attracting qualified and/or highly qualified third-country nationals to the national territory?**

Yes. Lithuania has concluded agreements in the field of investment promotion, which, among other provisions, contain provisions on the entry of investors and personnel (for example, an agreement between Lithuania and India on investment promotion, ratified on 3 November 2011). Lithuania has also entered into agreements with third countries on cooperation in the fields of science, culture, education, and arts.<sup>31</sup> Moreover, an agreement has been signed with Canada on youth mobility, and an agreement with New Zealand on a working holiday programme is being coordinated

**Q13.a. If yes, please elaborate concisely.**

The common goal of agreements on cooperation in the areas of science, culture and related fields is to improve the level of knowledge of science, technology, culture, and

<sup>31</sup> Agreements have been concluded with Armenia, Belarus, Brazil, Philippines, Georgia, India, Israel, USA, Kazakhstan, China, Columbia, Croatia, Mexico, Mongolia, Serbia and Montenegro, Turkey, Ukraine, Uzbekistan, Venezuela. These agreements are available from:  
[http://www.smm.lt/t\\_bendradarbiavimas/tsusitarimai.htm](http://www.smm.lt/t_bendradarbiavimas/tsusitarimai.htm)

education, and one of the ways to achieve this goal is the exchange of teachers, scholars and other experts in these fields, encouraging their cooperation and work in joint projects, participation in international conferences. However, these agreements are of a very general nature, they do not contain specific provisions concerning the entry and employment of experts in the Contracting States.

The Lithuanian-Canadian agreement on youth mobility,<sup>32</sup> which entered into force on 1 October 2012, pursues the aim of enabling young people to improve their professional and language skills, study and work during their holiday in another Contracting State, get to know its society and culture. Third-country nationals may make use of this agreement no more than twice and enter the Contracting State each time for a period not exceeding a year. In order to work in Lithuania, young people still need to obtain a work permit and a national visa. The only significant facilitation is exemption from the labour market test.

## Section 2 Evaluation and Effectiveness of Measures (Maximum 4 pages)

*This section reflects on the effectiveness of national measures as described in Section 1 and the methods used for evaluation. This analysis shall help to identify good practices and lessons learnt in Section 4.*

### **2.1 Evidence of effectiveness based on statistics**

*A template table for statistics will be provided.*

Please provide statistics that reflect the scale and scope of highly qualified and qualified labour immigration of third-country nationals using statistics provided by Eurostat and other relevant national statistics that are available<sup>33</sup>. Please present the following:

- The number of third-country nationals employed and self-employed in the respective Member State in the relevant ISCO groups (i.e. those related to qualified and highly qualified employment according to national definitions) over the last 5 years aggregated by sex and age group.
- The number of third-country nationals employed and self-employed in the respective Member State over the last 5 years aggregated by relevant ISCED level of education (i.e. those associated with qualified and highly qualified employment according to national definitions), sex and age group.
- The number of first residence permits issued for relevant reasons (e.g. highly skilled workers, EU Blue Card) over the past 5 years aggregated by sex and age group.

In the beginning of 2013, in Lithuania lived 32.3 thousand foreigners which constituted 1 per cent of the total population. According to the Labour force survey 12.5 thousand foreigners worked in Lithuania in (2012 data). .

<sup>32</sup> The text of the agreement is available from: <http://www.socmin.lt/index.php?-1339462387>

<sup>33</sup> Please take into account the comments made under section V. Available Statistics.

The new scheme for highly qualified workers was introduced only on 1 January 2013, so it is too early to evaluate whether it will help to attract more highly qualified workers. Over the first five months of 2013, 11 decisions on job compliance with the needs of the Lithuanian labour market have been adopted under the scheme (see Table 9) and, so far, two temporary residence permits have been issued (one issued for the first time, the other – replaced).<sup>34</sup> By comparison, over the same period qualified workers have been issued 1158 work permits.

