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Challenges and Practices for Establishing Applicants' Identity in the Migration Process

2017/2

EMN STUDY

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Summary

Overview of the situation. Lithuania faces challenges in establishing applicants' identity during the asylum and return processes. When issuing **temporary residence permits and visas**, issues regarding establishing identity do not arise since persons who apply for such documents are required to present a valid travel document. If the required document is not provided, a visa or permits are not issued.

In Lithuania, the following methods are used to establish identity: taking and examining fingerprints (both in the national and the EURODAC systems), photographs and interviewing. DNA, age determination tests and language analysis may be used as required, but they are rarely used in practice. Neither of the measures is prioritised over the other. Interviewing is the most frequently used method, in the course of which a person provides all information which is then evaluated by the officials who participate in asylum and/or return procedures.

Asylum procedure. During 2012-2016, on average approximately 380 **applications for asylum** used to be lodged in Lithuania annually. During 2012-2015, approximately 40 per cent of asylum seekers failed to present documents confirming their identity, however, this number increased to 66 per cent in 2016. Such a change might be explained by the fact that in 2016 the majority of applicants were Syrian citizens relocated from Greece who arrived without documents confirming their identity.

The absence of documents that confirm identity does not, in and of itself, impede the examination of applications for asylum and reaching decisions **in the procedure for asylum**; however, establishing the identity of such persons demands more human and financial resources as well as complicates implementing return procedures. Decisions to grant or refuse asylum are taken having considered the entirety of all documents, information, reports on the situation in the country of origin collected during the period of examination of an application for asylum. Each asylum case is reviewed very thoroughly and on an individual basis and the decision can be reached only after a comprehensive investigation is completed. In the course of establishing a person's identity, all

information and documents collected are analysed thoroughly in their entirety, and all are considered to be relevant (e.g., a university diploma, a marriage certificate, etc.). When examining applications for asylum, the credibility of the person's statements, including those about his or her identity, are assessed in accordance with the established procedure. If the information provided by the asylum applicant and the person's explanations, unsupported by documentary evidence, are consistent, non-contradictory and not contrary to universally known facts, such data is assessed in favour of the person.

It should be noted that over the course of asylum procedures, the following spectrum of establishing identity is used: a person's identity is established on the basis of travel or personal documents provided by the asylum applicant; a person's identity is established based on the statement by the asylum applicant or other than travel or personal documents; a person's identity is not established. When implementing return procedures, such a spectrum is not as relevant because a valid travel document or return document issued by the country of origin that automatically confirm the person's identity are necessary.

Return. Issues of establishing identity arise over the course of **return procedures** as well, though the number of aliens that cannot be returned is very low, 1 to 5 cases per year on average. The main reason for this is the failure to obtain return documents from the country of origin because there is no diplomatic mission of that country in Lithuania. Experts note that if there is a signed readmission agreement between the countries or if the alien arrives from a country with which Lithuania has a work experience and trustworthy contacts, there are usually no issues regarding establishing a person's identity arising over the course of the return procedure. Establishing a person's identity usually becomes problematic when there is no signed readmission agreement with the third country or no cooperation experience.

In recent years, officers have been facing the issue of **establishing a person's identity and issuing return documents** when organising returns of citizens of the Socialist Republic of Vietnam. There is no embassy of Vietnam in Lithuania and no readmission agreement. Sometimes issuing a return document takes longer than 6 months. There have also been cases when the embassy did not provide official answers to submitted inquiries regarding persons who claimed to be citizens of Vietnam but did not have documents that confirmed their identities. Under such circumstances these aliens, having stayed for the maximum period of detention (18 months) are released from detention. This problem surfaced in 2015 when one citizen of Vietnam was released, in 2016 there were 27 such cases and in Q1 2017 – 4 cases.

Responsible authority. The **central authority** which decides on asylum and on returns is the Migration Department (hereinafter referred to as the MD). Using all available information, the officers of the Migration Department decide on granting of asylum (and issue residence permits in Lithuania which grants the right to temporary reside in Lithuania and is recognised as an official personal document) or on refusal to grant asylum and a person's return (a decision must include the person's identity and the country to which the person has to be returned)[1].

As the number of asylum seekers keeps growing and the map of their countries of origin expands, it is likely that the questions related to establishing identity will become more and more relevant to Lithuania. For this reason it is necessary to share good practices with other countries that have more experience in the field.

[1] The State Border Protection Service (SBPS) and the police also decide on returns.

1.

The National Framework

1.1. CHALLENGES IN RELATION TO IDENTITY MANAGEMENT IN THE MIGRATION PROCESS

Question (further – Q) 1. Is the issue of establishing identity considered an issue/ challenge within the framework of the procedure for?

a) Considering the need for international protection?

No, since precise establishment of identity (exact name, exact surname, exact date of birth) only rarely directly affects the assessment of the need for asylum while the decisions to grant or refuse asylum are taken having considered all documents, information, reports on situation in the country of origin collected over the period of the examination of applications for asylum in their entirety. Having considered the fact that during the examination of an application it is forbidden to consult with the country of origin of the applicant, the personal information given by the applicant usually does not cause legitimate doubt. The most essential element of identity is the country of origin, the establishment of which is necessary for the assessment. There have been only a few cases when it has been proven difficult to accurately determine the country of origin, so it is not viewed as an 'issue', besides, determining that the asylum seeker has given false information about the country of origin does not prevent a decision (to refuse asylum).

b) Preparing for the forced return of a rejected applicant for international protection to their (presumed) country of origin?

Yes. If there is a signed readmission agreement between the countries, also if the person is returned to a country, the institutions of which there is a good contact with, there is a history of cooperation, there is a consulate of that country operating in Lithuania, there are usually no issues in establishing identity because there is a specific institution, terms and procedure defined according to which the return of an alien is implemented.

Issues regarding establishing the identity of a person in the return process arise when there is no signed readmission agreement and/or cooperation practice with the third country. In such cases there is no appointed official institution to which the request should be submitted, there is no defined template of the request and the term for delivering an answer is not specified. An even bigger issue is the absence of an embassy or consulate of a certain country in Lithuania which deal with establishing a person's identity and obtaining a return document. In some cases, issuing a return document takes more than 6 months and sometimes no answer is received.

Another issue is aliens who do not want to be identified and consciously withhold genuine information about themselves.

c) Verifying applications for the following categories:

- Visitors visa

No, because the requirement to present a valid travel document is a necessary condition for visa applicants. Without a document confirming a person's identity the person would be unable to lodge such an application. As a result, only applications where the person's identity is not only established but also confirmed reach the 'verification' stage.

- Residence permits issued for:
  - Family reasons;

    No. See the answer regarding visas. It is necessary to present a valid travel document, the application is not accepted without it.

  - Study reasons;

    No. See the answer regarding visas. It is necessary to present a valid travel document, the application is not accepted without it.

  - Remunerated activities;

No. See the answer regarding visas. It is necessary to present a valid travel document, the application is not accepted without it.

– Non-EU harmonised protection status (i.e. resident permit on humanitarian or medical grounds.

No, because usually in these situations the person is denied asylum but is allowed to stay on humanitarian grounds, i.e. the decision regarding such a permit is taken within the limits of the asylum procedure. It has been explained above why it is not seen as a challenge when implementing asylum procedures.

If Yes, please briefly outline for any or all the cases above the main issues, challenges and difficulties within Lithuania (e.g. no identification documents, false documents, multiple identities, applicants from certain third countries)

N/a.

Q2a. Please also indicate which factors have contributed to the issues identified in Q1 (e.g. the volume of cases where no credible documentation is available has increased, the measures used to substantiate the applicants' identity are considered ineffective, there is no enough funding or qualified staff etc.).

As noted in the answer to Q1a, the most important element of identity is the country of origin, the determination of which is necessary for the assessment. There have been only a few cases when it has been proven difficult to accurately determine the country of origin, so it is not viewed as an 'issue', besides, determining that the asylum seeker has given false information about the country of origin does not prevent a decision (to refuse asylum).

Meanwhile, the majority of negative decisions regarding asylum and decisions to return have been taken with respect to citizens of Georgia, Ukraine, Russian Federation and Belarus. Lithuania has been implementing returns to these countries for many years, it has good contacts with foreign institutions, embassies of all these countries are operating in Lithuania, so the process of returning aliens is rather smooth. As mentioned in the answer to Q1b, it is more difficult to return aliens to countries the number of persons arriving from which is statistically low because there is a lack of experience and such countries do not always have their embassies in Lithuania. This impedes cooperation and the acquisition return documents. The number of aliens that cannot be returned is very low, 1 to 5 cases per year. The main reason for this is the failure to obtain return documents from the country of origin because there is no diplomatic mission of that country in Lithuania. Currently Lithuania is facing the issue when it is not possible to establish the identity and obtain return documents for citizens of Vietnam who enter Lithuania irregularly.

Q2b. In relation to Q2a above, has Lithuania experienced a change in the number of received applications for international protection and irregular migrants in recent years?

Yes, there has been an increase of applications for asylum. The increase of the number of applications for asylum is linked to Lithuania's participation in relocation programmes within the EU. However, this does not influence the establishment of identity since the identities of these persons are established in Greece or Italy, before the applicants arrive in Lithuania.

Meanwhile, the scale of irregular migration in Lithuania is small. The number of detained persons who arrive in Lithuania by irregular entry of the national border as well as the number of persons detained within the borders of the country are decreasing.

In 2016, 1205 irregular migrants were detained inside the country. Out of them 958 were citizens of third countries who had not left the country until their visas expired. It was mostly citizens of Russia and Belarus.

In 2016, 146 irregular migrants who arrived in Lithuania by irregularly crossing the national border were detained. Out of them the absolute majority was detained near the Belorussian border. Compared to 2015, the number dropped 43% and compared to 2014 it dropped as much as 61%. This decrease was mostly influenced by the decreased influx of citizens of Georgia, Afghanistan and Vietnam irregularly migrating through the Lithuanian border.

If Yes, was this change an important reason for the above-mentioned challenges and difficulties?

No.

If Yes, please further elaborate on how this factor has contributed to the identified challenges and difficulties.

N/a.

Q3. Has Lithuania faced challenges in considering asylum applications/ implementing the return of third-country nationals as a result of their identity not being acknowledged by the (presumed) country of origin?

Yes. With regard to asylum procedures, no, because over the course of examining the application it is forbidden to consult the country of origin of the applicant, subsequently the verification of a person's identity is not sought from its institutions.

With regard to return procedures certain challenges are faced, mostly related to difficulties in obtaining return travel documents.

If Yes, please provide the list of countries of (claimed) origin for which establishing identity was considered to be particularly difficult as of 31st December 2016, (i) when considering asylum applications; (ii) for implementing return.

(i) N/a.

(ii) Officers of the Foreigners' Registration Centre (hereinafter the FRC) of the State Border Protection Service (hereinafter SBGS) face the issue of establishing a person's identity and issuing return documents when organising the return of citizens of the Socialist Republic of Vietnam. There is no embassy of Vietnam in Lithuania and no readmission agreement with Vietnam. When solving the issue of establishing a person's identity and obtaining a return document, Lithuania cooperates with the embassy of Vietnam in Poland. Sometimes issuing a return document takes longer than 6 months. There have also been cases when the embassy did not provide official answers to submitted requests regarding persons who claimed to be citizens of Vietnam but did not have documents that confirmed their identities.

Another issue arises when some aliens who claim to be citizens of Vietnam do not want to be identified and consciously withhold genuine information about themselves. Under such circumstances these aliens, having stayed for the maximum period of detention (18 months) are released from the FRC. This problem surfaced in 2015 when one citizen of Vietnam was released, in 2016 there were 27 such cases and in Q1 2017 – 4 cases.

In order to solve this issue, the management of the SBGS participated in a meeting with the management of the competent institutions of Vietnam in April 2017. It was decided to sign a mutual cooperation agreement. It is likely that this will significantly speed up the process of establishing the identity of citizens of Vietnam.

1.2. STATISTICAL INFORMATION

Q4. Please provide, to the extent possible, the following statistics (with their source) along with, if necessary, an explanatory note to interpret them if, for example, the statistics provided are partial, had to be estimated (e.g. on the basis of available statistics that differ from the ones requested below, or of first-hand research) or if they reflect any particular. If statistics are not available, please try to indicate an order of magnitude.

Table 1. *Statistical information on international protection and return procedures*

	2012	2013	2014	2015	2016	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants) If statistics cannot be provided, please indicate the reasons.
Number of applicants for international protection whom identity was not documented[2] at the time when the application for international protection was lodged	218	123	179	115	273	Source: the Register of Aliens
Number of applicants for international protection for whom identity was wholly or partially[3] established during the asylum procedure thereby allowing the relevant authorities to reach a particular decision on the application for international protection (e.g. grant, refuse, defer)	544	296	386	287	412	Source: the Register of Aliens
Total Number of Positive Decisions for applicants for international protection whose identity was not documented[4] at the time of application	23	14	7	7	179	Source: the Register of Aliens
Total Number of Positive Decisions for applicants for international protection whose identity was considered sufficiently established by the decision-making authorities	54	61	80	83	195	Source: the Register of Aliens
Total Number of Negative Decisions for applicants for international protection whose identity was not documented[5] at the time of application	32	38	56	54	31	Source: the Register of Aliens
Total Number of Negative Decisions for applicants for international protection whose	0	0	1	0	0	Source: the Migration Department

[2] Through the presentation of a formal identity document (identity card or passport) or other document(s) accepted in the Member State for the purposes of identity verification (e.g. driver's license).
[3] For example, if some elements of identity (e.g. nationality) could be established but not others (e.g. full name, date of birth).
[4] Through the presentation of a formal identity document (identity card or passport) or other document(s) accepted in the Member State for the purposes of identity verification (e.g. driver's license).
[5] Idem.

identity was not considered to be sufficiently established by the decision-making authorities						
Total Number of (Forced)[6] Returns undertaken of all rejected applicants for international protection	n/a	n/a	n/a	n/a	n/a	The registered information cannot easily be extracted for reporting and statistics. The Migration Department was unable to obtain this data from the Register of Aliens due to technical difficulties (failure to program the database in a way that would allow the Register of Aliens to extract the applications that included a decision to return out of all rejected applications and to subsequently extract the number of factually implemented decisions out of this number).
Total Number of (Forced)[7] Returns of rejected applicants for international protection whose identity was established at the time of return	n/a	n/a	n/a	n/a	n/a	Such information (the fact of establishing a person's identity at the time of return) is not separately registered in the Register of Aliens so it is not possible to filter the needed cases out of the total number of returned persons.
Total Number of (Forced)[8] Returns of rejected applicants for international protection whose return could not be executed due to the authorities of the (presumed) country of origin refusing to recognise their nationals or considering their identity as not sufficiently[9] established	n/a	n/a	n/a	n/a	n/a	Such information (the person's identity is not sufficiently established) is not separately registered in the Register of Aliens so it is not possible to filter the needed cases out of the total number of returned persons.

Table 2. *Statistical information on other migration-related procedures*

	2012	2013	2014	2015	2016	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants). If statistics cannot be provided, please indicate the reasons.
Total Number of visas applied for in consulates in third countries[10]	416 851	471 838	463 709	423 189	421 143	Lithuania is a part of the Schengen Area. Information is available here: https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en#stats

[6] While the scope of this Focussed Study (with respect to Returns) includes only the forced return of rejected applicants for international protection, it is acknowledged that distinguishing between forced and voluntary returns in official statistics may not be possible. Where possible, do make this distinction.
[7] Idem.
[8] Idem.
[9] For example if the authorities were unable to formally identity the third-country national by nationality, surname, first name and date of birth and support such identification with the documents required by the third county.
[10] If your Member State is part of the Schengen area this statistics are collected at EU level and need not be repeated

Total Number of visas refused in consulates in third countries[11]	3 830	4 262	4 253	5 757	4 472	Lithuania is a part of the Schengen Area. Information is available here: https://ec.europa.eu/home-affairs/what-we-do/policies/borders-and-visas/visa-policy_en#stats
Total Number of visas refused in consulates in third countries due to the applicant having presented a travel document which was false, counterfeit or forged	n/a	n/a	n/a	n/a	n/a	The databases in use do not allow the number of applications rejected due to detected evidence of document forgery to be extracted from the total number of rejected applications.
Total Number of residence permits for remunerated activities refused due to the identity of the applicant not being considered sufficiently established	n/a	n/a	n/a	n/a	n/a	We cannot provide this type of information because such statistical data is not collected. In addition to this, as explained above, an application for the issue of a residence permit cannot be lodged if a person does not have a valid travel document. As a result, only the persons who lodge applications using forged identity documents could be put in this category. However, in the collected statistical data their data is listed together with the persons who supported their applications using a different type of forgery, unrelated to one's identity (e.g. a fictitious marriage or a fictitious enterprise), so it is not possible to extract these exact cases.
Total Number of residence permits for study purposes refused due to the identity of the applicant not being considered sufficiently established	n/a	n/a	n/a	n/a	n/a	Please see the answer regarding residence permits for remunerated activities.
Total Number of residence permits for family reasons refused due to the identity of the applicant/ the family relationship not being considered sufficiently established	n/a	n/a	n/a	n/a	n/a	Please see the answer regarding residence permits for remunerated activities.