It is likely that employers are not yet familiar with the new scheme of attraction of highly qualified workers, hence they do not employ it. Another possible reason for the small number of applicants under this scheme is the requirement of a high salary, given the fact that Lithuania has not reached the pre-crisis level of wages.

Other statistical data of relevance for the present study are presented in tables below:

Table 4: *Decisions on issuance or replacement of temporary residence permits by ground*

	2008	2009	2010	2011	2012
Researchers	1	2	9	6	9
Persons in possession of a work permit	7110	4305	1743	2176	3230
Persons intending to undertake employment under an employment contract not subject to a work permit	132	130	99	96	115
Top executives of enterprises or legal representatives	147	187	180	*	*
Company owners or co-owners	581	827	386	*	*
Persons intending to engage in other lawful activities <sup>35</sup>	307	337	1000	1817	2852
Other grounds	5780	6069	6121	5809	5831
<b>Total in the year concerned:</b>	<b>13911</b>	<b>11670</b>	<b>9358</b>	<b>9904</b>	<b>12037</b>

\* Since 2011, top executives of enterprises / legal representatives and company owners / co-owners have been assigned to 'Other lawful activities'

Data of the Migration Department

Table 5: *National visas issued to third-country nationals*<sup>36</sup>

2008	2009	2010	2011	2012

<sup>34</sup> Data of the Lithuanian Labour Exchange under the Ministry of Social Security and Labour and the Migration Department under the Ministry of the Interior.

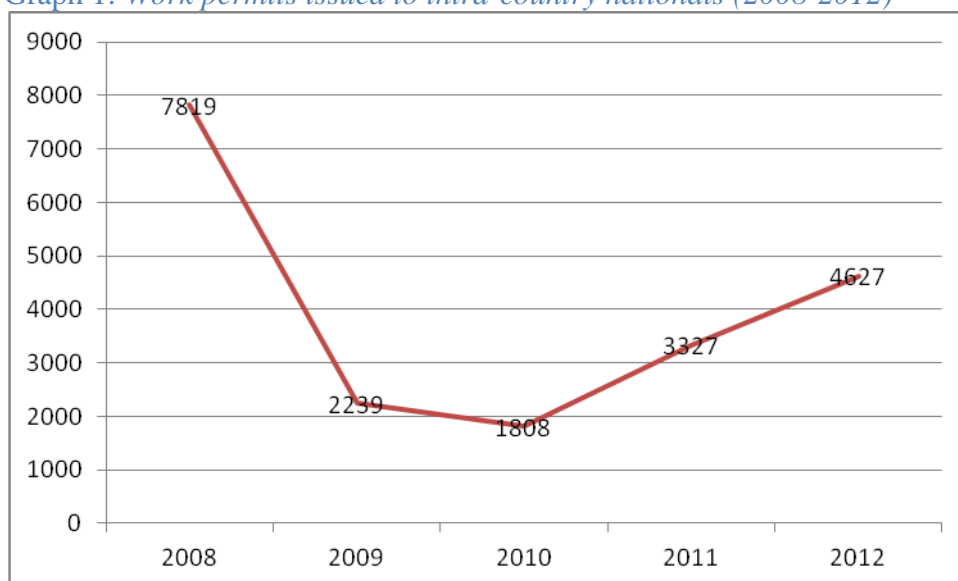
<sup>35</sup> This category includes other third-country nationals who intend to engage in economic activities not subject to work permits and other authorisations.

<sup>36</sup> This figure includes both visas issued for the purpose of entering Lithuania to collect a residence permit and visas permitting to stay and work in Lithuania for up to a year.