[11] Idem.

Table 3. *Statistical information on methods used to establish identity*

	2012	2013	2014	2015	2016	Additional Information (e.g. sources, caveats, reasons for trends, top five nationalities, with numbers for total applicants). If statistics cannot be provided, please indicate the reasons.
Total Number of Cases in which language analysis was performed to establish the identity of the third-country national	n/a	n/a	n/a	n/a	n/a	Such cases are not registered. In practice the need is very rare, during the period in question there have only been a few cases.
Total Number of Cases in which an age assessment was performed to determine whether the third-country national was a minor	0	20	44	38	3	Source: the State Forensic Medicine Service under the Ministry of Justice of the Republic of Lithuania.
Total Number of Cases in which a DNA Analysis was used to establish the family relationship in family reunification cases	n/a	n/a	n/a	n/a	n/a	Such statistical data is not collected.
Total Number of Cases in which Interviews were used to determine probable country and/or region of origin	n/a	n/a	n/a	n/a	n/a	Such statistical data is not collected. When implementing both asylum and return procedures, interviews with aliens **are carried out in all cases** but it is not possible to say which were concerned with determining the probable country and/or region of origin. On the other hand, one of the goals of any primary interview is to determine the country of origin, so it can be presumed that the number of interviews focused on determining the country of origin was the same as the number of aliens (asylum seekers or irregular migrants) who failed to submit documents confirming their identity (and citizenship).

1.3. RELEVANT EU AND NATIONAL LEGISLATION

Q5. Has the legislative basis for the procedures used to determine identity within the procedure for international protection and/or return been changed since the 2013 EMN Study on 'Establishing identity'?

Yes, the process of determining identity is laid down in legislation but the regulation has not essentially changed since 2013.

If 'yes', please describe the reasons for this change (e.g. whether this is due to a change in the number of asylum applications and irregular migrants in Lithuania as of 2014).

The only change has been the Description of the Procedure for Examination of Applications for Asylum by Aliens and for Adoption and Implementation of Decisions, approved by Order of the Minister of the Interior on 15 November 2004[12], being

[12] Approved by the Order of the Minister of the Interior No 1V-361 of 15 November 2004

declared null and void. It has been replaced with the Description of the Procedure of Granting and Annulment of Asylum in the Republic of Lithuania[13], governing the same matter. As regards the establishment of a person's identity, the new Description of the Procedure **does not contain any significant changes** when compared to the Description of the Procedure of 2004.

It should also be noted that the opinion provided in the 2013 EMN Study regarding the necessity of a comprehensive procedure/manual of establishing a person's identity remains relevant since essentially the only national legal act that comprehensively governs these procedures is still the Methodology for Determination of a Person's Identity and Travel Route approved in 2000 (i.e., 17 years ago)[14]. Due to legal and practical changes as well as changes in technical abilities there is a need to update it.

Q6. Is the process used when verifying the identity of third country applicants for visitors' visa, work and study permits and family reunification permits, laid down in national legislation?

No, since, as noted in the answer to a previous question, holding a valid travel document is a necessary condition for applicants for a visa or a resident permit. There are no exceptions when issuing work and study permits and family reunification permits laid down. Since the person must present a document, the issue of establishing their identity becomes irrelevant.

If Yes, briefly specify which legislative documents regulate the process of identity determination in relation to these procedures.

N/a.

1.4. THE INSTITUTIONAL FRAMEWORK AT NATIONAL LEVEL

Q7. Have there been any changes concerning which national authorities have the responsibility for establishing the identity of applicants for international protection and return following the 2013 EMN Study on 'Establishing identity'?

No, the same institutions that perform the same functions listed in the 2013 EMN Study participate in the asylum procedure.

The Migration Department is the central authority decides on asylum. Other institutions that deal with asylum seekers (in connection with establishing identity):

- • The State Border Guard Service under the Ministry of the Interior and its structural divisions (the Foreigners' Registration Centre, frontier districts, frontier stations, state border crossing points);
- • The Police Department under the Ministry of the Interior and its structural divisions (migration services of territorial police agencies).

If 'yes', please describe those changes and specify whether they are a consequence of a surge/decrease in asylum applications and irregular immigration in recent years.

N/a.

Q8. Which national authorities have the responsibility for verifying the identity of third country applicants for visitors' visa and permits for the purposes of study, family reunification and remunerated activities? Please describe which authorities take part in which procedures in Lithuania and specify the name of the

[13] Approved by the Order of the Minister of the Interior No 1V-131 of 24 February 2016
[14] Methodology for Determination of a Person's Identity and Travel Route approved by the Order of the Minister of the Interior No 4nt of 3 February 2000

relevant authorities below (providing an English translation if possible, e.g. Rajavartiolaitos – Finnish Border Guard; Migrationsverket – Swedish Migration Agency).

Consular posts, migration divisions of police institutions, the Migration Department. Meanwhile, the officers of the SBGS take decisions to issue an alien a Schengen visa at a border crossing point under the conditions laid down in Chapter VI, Article 35 of the Code on Visas[15]. All the aforementioned institutions verify the identity when accepting the documents for issuing/changing a visa/permit. As noted previously, in such cases the person must present a valid travel document, so in these cases 'verifying' the identity of a person is merely the assessment of the authenticity of the presented document and the comparison of the information.

Q9. For each of the migration procedures considered (applications for international protection, returnees, visa and residence permit applicants), in table in Annex 2 please briefly describe the different steps followed to establish the identity of third country nationals, including:

- Parts of the process which have been automated;[16]
- Biometric technologies used, if any;
- Identification/ identity verification tasks carried out by a decision-maker or specialised officer;
- Centralised or decentralised identification function(s).

Q10. Does Lithuania have in place specific procedures to establish the identity of third-country nationals within the context of exceptional migratory flows (e.g. under the EU 'Hotspot' approach)?

No.

If Yes, please briefly describe the various steps followed to establish the identity of third-country nationals within the context of such procedures, explaining in particular how these differ from the regular procedures described in response to **Q9** above.

N/a.

Q11. Does Lithuania have a central competence centre or similar entity for issues related to identification/ identity verification?

Yes.

If Yes, is that centre responsible for?

- Issues relating to the determination of identity in respect of the procedure for granting international protection OR in respect of the procedure for executing the return of rejected asylum seekers) OR in respect of third country applicants for visa and residence permit, OR in respect of several (if so, specify which) or all of these procedures
- Issues relating to the verification of documents in respect of the procedure for some or all of the abovementioned immigration categories.

In Lithuania several independent institutions deal with identification issues: the Migration Department, the State Border Guard Service under the Ministry of the Interior (and its structural divisions: the Foreigners' Registration Centre, frontier districts, frontier stations, state border crossing points), the police (migration services of territorial police agencies). The Migration Department decides on asylum and returns of aliens, the MD, the SBGS and the police decide on returns while the SBGS and the police implements these decisions. The SBGS and the police also accept applications for asylum and carry out initial actions: collect all available documents, conduct an initial interview of an asylum seeker, examine fingerprints and photograph the asylum seeker, carry out the inspection of asylum seekers and their personal belongings.

[15] Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas
[16] Automation is defined as 'The use or introduction of automatic equipment in a manufacturing or other process or facility' (see Oxford Dictionary https://en.oxforddictionaries.com/definition/automation, last accessed on 24th March 2017). For example, the use of a document reader would be understood as partially automating the task of performing document checks).

The institution in charge of determination whether documents are authentic is the State Border Guard Service, which under Resolution No 68 of 30 January 2008 by the Government of the Republic of Lithuania acts as the national central authority of a European Image-Archiving System (FADO) which manages the operation of the national sub-system (N.FADO) of the European Image-Archiving System (FADO) in Lithuania. Determining the authenticity of documents is one of the functions of the Forensic Science Centre.

If Yes:

- Has such Centre developed its own database / reference base for:
  - Genuine documents?

    Yes.
  - False documents?

    Yes.
- Does such Centre make use of the database iFADO (iPRADO) for checking false ID documents?

Yes.

- Does such Centre make use of the EDISON system?

No.

- Does such Centre provide:
  - Advisory services?

    Yes. The centre consults all the divisions of the Ministry of the Interior regarding the authenticity of documents.
  - Assistance through the development of identity management methods?

    Yes. The centre provides in-depth instructions for officers, makes use of the best national and international practices which serve as a basis for improving the methods of identity determination.
  - Training of frontline officers?

    Yes. Trainings are organised under separate training programs. During the trainings, officers are familiarised with legal acts of Lithuania, the European Union, international legislation governing border control, asylum, operation of carriers as well as trained to check persons and documents, verify aliens' compliance with the requirements for crossing the borders of Lithuania, the European Union, detect violations of regulations of border crossing points and draw up procedural documents for such violations, check travel, vehicle documents, visas and residence permits, detect forged, counterfeit documents, use equipment designed to detect forged documents, affix Schengen entry and exit stamps on travel documents, visas, etc.
  - Support with difficult cases?

    Yes. The centre provides detailed conclusions and recommendations by experts.
  - Does such Centre have a forensic document unit?

    Yes, determining the authenticity of documents is one of the functions of the Forensic Science Centre.

If Lithuania **does not** have a central competence centre, what other institutions / systems are available to provide advisory services/other forms of support to officials responsible for establishing the identity of applicants for international protection or third-country nationals applying for visitors visa and permits for the purposes of study, family reunification and remunerated activities?

N/a.

Q12. Are the officials responsible for determining the identity of the abovementioned immigration categories authorised to access EU databases holding identity information about third-country nationals (e.g. EURODAC, SIS II, VIS, etc.)?

Yes.

If Yes, please specify the authorities given access to each of the various EU databases (e.g. asylum authorities have access to EURODAC and VIS).

The Migration Department (asylum institution), the Ministry of the Interior, consular posts, the SBGS and the migration divisions of the police have access to SIS II and VIS databases. All the aforementioned institutions are authorised to directly contact the Lithuanian Police Forensic Science Centre which has access to the EURODAC database.

If No, are the officials responsible for determining the identity of these applicants authorised to liaise directly with the authorities who do have access to these databases?

N/a.

If Yes, please specify how such interactions take place

N/a.

2.

Methods for Establishing Identity

2.1. DEFINITION AND DOCUMENTS REQUIRED FOR ESTABLISHING IDENTITY

Q13. What legal and/or operational definitions (if any) of identity is/are used with regard to (a) applicants for international protection and (b) the return process and (c) applications for short stay and long stay visas and permits for the purposes of study, family reunification and remunerated activities?

Lithuanian legal acts do not define neither 'identity' nor 'establishing a person's identity'.

Q14. What types of documents and other information do the authorities in Lithuania accept as (contributing to) establishing the identity for the abovementioned immigration categories? For example:

- Official travel documents: Passports, ID cards;

Yes.

- Other documents: birth certificates, driving licence, divorce certificates, marriage licences, qualification certificates, house books etc.;

Yes.

- Please indicate if Lithuania takes informal (residence) documents into consideration in the identification process, such as UNHCR registration documents.

Yes.

Table 4. *Documents accepted as (contributing to) establishing the identity*

Type of document	(a) applicants for international protection	(b) for the return process	(c) third country applicants for visitors visa and permits for the purposes of study, family reunification and remunerated activities
Official travel documents: Passports, ID cards	Yes, all aforementioned documents verify or contribute to establishing a person's identity: Passports (national, diplomatic, service, special, internal), identity cards, travel documents of stateless persons, refugees and children.	Yes, all aforementioned documents verify or contribute to establishing a person's identity: Passports (national, diplomatic, service, special, internal), identity cards, travel documents of stateless persons, refugees and children.	Yes, all aforementioned documents verify a person's identity. However, in order to lodge an application for the issue of a residence permit a person must have a valid travel document (a passport for traveling abroad).
Other documents: birth certificates, driving licence, divorce certificates, marriage licences, qualification certificates, house books etc.	Yes, all aforementioned documents contribute to establishing a person's identity. Documents replacing a passport (a certificate, a temporary passport), documents verifying citizenship, visas issued by a	Yes, all aforementioned documents contribute to establishing a person's identity but in order to implement return a confirmation of and a travel document issued by the country of origin is still necessary. Documents replacing a passport (a certificate, a temporary passport), documents verifying citizenship, visas	The aforementioned documents could contribute to establishing a person's identity but are insufficient in order to lodge an application for the issue of a visa or a residence permit.

	foreign country, certificates on retaining the citizenship of Lithuania, residence permits, military cards, pupil or student cards, drivers licences, employee and service cards, social insurance certificates etc.	issued by a foreign country, certificates on retaining the citizenship of Lithuania, residence permits, military cards, pupil or student cards, drivers licences, employee and service cards, social insurance certificates etc.	
Informal (residence) documents, such as UNHCR registration documents	Yes, all aforementioned documents contribute to establishing a person's identity. Copies of documents listed above, an issued work permit, extracts from the Civil Registry, extracts from registration books of religious communities, extracts from a register of country's residents, a seaman service book, a document issued by an official government authority and the information about the person listed therein etc.	Yes, all aforementioned documents contribute to establishing a person's identity but in order to implement return a confirmation of and a travel document issued by the country of origin is still necessary. Copies of documents listed above, an issued work permit, extracts from the Civil Registry, extracts from registration books of religious communities, extracts from a register of country's residents, a seaman service book, a document issued by an official government authority and the information about the person listed therein etc.	The aforementioned documents could contribute to establishing a person's identity but are insufficient in order to lodge an application for the issue of a visa or a residence permit.

Q15a. To the extent possible, please indicate whether copies are accepted by the relevant authority(ies) and which type of documents are considered by the national authorities as core or supporting documents.

When implementing **asylum procedures** all the documents and/or their copies submitted by the applicant are accepted and can be relevant when deciding on asylum. When implementing **return procedures**, copies of documents are insufficient for the return to be implemented but they might be relevant when obtaining identity verification and a return certificate from the country of origin.

When **lodging an application for a visa or a residence permit**, verified copies of supporting documents (related to the specific grounds for a visa or a permit), however, the person must present the original valid travel document.

Q15b. Which are the major issues faced by Lithuania concerning determining the authenticity (or genuineness) of documents?

In practice, there are no particular challenges related to determining the authenticity of documents confirming a person's identity when implementing migration or asylum procedures. In some cases, when implementing asylum procedures, there are situations when asylum seekers claim that the documents they submitted where obtained unofficially or illegally, however, even in such cases the issue arises not from the authenticity of the document per se but the circumstances surrounding its acquisition that are usually not assessed using conventional methods of document investigation.

Due to very strict security standards applied to travel documents in European Union countries it is becoming more difficult to forge travel documents, so new methods of irregular migration are being developed. One of them is using another person's travel documents. In 2013, 2 cases when immigrants submitted authentic documents that were not their own were determined (imposter cases). There were also cases of aliens (citizens of Vietnam), who had crossed the national border irregularly, submitting partially forged documents confirming a person's identity. The birth date was misrepresented in the documents, i.e. the aliens claimed to be minors in order to avoid detention in the Foreigners' Registration Centre of the SBGS (due to unaccompanied minors not being detained and being accommodated in Refugees Reception Center).

Q15c. Have any of these issues changed compared to those described in your contribution to the 2013 EMN Study on 'Establishing identity'?

No.

If Yes, please indicate the reasons why this has been the case, e.g. Lithuania has receiving high numbers of immigrants and asylum seekers in recent years and this has increased the workload of the authorities responsible for verifying documents.

N/a.

Q16. In Lithuania, are there any national guidelines for the control by the relevant authorities of identity of person and identity documents in the various migration procedures?

No.

If Yes, please give reference to the relevant guidelines if possible and the procedure under which framework they apply.

N/a.

Q17. In which situations, and by which authorities, are forged documents most commonly detected in connection with applications for visa and residence permit (e.g. in border control, by immigration authorities or other state agencies)?

Most often, officers of the SBGS who check aliens at state border crossing points near the external borders detect forged documents. The cases of forged documents being detected are not linked to applications for visas and/or residence permits but rather to entering the Schengen Area. In 2016 the number of cases of aliens presenting passports with forged border crossing stamps increased. The goal of this is to imitate previous entries/exits to/from the Schengen Area thus expecting that it will be easier to obtain a Schengen visa and to arrive in the Schengen Area.

In 2016 the number of attempts to enter the Schengen Area by using forged Schengen Visas decreased. It is linked to fingerprints of citizens of third countries being checked in the Visa Information System at all state border crossing points which has facilitated the detection of forged visas.

Consular posts encounter forged passports of the Republic of Lithuania. The old-style passport with a pasted photograph is forged the most often. Persons attempt to use forged passports to obtain other types of Lithuanian documents, such as new passports, return certificates etc.

Q18. Are there any exemptions to the obligation to present an official travel document for third country applicants for visa and residence permit?

No.

If Yes, for which groups and/or major nationalities are there exemptions, and are these exemptions stated in national legislation and/or guidelines?

N/a.

2.2. METHODS USED IN THE ABSENCE OF DOCUMENTARY EVIDENCE OF IDENTITY IN THE ASYLUM/RETURN PROCEDURE

Q19a. In Lithuania, do national authorities make use (or plan to make use) of the methods identified below to establish the identity of third-country nationals subject to asylum/return procedures?