6649	3327	2520	3993	5139
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Data of the Migration Yearbook published by the Migration Department

Graph 1: Work permits issued to third-country nationals (2008-2012)



Lithuanian Labour Exchange

Table 6: Top occupations of third-country workers (rounded to 1 decimal place)

Occupation	Year				
	2008	2009	2010	2011	2012
Long-haul truck driver	2660	720	1140	2270	3270
Metal ship hulls assembler	470	130	150	360	410
Metal constructions fitter	700	340	10	30	30
Other	2160	580	270	350	410
Welder	700	200	90	170	330
Restaurant chef	160	130	100	120	130
Stonemason	940	70	0	0	0
Consultant	30	70	50	30	40
<b>TOTAL</b>	<b>7820</b>	<b>2240</b>	<b>1810</b>	<b>3330</b>	<b>4620</b>

Lithuanian Labour Exchange

Table 7: Top nationalities of third-country workers

Countries	2008	2009	2010	2011	2012
Belarus	2350	630	910	1430	1940
Ukraine	1800	580	420	1210	1900
Russia	310	70	80	130	150
China	550	200	110	170	180
Moldova	470	110	60	120	120
India	80	90	70	60	60
Georgia	160	20	50	50	50
Sri Lanka	0	10	30	30	30
Kazakhstan	20	10	0	20	20
USA	20	20	10	20	10
Thailand	0	0	0	10	10

Other	2060	500	70	80	160
<b>TOTAL</b>	<b>7820</b>	<b>2240</b>	<b>1810</b>	<b>3330</b>	<b>4630</b>

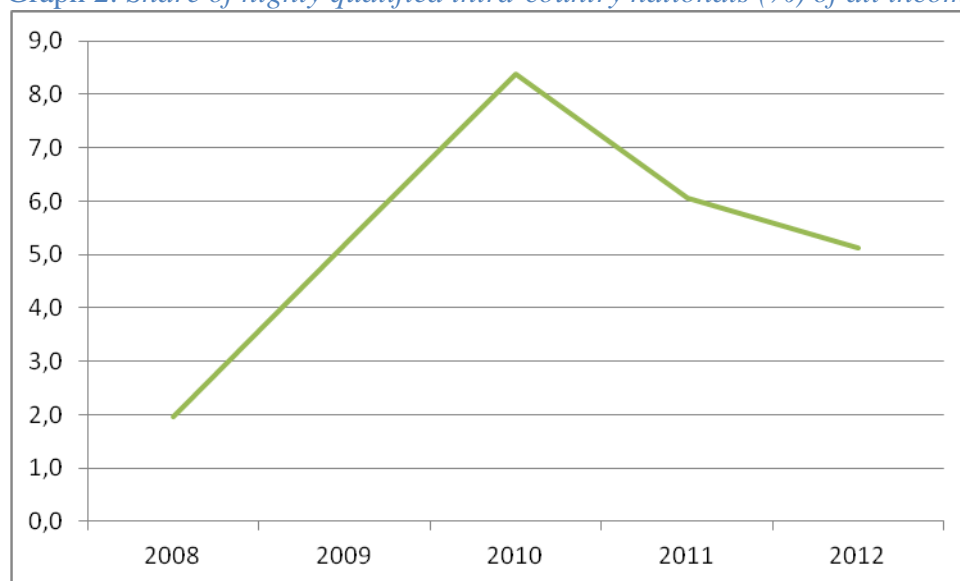
Lithuanian Labour Exchange

Table 8: *Highly qualified and qualified third-country nationals* (according to ISCED, rounded to one decimal place)

<i>Category</i>	<b>2008</b>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>
Highly qualified	150	110	140	190	225
Qualified	7670	2130	1670	3140	4400
<b>Percentage</b>	<b>2.0</b>	<b>5.2</b>	<b>8.4</b>	<b>6.1</b>	<b>5.1</b>

Lithuanian Labour Exchange

Graph 2: *Share of highly qualified third-country nationals (%) of all incoming workers*



Lithuanian Labour Exchange

Table 9: *Work permits issued to highly qualified workers under the EU Blue Card directive* (from 1 January 2013 until 1 May 2013)