Table 5. *Methods used for establishing identity in the asylum/ return procedure (I)*

Method	Applicants for international protection	Return of rejected applicants for international protection
Language analysis to determine probable country and/or region of origin	*Optional* Language analysis is applied in Lithuania, though legal acts do not stipulate the procedures according to which language tests/analysis should be performed. In practice there have been only a few cases when it has proved impossible to accurately determine the origin of asylum seekers and the language dialect spoken by them. Over 2012-2017 there have been no such cases.	*Optional* Currently the Foreigners' Registration Centre is testing a new system (LANGUAGE ANALYSIS REPORT) which helps to determine probable country of origin of an alien using a voice record. So far only one such test has been performed. If this system proves successful, it will be submitted to Frontex as a supporting measure in determining a person's country of origin and identity.
Age assessment to determine probable age	*Obligatory when there is legitimate doubt regarding the person's age* Age assessment test is stipulated in Article 123 of the Law of the Republic of Lithuania on the Legal Status of Aliens[17] and Chapter 6(2) of the Description of the Procedure of Asylum[18]. If officers identify an alien who does not possess documents confirming the person's identity and claims to be an unaccompanied minor, an age assessment is performed if there is legitimate doubt regarding the person's age.	*Obligatory when there is legitimate doubt regarding the person's age* If officers identify an alien who does not possess documents confirming the person's identity and claims to be an unaccompanied minor, an age assessment is performed if there is legitimate doubt regarding the person's age.
Interviews to determine probable country and or region of origin (or other elements of identity, such as faith and ethnicity)[19]	*Obligatory* In both asylum and return procedures interviews with aliens are conducted in all cases with one of the goals being the probable country of origin or region. Officers of the SBGS, police and the MD conduct these interviews.	*Obligatory* The interview is conducted in order to determine the person's identity and the travel route[20].

[17] Law on the legal status of aliens of the Republic of Lithuania *https://www.e-tar.lt/portal/lt/legalAct/TAR.42837E5A79DD/ETkplNvJny*
[18] Order of the Minister of the Interior on the Description of the Procedure of Granting and Annulment of Asylum https://www.e-tar.lt/portal/lt/legalAct/ebc768d0dadd11e583a295d9366c7ab3/ZXnnNvLIqi
[19] This would depend on the elements included in your national definition of "identity" used within the procedures covered by this Study. See Section 2.1.
[20] Documents that contribute to establishing the (probable) identity of a person are listed in the Methodology for Determination of a Person's Identity approved by the Order of the Minister of the Interior No 4nt of 3 February 2000

Identity related paper and e-transactions with the authorities (e.g. tax, social benefits)	*Optional* Theoretically, in certain cases the MD could use this method in asylum procedures.	*No*
Identity related paper and e-transactions with the private sector (e.g. bank)	*Optional* Theoretically, in certain cases the MD could use this method in asylum procedures.	*No*
Identity related e-transactions in connection with social media	*Optional* In certain cases the MD uses this method in asylum procedures.	*No*
Smartphones and other digital devices: May your law enforcement/immigration authorities confiscate (temporarily or permanently) such devices and access their content in their efforts to establish or verify an identity?	*Optional* Migration/asylum institutions do not have the required authorisations but this method can be applied by law enforcement institutions that participate in the procedure (the SBGS, the police, the State Security Department).	*Optional* This method is used in the pre-trial investigation during the inspection of personal belongings. It helps to determine a person's travel route and probable identity.
Other	Migration/asylum institutions can send inquiries to institutions in third countries, Lithuanian institutions, international organisations and other institutions and experts, with the exception of institutions of the asylum seeker's country of origin. Interviews of witnesses who can confirm or deny the information given by the asylum seeker can also be organised and carried out when necessary and whenever possible.	When necessary, information is shared via immigration contact officers and contact points.

Table 6. *Methods used for establishing identity in the asylum/return procedure (II)*

Method	Applicants for international protection		Return of rejected applicants for international protection	
	National database	European database	National database	European database
Fingerprints for comparison with National and European databases	*Obligatory* Fingerprints of an asylum seeker are compared to fingerprints in the Register of Dactyloscopic Data.	*Obligatory* Fingerprints of an asylum seeker are registered and compared in the EURODAC system.	*Obligatory* in accordance with the Regulation of the European Parliament and of the Council of 26 June 2013[21]	*Obligatory* in accordance with the Regulation of the European Parliament and of the Council of 26 June 2013[22]

[21] Regulation (EU) No 603/2013 on the establishment of Eurodac for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013
[22] Ibid.

Photograph for comparison with National and European databases	*No*	*No*	*No*	*No*
Iris scans for comparison with National databases	*No*	*No*	*No*	*No*
DNA analysis	*Obligatory when there is legitimate doubt regarding the person's age.* DNA analysis is stipulated in Article 123 of the Law of the Republic of Lithuania on the Legal Status of Aliens[23] and Chapter 6(2) of the Description of the Procedure of Asylum[24].	*No*	*No*	*No*
Other (please describe e.g. type of co-operation with or contacts in third countries, such as diplomatic missions)	Migration/asylum institutions can send inquiries to institutions in third countries, Lithuanian institutions, international organisations and other institutions and experts, with the exception of institutions of the asylum seeker's country of origin. Interviews of witnesses who can confirm or deny the information given by the asylum seeker can also be organised and carried out when necessary and whenever possible.	-	When necessary, information is shared via immigration contact officers and contact points.	-

Table 7. *Methods national authorities* ***plan to use*** *for establishing identity in the asylum/ return procedure (I)*

Method	Applicants for international protection	Return of rejected applicants for international protection
Language analysis to determine probable country and/or region of origin?	There are plans to regulate language analysis in the future but the final decision on the method of language analysis is yet to be made.	There are plans to regulate language analysis in the future.
Age assessment to determine probable age	Already in use and regulated (see Table 5).	Already in use and regulated (see Table 5).

[23] https://www.e-tar.lt/portal/lt/legalAct/TAR.42837E5A79DD/ETkplNvJny
[24] https://www.e-tar.lt/portal/lt/legalAct/ebc768d0dadd11e583a295d9366c7ab3/ZXnnNvLIqi

Interviews to determine probable country and or region of origin (or other elements of identity, such as faith and ethnicity)[25]	Already in use and regulated (see Table 5).	Already in use and regulated (see Table 5).
Identity related paper and e-transactions with the authorities (e.g. tax, social benefits)	*Optional*	*No*
Identity related paper and e-transactions with the private sector (e.g. bank)	*Optional*	*No*
Identity related e-transactions in connection with social media	*Part of standard practice*	*No*
Smartphones and other digital devices: May your law enforcement/immigration authorities confiscate (temporarily or permanently) such devises and access their content in their efforts to establish or verify an identity?	*Obligatory* There are plans to regulate and include it as a standard part of initial actions performed after an application for asylum is lodged.	*Optional*
Other	-	-

Table 8. *Methods national authorities plan to use for establishing identity in the asylum/ return procedure (II)*

	National database	European database	National database	European database
Fingerprints for comparison with National and European databases	*Obligatory* Already in use and regulated (see above).	*Obligatory* Already in use and regulated (see above).	*Obligatory* Already in use and regulated (see above).	*Obligatory* Already in use and regulated (see above).
Photograph for comparison with National and European databases	It is planned to use it in the future (to keep and check photographs in the Register of Aliens) if additional technical capabilities are developed.	The functionality of EURODAC is likely to be expanded in the future by adding face visuals and other biometric data to the collected data.	*No*	*No*
Iris scans for comparison with National databases	*No* Currently there are no such plans.	*No*	*No*	*No*
DNA analysis	*Obligatory*	*No*	*No*	*No*

[25] This would depend on the elements included in your national definition of "identity" used within the procedures covered by this Study. See Section 2.1.

	Already in use and regulated (see above).			
Other (please describe, e.g. type of co-operation with or contacts in third countries, such as diplomatic missions)	*No*	-	-	-

Q19b. Is the (biometric) identity information given by an asylum seeker matched against identity information available in VIS?

☐ Yes, for all asylum seekers

- Please specify since when these checks have been carried out: _____
- Do you present statistics on the number of matching attempts and the results?
- What proportion of matchings present a positive 'hit' (approximately): ____

☒ Yes, for some asylum seekers (who?)

Applied in exceptional cases when there are serious doubts regarding a person's identity (i.e. that the asylum seeker is the same person who applied for a visa previously). Due to technical reasons in such cases it is not possible to perform an automated comparison of fingerprints, so the EURODAC card is manually compared to the data in the VIS. So far there has only been one case and the data matched. It is not considered to be standard practice because the system itself does not possess the necessary functionality. Also, such practice is not regulated by legislation which is important when managing personal data of this type.

- Please specify since when these checks have been carried out: __n/a__
- Do you present statistics on the number of matching attempts and the results? __n/a_
- What proportion of matchings present a positive 'hit' (approximately): __n/a__

☐ No, for:

- Technical reasons
- Legal reasons.
- Other reasons (please specify)

Q19c. Has Lithuania introduced any changes in the method(s) used to establish the identity of applicants in the asylum/ return procedure since 2013?

No.

If Yes, please outline briefly the rationale behind any changes, explaining e.g. why new methods have been introduced, whether there is a different hierarchy or order in the methods used. If possible, please mention also any new research conducted providing evidence of the reliability of the method(s) used.

N/a.

Q19d. If there has been an increase in the number of applicants for international protection and irregular immigration in Lithuania in recent years, has this had any effect on the methods used (e.g. certain methods have been prioritised to deal with specific nationalities, the capacity to use certain methods has been under strain due to lack of sufficient staff resources, etc.)?

No.

If Yes, please specify

N/a.

Q20. Has Lithuania issued any guidelines and/or best practices on the use of different methods?

No.

If Yes, please specify

N/a.

2.3. METHODS USED TO VERIFY THE IDENTITY OF THIRD-COUNTRY NATIONALS IN OTHER MIGRATION PROCEDURES

Q21. Does an applicant for an authorization to stay or residence permit have to present an official travel document?

Yes.

Are there exceptions to this rule?

No.

If Yes, please specify:

N/a.

Q22. Do national authorities make use (or plan to make use) of the methods identified below to establish the identity of third-country nationals within the framework of procedures concerning applications for short-stay visas and residence permits for family and study-related reasons or for the purposes of remunerated activities?

Table 9. *Methods* ***used*** *for establishing identity*

Short stay visas		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	*Optional* Such an opportunity exists but it is not a part of standard practice.	Optional Such an opportunity exists but it is not a part of standard practice.
Photograph for comparison with National and European databases	*No* Photographs are kept in a database but no comparison is performed, such feature is unavailable.	*No* Photographs are kept in a database but no comparison is performed, such feature is unavailable.
Others (please specify)	-	-

Residence permit for study reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	*No* Fingerprints are taken when a person applies for a visa and are not additionally taken in cases of permits.	*No* Fingerprints are taken when a person applies for a visa and are not additionally taken in cases of permits.
Photograph for comparison with National and European databases	*No* Photographs are kept in a database but no comparison is performed, such feature is unavailable.	*No*
Others (please specify)	-	-
Residence permits for the purposes of remunerated activities		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	*No* Fingerprints are taken when a person applies for a visa and are not additionally taken in cases of permits.	*No* Fingerprints are taken when a person applies for a visa and are not additionally taken in cases of permits.
Photograph for comparison with National and European databases	*No* Photographs are kept in a database but no comparison is performed, such feature is unavailable.	*No*
Others (please specify)	-	-
Residence permit for family reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	*No* Fingerprints are taken when a person applies for a visa and are not additionally taken in cases of permits.	*No* Fingerprints are taken when a person applies for a visa and are not additionally taken in cases of permits.
Photograph for comparison with National and European databases	*No* Photographs are kept in a database but no comparison is performed, such feature is unavailable.	*No*
DNA analysis	It is possible to perform a DNA analysis and it is governed by law. However, the results of such analysis are not registered or compared in any databases/	*No*
Others (please specify)	-	-

Table 10. *Methods national authorities* ***plan to use*** *for establishing identity*

Short stay visas		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	Methods listed in Table 9 are currently in use. There are no plans to use new methods.	Methods listed in Table 9 are currently in use. There are no plans to use new methods.
Photograph for comparison with National and European databases	-	-
Others (please specify)	-	-
Residence permit for study reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	-	-
Photograph for comparison with National and European databases	-	-
Others (please specify)	-	-
Residence permits for the purposes of remunerated activities		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	-	-
Photograph for comparison with National and European databases	-	-
Others (please specify)	-	-
Residence permit for family reasons		
Method	**National database**	**European database**
Fingerprints for comparison with National and European databases	-	-
Photograph for comparison with National and European databases	-	-
DNA analysis	-	-
Others (please specify)	-	-

3.

Decision - Making Process

3.1. STATUS AND WEIGHT OF DIFFERENT METHODS AND DOCUMENTS TO DETERMINE IDENTITY

Q23. On the basis of the information gathered by the methods outlined in Section 2, how is a decision on the establishment of identity made?

A variety of methods and combinations of these methods may be used to establish **the identity of an asylum seeker**, e.g., conducting a comprehensive and detailed interview, using age determination tests and fingerprint comparison. Each method is important and is used taking into consideration the information provided by the asylum seeker, whether the person holds any documents, whether these documents are original or are just copies of documents.

All the methods which are employed are stipulated in legal acts of Lithuania; however, their application and the necessity to apply them in practice are most often determined by the officer or civil servant who works directly with the asylum seeker, conducts the interview, obtains information and documents from the asylum seeker, examines all the documents received, evaluates them and provides conclusions regarding a decision to be made. When evaluating all the information related to the asylum seeker, the use of different methods helps the officers working in the field of asylum to evaluate, in a comprehensive and detailed manner, all the motives for lodging an application for asylum, its credibility, and to reach a decision in respect of such a person.

If it is **decided to grant asylum**, a person's identity is indicated in documents on the basis of the information collected and the alien's interview. If the citizenship cannot be determined (although it is decided to grant asylum), then the documents will indicate that the person is stateless.

If it is decided to refuse asylum and determined that there is no basis not to return the alien, two administrative decisions are adopted (to refuse asylum and to return the alien) or a single administrative decision to refuse asylum and to return the alien. Then, on the basis of the collected information, a request in accordance with a readmission agreement or a request to an embassy regarding the establishment of a person's identity and issuing a travel document is prepared. When implementing return procedures, a valid travel document or a return certificate issued by the country of origin, confirming the identity of a person, is necessary.

When implementing **other aforementioned migration procedures** (visas/residence permits), the person must submit a valid travel document. There are no exceptions when issuing work and study permits and family reunification permits laid down. Since the person must present a document, the issue of establishing their identity becomes irrelevant.

Are some methods given more weight than others?

No.

If Yes, please indicate which methods and why they are considered more reliable, and whether this is laid down in legislation, policy or practice guidelines.[26]

N/a.

Does there need to be consistency between the results obtained from the various methods used?

Yes.

If Yes, please specify:

[26] Member States may differ significantly in how they deal with applicants for international protection whose statements regarding their identity are not supported by valid documentary evidence, not only in the methods they can or should use, but also in the weight they give to the outcomes of some methods. The aim, therefore, is to highlight these differences, should they exist.

The result of 'establishing' a person's identity must be unambiguous, otherwise the identity cannot be regarded as 'established'. Lithuania does not use the principle of 'partial' determination of identity. Moreover, in Lithuania there is no legal framework and practice for deferral of adoption of a decision. In some cases, especially when implementing asylum procedures, different methods can give different results, but a person might duly explain certain discrepancies (e.g., data in various documents might differ but this is explained by the person changing their name/surname; data in a document might differ from information given by the person but the latter might confess that the document has been forged for some reason etc.). In such cases, having ruled the person's explanations as trustworthy, certain results might be dismissed and not assessed, but the rest have to be consistent.

Q24. Is a 'grading' structure or spectrum used to denote the degree of identity determination (e.g. from "undocumented," over "sufficiently substantiated" or "has the benefit of doubt" to "fully documented and verified")?

Yes.

If Yes, please briefly describe it and clarify whether any distinction applies between international protection, return and other migration-related procedures in this respect.

When assessing the degree of credibility of identity/citizenship determination, each case is considered individually, taking into account all documents, information given in an interview, filled-in questionnaires of the specified form, etc. During this procedure, a reasoned opinion is drawn up listing all the information provided by the asylum seeker, all the information gathered during the investigation, and proposals for decision-making are presented upon assessing the degree of credibility of the asylum seeker. Such investigation also employs the principle of admissibility of evidence (benefit of the doubt) laid down in Article 83 of the Law of the Republic of Lithuania on the Legal Status of Aliens. In 2017, the mechanism of assessing the credibility of statements by asylum seekers was defined in more detail in Article 116 of the Description of the Procedure of Granting and Annulment of Asylum in the Republic of Lithuania.

When implementing asylum procedures, the following spectrum is used:

- A person's identity is established on the basis of travel or personal documents provided by the asylum applicant;
- A person's identity is established based on the statement by the asylum applicant or other than travel or personal documents;
- A person's identity is not established.

(Such differentiation is used in the initial interview report – Annex No. 1 to the Description of the Procedure of Asylum[27]).