<b>Nationality</b>	<b>Job position</b>	<b>Duration</b>	<b>Salary</b>
<b>Ukraine</b>	Assistant to Director / Translator	2 years	LTL 4.400
<b>Ukraine</b>	Import / Export Manager	2 years	LTL 5.000
<b>Ukraine</b>	Computer Systems Engineer	2 years	LTL 6.666
<b>Ukraine</b>	Computer Systems Engineer	2 years	LTL 6.666
<b>Belarus</b>	Sales Manager	2 years	LTL 6.843
<b>Belarus</b>	Otorhinolaryngologist	2 years	LTL 4.464
<b>Belarus</b>	Echoscopia specialist	2 years	LTL 4.464
<b>Russian Federation</b>	Deputy Director	2 years	LTL 4.500
<b>Belarus</b>	Deputy Director	2 years	LTL 4.605
<b>USA</b>	Director	2 years	LTL 10.000
<b>India</b>	Deputy head of institution	2 year	LTL 10.600

Lithuanian Labour Exchange

***Q.14. Is there any evidence (quantitative and/or qualitative) of a link existing between the measures outlined in Section 1 and the immigration of highly qualified and qualified third-country nationals?***

No. Data show that immigration was mostly caused by the outbreak of the economic crisis in 2008 and the beginning of economic recovery in 2012, which is particularly reflected by statistics of the issuance of temporary residence permits to workers subject to a work permit.

Transposition of the Researchers Directive into national law in 2008 seems not to have promoted researchers' coming to Lithuania, because only a few temporary residence permits have been issued since then (for example, nine permits in 2012). Moreover, it may well be that researchers enter Lithuania on other grounds, rather than under the special scheme designed for researchers. Such an assumption is supported by the information of the Ministry of Education that 34 third-country nationals entered Lithuanian in 2012 under a special programme for attraction of teachers (who are often also researchers).

It is unclear as to the extent to which the range of workers eligible for a national visa, as expanded in 2011, affected the increase in the number of issued national visas in 2012, because the demand for workers grew overall along with the recovery of the economy.

In 2009, the LLSA was amended<sup>37</sup> increasing the authorised capital requirement for owners of enterprises. Respectively, the changes to the procedure for issuing work permits done in 2010 increased the authorised capital requirement for enterprises intending to invite third-country nationals to the position of the top executive of an enterprise (the authorised capital requirement was increased up to LTL 50 000). This significantly reduced the number of applications for the issuance of temporary residence permits to top executives, owners or co-owners of enterprises. However, all those willing to gain entry began to set up companies in Lithuania and apply for temporary residence permits as owners and top executives of such enterprises in the same person (in such cases, a work permit is not required). Therefore, the number of temporary residence permits issued to third-country nationals who intend to engage in lawful activities has not decreased, but is constantly growing, although it is observed that some of these enterprises do not seek to carry out real activities or carry out minimum activities, just to obtain a residence permit.

***Q14.a. If yes, please elaborate concisely.***

N / A.

*The listings below can be used as examples. Please support your answers with reference to statistics or any other sources of information.*

- *Increase in the number of residence permits for the purpose of highly qualified employment since implementation of the measure(s);*

<sup>37</sup> Law Amending Articles 2, 4, 5, 8, 10, 11, 21, 26, 34, 35, 43, 45, 51, 53, 62, 63, 64, 80, 81, 93, 101, 102, 106, 125 and 140(1) of the Law on the Legal Status of Aliens and Supplementing the Law with Article 141(1) (Official Gazette, No 93-3984, 2009).

- *Faster filling of job vacancies corresponding to the domestic demand according to employer response survey;*
- *Qualification and occupation match (over/under-qualification).*

**Q.15. Is there a quota for highly qualified and qualified third-country nationals?**

No.

**Q15.a. If Yes, is the quota exhausted?**

N / A.

**Q.16. Is there any evidence (quantitative and/or qualitative) of a link existing between the labour migration agreements (also in the framework of Mobility Partnerships) outlined in Section 1 and the immigration of highly qualified and qualified third-country nationals?**

No. As mentioned above, third-country nationals enter under general procedures, rather than in the framework of agreements on employment of third-country nationals. Data are being collected on the Lithuanian citizens who have departed under the Youth Mobility Agreement signed by Lithuania and Canada.