When implementing return procedures, this spectrum is not as relevant because a valid travel document or a return certificate issued by the country of origin that 'confirm' the person's identity are necessary.

When implementing other aforementioned migration procedures (visas/residence permits), this spectrum is irrelevant because a person must present a valid travel document.

Q25. Are there any future measures being considered with regard to setting up or further elaborating a 'grading' structure?

Yes.

If Yes, please briefly describe it and clarify whether any distinction applies between international protection, return and other migration-related procedures in this respect.

The only national legal act that comprehensively governs the procedures of establishing a person's identity is still the Methodology for Determination of a Person's Identity and Travel Route approved in 2000. Due to legal and practical changes

[27] Order of the Minister of the Interior on the Description of the Procedure of Granting and Annulment of Asylum https://www.e-tar.lt/portal/lt/legalAct/ebc768d0dadd11e583a295d9366c7ab3/ZXnnNvLIqi

as well as changes in technical abilities there is a need to update it. There are currently no specific plans to approve the updated methodology but experts agree that it should be done. So, it is expected that an updated methodology will be prepared in the future which would include, among other things, a unified assessment system.

3.2. DECISIONS TAKEN BY THE COMPETENT AUTHORITIES ON THE BASIS OF THE OUTCOMES OF THE IDENTITY MANAGEMENT PROCEDURES

Q26a. Does the outcome of the procedure to establish the identity of the applicant for international protection influence a recommendation to 'grant international protection,' 'refuse international protection' or 'defer decision'?

Please describe any changes introduced with respect to what was described in your national contribution to the 2013 EMN study on 'Establishing identity'.

Essentially, the answers to the 2013 EMN study remain relevant. Decisions on granting of asylum/refusal to grant asylum are adopted taking into account the entirety of documents, information and reports about the situation in the country of origin, collected during the examination of the asylum application. Each asylum seeker's case is examined in great detail and individually, and a decision may be reached only after a thorough examination. The sole fact that a person's identity or citizenship cannot be confirmed by credible documentation is not a basis to deny international protection to such a person and adopt a decision on expelling such person from Lithuania. In Lithuania, there is no legal framework and practice for deferral of the decision.

It should also be noted that in certain cases, establishing a person's identity precisely does not affect the assessment of a general threat (e.g., war or genocide), i.e. false information about identity given by an asylum seeker does not automatically negate the fact of the threat and, in turn, does not necessarily lead to denying asylum. An exception to this is determining the country of origin of an applicant as a part of a person's identity. If an applicant's country of origin is considered to be undetermined (e.g. the person claims to be a citizen of Syria, but language analysis and other tests deny this claim), asylum is denied because it is impossible to assess and identify the threat in the country of origin without determining this country of origin.

Q26b. If there has been an increase in the number of asylum applicants/ irregular migrants in Lithuania in recent years, what has been the impact of such increase in the decision-making process? For example:

- Has the decision-making process become more difficult for national authorities?

Yes.

- Have the authorities stopped using certain methods for identity determination?

No.

- Has the quality of the methods used decreased?

No.

If the answer to any of the above is Yes, please elaborate (with reference to any reports/studies if available)

The decision-making process for the asylum institution has become more difficult due to increased workload related to fulfilling the commitment to relocate asylum seekers from Greece and Italy. Since the number of the relocated people, compared to the capabilities of the asylum institution, is rather large, this leads to additional difficulties. Also, the applications lodged by the relocated persons are prioritised, however, the asylum institution does not deviate from the established procedures and maintains the quality of its work.

Q27a. Does the outcome of identity establishment influence a recommendation to 'defer return'? Please describe any changes introduced with respect to what was described in your national contribution to the 2013 EMN Study on 'Establishing identity'.

Essentially, the answers to the 2013 EMN study remain relevant. If an application for granting of asylum is rejected and a decision on expulsion is taken, but a person's identity/citizenship cannot be established, or return documents have not been received, the enforcement of the decision to return is deferred, and the responsible officers continue to work in order to verify the necessary information (by corresponding with consular posts through the Ministry of Foreign Affairs and directly cooperating with migration institutions in other countries). If after one year the person's identity is not determined and the return documents are not received, it is decided to issue a temporary residence permit valid for one year.

If return documents are received during that year, the decision to return must be enforced immediately. If the return documents, however, are not received, then the temporary residence permit is extended for another year.

It should also be noted that if it has been determined that the return cannot be implemented immediately due to reasons laid down in the Law of the Republic of Lithuania on the Legal Status of Aliens (the foreign state to which the alien may be expelled refuses to accept the alien; the alien is in need of basic medical aid; the alien cannot be expelled due to objective reasons – the alien is not in possession of a valid travel document, there are no possibilities to obtain travel tickets, etc.), a decision to suspend the enforcement of the return is taken. After one year after this decision is taken and if the circumstances due to which such decision was taken have not disappeared, a temporary residence permit in Lithuania can be issued.

Q27b. Are the results of the work to establish identity during the international protection process available to the authorities preparing forced return?

Yes.

Please describe the supplementary steps (if any) that may be needed with respect to identity establishment for the authorities in the receiving country to be prepared to accept the return.

If the person to be returned does not have a travel document issued in the country of origin, the institutions of the receiving country must confirm the identity of such a person and issue a return certificate.

Q28a. Does the outcome of identity establishment influence a recommendation to "grant residence permit" "refuse residence permit," "defer decision"?

Irrelevant since a valid travel document is required.

Q28b. How important is the establishment of identity compared to other factors considered in making an overall decision? For example, if identity cannot be established, does this *de facto* lead to a negative decision? Are other factors such as family ties, health problems or/and other humanitarian reasons, given more weight than identity determination in some cases? If Yes, please specify.

Irrelevant since a valid travel document is required. Only during the asylum procedure a person can lodge an application without having a document that confirms identity.

4.

Databases and Data Procedures

4.1. LEGAL FRAMEWORK

Q29a. Do(es) the identity determination/verification authority(ies) in Lithuania have Memoranda of Understanding (MoUs) and/or other agreements for the sharing of personal data in place with?

- Other agencies/departments: No.
- Carriers: No.
- Authorities in one or more other countries: No.
- International organisations: No.
- Private entities: No.
- Others: No.

No.

If Yes, please specify the other agency, carrier, countries or organisation/entity, if possible:

The management and exchange of personal data is already regulated by national and international legal acts. When establishing a person's identity in the context of migration processes, additional agreements are not necessary.

Q29b. Please identify any agreements below and if possible share them through attachments. If it is not possible to share the documents, please provide a brief overview of the information they contain.

N/a.

4.2. DATA PROCEDURES AND DATABASES

Q30. Which personal data of individuals is collected in national databases[28] within the framework of the various migration procedures, i.e. biographic (e.g. name, nationality, birthplace, ID-documents) and biometric (e.g. fingerprints, photographs, DNA). Please describe which data is collected for each of the relevant migration procedures and give the name of the relevant databases.

Such data is collected in the Register of Aliens. All data is regulated by the Decision of the Government of the Republic of Lithuania on the Reorganisation of the Register of Aliens and the Approval of the Statute of the Register of Aliens No 968[29]. The general data managed in the Register of Aliens are listed in Article 21 of the Statute while specific additional data related to: asylum seekers is listed in Article 29, the issuance of visas is listed in Article 25, residence permits is listed in Article 27.

4.3. USE OF DATABASES IN THE SCREENING PROCESS

Q31. Which identity-related databases are managed by the different national authorities involved in migration processes? (e.g. the national population register is managed by the police; the national entry/exit

[28] EMN NCPs do not need to provide information on the data collected under the framework of EU large-scale information management systems (EURODAC, VIS AND SIS II) as data collection requirements in this area are standardised at the European level and will be detailed directly by the EMN Service Provider in the Synthesis Report.
[29] The Statute of the Register of Aliens: https://www.e-tar.lt/portal/lt/legalAct/b20dab00424e11e48f819e33a7306fcc

system is managed by the border guard authority; the Eurodac National Access Point is managed by the asylum authority).

The Register of Aliens is governed by the Ministry of the Interior and managed by the Department of Information Technology and Communications, the MD, the SBGS, the police, the Office of the President, the MFA.

The Register of Residents is governed by the Ministry of Justice and managed by the State Enterprise Centre of Registers.

The SBGS Information System[30] is governed by the SBGS and managed by the Central Office of the SBGS, the FRC, the Department of Information Technology and Communications.

The institution that transfers the data from the Eurodac is the Forensic Science Centre and the MD manages the data of the Eurodac.

Q32a. Which regional, national and international databases, watch lists or reference tools are used for identification purposes, when a third-country national applies for international protection, a visa or residence permit? Please indicate which databases are used for specific procedures through the table below.