Table 10: *Lithuanian citizens entering Canada under the youth exchanges programme*

Number/Year	2009	2010	2011	2011
Participants	75	200	200	200

Office of the Embassy of Canada to Lithuania

**Q16.a. If yes, please elaborate concisely.**

N / A.

*If (statistical) evidence as requested above regarding concrete measures and labour migration agreements is not available, please outline and analyse any other statistics which may provide indications of the effectiveness of the national policies and measures.*

N / A.

## 2.2 National methods of evaluation

**Q.17. Does primary research (using any methods) exist in your Member State evaluating the national policies, related practical measures and labour migration agreements (also in the framework of Mobility Partnerships) implemented to attract highly qualified and qualified third-country nationals?**

The study “Satisfying labour demand through migration: Lithuanian contribution” (2010) prepared by the LT EMN NCP evaluates the previous research in the field of labour migration which appeared in the public domain and reached policymakers. The study states that “previous studies do not in principle evaluate and do not question Lithuanian immigration policy, do not assess the future needs of the Lithuanian labour market and do not provide long-term strategic guidance on immigration issues”. In 2011 and 2012, no primary research was done in this field.

**Q17.a. If Yes, which methods have been used?**

N / A.

**Q17.b. If Yes, what is the outcome regarding the effectiveness of these measures**



*and labour migration agreements?*

N / A.

**2.3 Policy makers' or other stakeholders' (i.e. academics, non-governmental or private sector representatives) experience**

***Q.18. If evidence (see 2.1 and 2.2) is not available, what is then the national policies makers' or other stakeholders' experience and assessment regarding the (perceived) effectiveness of measures (see also questions under 2.2)?***

A study of labour demand prepared in 2007 at the request of the Ministry of Economy<sup>38</sup> has shown that employers are not interested in highly skilled, but in cheap labour force, which they can attract immediately, not in the future. The study, based on results of surveys of employers and statistics, concludes that Lithuanian labour migration policy “meets the needs of the State and does not require major adjustments. Immigration should continue to be viewed as a secondary, additional tool of solving labour market problems”.

A study<sup>39</sup> conducted in 2008 at the request of the Office of the Government of the Republic of Lithuania shows the same results of the employers' survey. The latest survey conducted by *Invest Lithuania* (“Investuok Lietuvoje”) shows that over the past three years, approximately 15% of the companies (having an opinion on the issue) have seriously considered the possibility of recruitment of foreign nationals.

The recent initiatives of policymakers to change the regulation of the legal status of aliens<sup>40</sup> indicate, on the one hand, the effort to speed up and facilitate immigration procedures for researchers, teachers and other qualified workers (although no structural and material changes have been proposed) and, on the other hand, the desire to prevent abuse of regular migration channels. Policymakers are aware that employers and other private sector representatives are would like immigration procedures to be more facilitated, but are wary about solving the problem so as not to create additional opportunities for abuse. Thus, employers, private sector representatives and policymakers believe that the overhaul of the current immigration policy is not required.

Among recent initiatives of policy-makers, only one offers a more significant liberalisation of the immigration procedure. This is a proposal to allow students from third countries to stay in Lithuania after graduation for a period of 3 months in order to look for a job.<sup>41</sup> However, these initiatives have not been implemented.

<sup>38</sup> “Analysis of the labour market and suggestions for resolving the problem of labour force shortage, taking into account the State’s economic development forecast for 2008-2015”, “ETKC”, UAB, Kaunas (2007).

<sup>39</sup> “Impact of EU migration policy initiatives on Lithuania and Lithuania’s objectives in developing the European Union’s policy in the area of regular and irregular migration”, Public Policy and Management Institute, Vilnius (2008).

<sup>40</sup> Proposed draft amendments to the LLSA are available from:

[http://www3.lrs.lt/pls/inter3/dokpaieska.rezult\\_1?p\\_nr=&p\\_nuo=&p\\_iki=&p\\_org=&p\\_drus=2&p\\_kalb\\_id=1&p\\_title=u%FEsienie%E8i%F8&p\\_text=&p\\_pub=&p\\_met=&p\\_lnr=&p\\_dnr=&p\\_es=0&p\\_tid=&p\\_tkid=&p\\_t=0&p\\_tr1=2&p\\_tr2=2&p\\_gal=&p\\_rus=1](http://www3.lrs.lt/pls/inter3/dokpaieska.rezult_1?p_nr=&p_nuo=&p_iki=&p_org=&p_drus=2&p_kalb_id=1&p_title=u%FEsienie%E8i%F8&p_text=&p_pub=&p_met=&p_lnr=&p_dnr=&p_es=0&p_tid=&p_tkid=&p_t=0&p_tr1=2&p_tr2=2&p_gal=&p_rus=1)

<sup>41</sup> 2 draft amendments to the LLSA have been submitted:

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_1?p\\_id=402024&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_1?p_id=402024&p_query=&p_tr2=2)

[http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc\\_1?p\\_id=421948&p\\_query=&p\\_tr2=2](http://www3.lrs.lt/pls/inter3/dokpaieska.showdoc_1?p_id=421948&p_query=&p_tr2=2)

Meanwhile, the academic community (the Lithuanian EMN NCP study referred to in Section 2.2 above) believes that Lithuania “pursues a rather conservative and passive labour immigration policy”, “a political response [to the needs of the labour market] is often inadequate and belated” and “the labour force is brought according to the fire-extinguishing principle, basically meeting only the needs of large businesses”. A survey of third-country researchers conducted in 2009<sup>42</sup> also showed that the Lithuanian immigration scheme as applicable to the researchers is considered inflexible, there is a lack of information about it.

The latest analysis performed by *Invest Lithuania* shows that the impact of workers from third countries (particularly those who are highly qualified) on the Lithuanian economy is positive. In 2012, highly qualified workers paid LTL 5.7 million to the Lithuanian budget.<sup>43</sup>

### Section 3 Challenges and Barriers (Maximum 4 pages)

*This section reflects on possible challenges and barriers that may affect the attractiveness of a Member State for highly qualified and qualified third-country nationals' immigration.*

#### 3.1 Possible challenges and barriers

***Q.19. Have challenges and barriers in your country been identified based on previous research which affect the attractiveness of your Member State for (highly) qualified third-country nationals?***

Yes.

***Q19.a. If Yes, please indicate these factors.***

The research mentioned in this study allows for the conclusion that Lithuanian immigration policy is shaped on an *ad hoc* basis and is intended to ‘extinguish fires’, i.e., to meet the current needs of employers, but lacks a long-term outlook. Without a long-term vision for migration policy, it is impossible to shape an effective and progressive strategy for attraction of qualified third-country nationals to Lithuania.

*The listing below can be used as an example. Please support your answers with reference to statistics, research or any other sources of information (e.g. media debates, case-law, policy documents, practitioners' views, private sector and other stakeholders):*

- *Salaries/Wages;*

Lithuania is not one of the economically strongest countries in the EU,<sup>44</sup> so it is difficult for it to compete with other EU Member States in the area of wages. Moreover, employers often require cheap labour force to fill the vacancies left by

<sup>42</sup> Survey “Researchers’ mobility and its social aspects”, Vilnius (2009), conducted by the Lithuanian Social Research Institute at the request of the Ministry of Education and Science of the Republic of Lithuania.

<sup>43</sup> P. Vertelka “*Investicinės aplinkos gerinimas: darbo rinka*” (“Improvement of the investment environment: Labour market”) (report), Invest Lithuania, 2013.

<sup>44</sup> See, for example, Eurostat data on GDP of the EU Member States

[http://epp.eurostat.ec.europa.eu/cache/ITY\\_OFFPUB/KS-GL-13-001/EN/KS-GL-13-001-EN.PDF](http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-GL-13-001/EN/KS-GL-13-001-EN.PDF)

Lithuanian emigrants.

- *Economic crisis;*

Lithuanian labour migration policy is employer-led, hence the economic crisis had a significant negative impact on immigration of third-country nationals (see the statistics presented above).

- *Language;*

Statistics show that employees are most often recruited from the states where the Russian language is commonly used (for linguistic and cultural reasons). Universities face more obstacles, hence it is stated in programmes on internationalisation of higher education of Lithuania that universities need to develop more study programmes in foreign languages. It is clear that foreigners do not speak Lithuanian and have very limited opportunities to learn the language before coming to Lithuania.

- *Formal/Informal discrimination;*

No.

- *Public discourse / debate;*

No.

- *Bureaucracy;*

The above-mentioned studies highlight the fact that immigration procedures are lengthy, inflexible, and complicated. Therefore, third-country nationals often need the assistance of intermediaries (employers, universities, acquaintances, lawyers) to manage all administrative formalities.

- *Monetary and non-monetary (time) costs;*

The immigration procedure of qualified workers can take eight to 4-5 months (approximately two months to obtain a work permit, approximately 3 months to obtain a temporary residence permit and a time limit for obtaining an entry visa / entry). Now workers are provided with a possibility of entering under a national visa, therefore immigration time is reduced to 2-3 months.

- *Lack of information;*

Some respondents in the above-mentioned studies complained about the lack of information. Lithuania does not carry out information campaigns, and the information presented on websites of government agencies is succinct and formal.

- *Working conditions;*

No.

- *Small/weak academic/scientific community;*

No.

- *Waiting time to process visa applications in the Member State*

National visas are issued within 10 working days (in exceptional cases the period can be prolonged up to 30 days).

- *Society opinion*

Yes. The survey “Attitude of the Lithuanian population towards immigration and labour migrants” carried out in 2010 by the LT EMN NCP shows that 58 per cent of

Lithuanian residents view immigration as a negative phenomenon.

**Q.20. If such evidence is not available, what is then the national policies makers' or other stakeholders' experience and assessment regarding the challenges and barriers which affect the attractiveness of your Member State for (highly) qualified third-country nationals?**

N / A

**Section 4**  
**Conclusions**  
(Maximum 2 pages)

The *Synthesis Report* will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.

**Q.21. What conclusions would you draw from your findings that are relevant to the aims of this Focussed Study? Can you identify good practices and lessons learnt with regard to attracting highly qualified and qualified third-country nationals? What is the relevance of your findings to (national and/or EU level) policymakers?**

1. Lithuanian migration policy is based on the principle that employment of third-country nationals must be only a secondary means of meeting the needs of the labour market. Lithuanian migration policy encourages short-term migration of qualified workers currently required by employers and does not focus on a long-term perspective, when demographic and economic challenges will need to be dealt with. Immigration policy is not linked to the economic development strategy.
2. EU Directives 2009/50/EC and 2005/71/EC, intended to attract highly qualified workers, either are not suitable for the Lithuanian labour market or have been transposed into national law by imposing strict requirements, as third-country workers apply for the issuance of temporary residence permits under the schemes established by the directives only in single cases. In addition, employers often require low-skilled workers who do not fall within the scope of the directives or are unwilling to pay higher wages to such workers.
3. The process of attracting employees from third countries is, basically, taking place at the initiative of employers, hence immigration of workers is highly dependent on the economic situation in Lithuania: immigration flow starts to grow when there is a need for employers to employ third-country workers, which is only slightly dependent on national migration policy initiatives.
4. In attracting third-country workers, the State plays a relatively passive role of a guard / assistant by gradually facilitating immigration procedures and protecting the country from the migrants intending to abuse the system. In fact, the State does not engage in intermediation, does not help employers find employees in third countries, does not carry out information campaigns and does not organise job (career) fairs.