Table 11. *Databases, watch list and reference tools used for identity determination in migration-related procedures*

	VIS	SIS	EURODAC	National databases and watch lists
International protection	+	+	+	+
Return	+	+	+	+
Short stay visas	+	+		+
Long stay visas and residence permit for study reasons	+	+		+
Long stay visas and residence permits for family reasons	+	+		+
Long stay visas and residence permits for the purposes of remunerated activities	+	+		+

Q32b. Are there any data elements that the authorities would consider useful, but are not yet collected or stored? If Yes, please specify.

No.

[30] SBGS Information System contains information on persons and vehicles crossing of the state border of the Republic of Lithuania

4.4. RECENT AND PLANNED DEVELOPMENTS

Q33a. Please outline recent major changes in relation to the processing of personal data within the framework of migration-related procedures and databases (national/regional levels), including the following, if applicable:

- Inclusion of new identity elements on individuals in existing systems (i.e. biographic or biometric data)
- New databases, centralisation of databases or inter-connectivity systems.

There have been no significant changes recently.

Q33b. Please outline recent /planned pilots in the field of identity management architecture and data sharing.

A Lithuanian migration information system (MIGRIS) is currently under development which will allow to move migration processes to the virtual space, automate the management, provision and control of documents and data as well as ensure connection with other national registries and information systems.

5.

Debates and Evaluation Asylum Seekers for Return

Q34. Are the (actual or planned) measured described above currently being debated in Lithuania?

No.

If Yes, please describe the key issues under discussion and the actors involved in the debate. Sources of national debate to include may be national media reports, parliamentary debates, and statements of Non-Governmental Organisations/Civil Society Organisations or International Organisations.

N/a.

Q35. Have (national) data protection authorities or similar entities and/or legal experts assessed any of the measures described above?

No, but there are plans to request the State Data Protection Inspectorate to assess the MIGRIS project within the limits of the Inspectorate's competence.

If Yes, please specify the relevant authorities/ experts, describe what conclusions have they drawn and indicate whether (and if so, how) such conclusions have been taken into account when devising new measures or reviewing existing ones.

N/a.

Conclusions

Q36. With regard to the aims of this Focussed Study, what conclusions would you draw from the findings reached in elaborating your National Contribution? What is the relevance of your findings to (national and/or EU level) policy-makers?

The establishment of identity is an important part of managing migration processes. During 2012-2015, approximately 40 per cent of asylum seekers failed to present documents confirming their identity, however, **this number increased to 66 per cent in 2016**. Such a change might be explained by the fact that in 2016 the majority of applicants were Syrian citizens relocated from Greece who arrived without documents confirming their identity.

A variety of methods and combinations of methods are used to establish **the identity of an asylum seeker**, e.g., conducting a comprehensive and detailed interview, using age determination tests and fingerprint comparison. Each method is important and is used taking into consideration the information provided by the asylum seeker, whether the person holds any documents, whether these documents are original or are just copies of documents. All the methods which are employed are stipulated in legal acts of Lithuania; however, their application and the necessity to apply them in practice are most often determined by the officer or civil servant who works directly with the asylum seeker, conducts the interview, obtains information and documents from the asylum seeker, examines all the received documents, evaluates them and provides conclusions regarding a decision to be made.

It should be noted that essentially **the only national legal act that comprehensively governs these procedures** is the Methodology for Determination of a Person's Identity and Travel Route approved in 2000[31]. In the opinion of experts who work in the field of identity establishment, due to legal and practical changes as well as changes in technical abilities of establishing identity in recent years **it should be updated.**

The absence of documents that confirm identity does not, in and of itself, impede the examination of applications for asylum and reaching decisions **in the procedure for asylum**; however, in this process it is important to determine the country from which the asylum seeker has come. During the asylum process, all available documents and information are analysed. In some cases, when implementing asylum procedures, different methods can give different results, but a person might duly explain certain discrepancies (e.g., data in various documents might differ but this is explained by the person changing their name/surname; data in a document might differ from information given by the person but the latter might confess that the document has been forged for some reason etc.). If the documents and/or information collected are consistent and unambiguous person's identity can be regarded as established even though no travel documents was provided. At the moment such information is recorded only in the aliens file. Some experts suggest that the fact that identity was established based on the interview could be recorded in the Register of Aliens or in the resident's card.

If an application for granting of asylum is rejected and **a decision to return** is taken, but a person's identity/citizenship cannot be established, or return documents have not been received, then the enforcement of the decision to return is deferred, and responsible officers continue to work in order to verify the necessary information. If after one year the person's identity is not determined and the return documents are not received, a decision on the issuance of a temporary residence permit valid for one year is taken. If return documents are received during that year, the decision to return must be enforced immediately. If the return documents, however, are not received, then the temporary residence permit is extended for another year.

Issues regarding establishing the **identity of a person in the return process** arise when there is no signed readmission agreement and/or cooperation practice with the third country. In such cases there is no appointed official institution to which the request should be submitted, there is no defined template of the request and the term for delivering an answer is not specified. An even bigger issue is the absence of an embassy or consulate of a certain country in Lithuania which deal with establishing a person's identity and obtaining a return document. In some cases, issuing a return document takes more than 6 months and sometimes no answer is received. There are also cases when aliens do not want to be identified and consciously withhold genuine information about themselves.

[31] Methodology for Determination of a Person's Identity approved by the Order of the Minister of the Interior No 4nt of 3 February 2000

Lithuania faces challenges when establishing the identity of and obtaining return documents **for citizens of the Socialist Republic of Vietnam**. In order to solve this issue the SBGS has participated in a meeting with the management of the competent institutions of Vietnam where it was decided to sign a mutual cooperation agreement. If there is a signed readmission agreement between the countries, there are usually no issues in establishing identity because there is a specific institution, terms and procedure according to which the return of an alien is implemented, thus Lithuania supports the pursuit of the EU to conclude readmission agreements with the Socialist Republic of Vietnam.

In other **cases of legal migration determining identity is not relevant** because holding a valid travel document is a necessary condition for those who want to lodge an application for a visa or residence permit. No exceptions when issuing work and study permits and family reunification permits are laid down and the person must present a document confirming his or her identity.

The experts who work in the field of identity establishment believe that as the number of asylum seekers keeps growing and the map of their countries of origin keeps expanding, it is likely that the questions regarding establishing identity in the asylum and return processes will become more and more relevant to Lithuania. For this reason **it is necessary to share good practices** with other countries that have more experience in the field.

Annexes

ANNEX 1

With reference to **Q8**, please fill the following table by indicating with an "X" the national authorities/institutions primarily involved in identity establishment procedures for each of the procedures considered.

Table 12. *National authorities/ institutions involved in identity establishment in various migration procedures*

	International protection	Return	Short stay visas	Long stay visas/ permits for family reasons	Long stay visas/ permits for study reasons	Long stay visas/ permits for the purposes of remunerated activities
Consulates/Embassies		x	x	x	x	x
Immigration authorities	x	x	x	x	x	x
Asylum authorities[32]	x					
Police	x	x	x	x	x	x
Border guard[33]	x	x				
Security services	x	x				
Identification centre						
Other (please add rows to specify)						

[32] In the case of Lithuania, "an immigration authority" and "an asylum authority" is the same, the Migration Department.
[33] The officers of the SBGS take decisions to issue an alien a Schengen visa at a border crossing point under the conditions laid down in Chapter VI, Article 35 of the Code on Visas. Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas

ANNEX 2

With reference to **Q9**, please provide a brief explanation of how the identity establishment procedure is organised. For each of the procedures considered, please fill the table below with general information on the different identification steps, including:

- Parts of the process which have been automated;[34]
- Biometric technologies used, if any;
- Identification/ identity verification tasks carried out by decision maker or specialised officer;
- Centralised or decentralised identification function(s).

Table 13. *Procedural steps taken to establish identity of third-country nationals in various migration procedures*

Migration procedure	Steps in the procedure to establish identity
International protection	- Documents that contribute to establishing a person's identity, provided by the alien, are assessed. - The alien's data is checked in the Register of Residents of the Republic of Lithuania, the Register of Aliens, the second generation Schengen Information System, the Register of Suspects, Accused and Convicts and the Register of the Application of Prevention Measures, the Register of Wanted Persons, Unidentified Bodies and Unknown Helpless Persons, the Register of Habitoscopic Data. - When there are doubts regarding the alien's age, an age assessment is performed. - A personal interview is conducted, aiming to determine the person's identity and travel route. - Fingerprints are taken, the data is sent to the national division of the EURODAC.
Forced return	If it is decided to refuse asylum and determined that there is no basis not to return the alien, two administrative decisions are adopted (to refuse asylum and to return the alien) or a single administrative decision to refuse asylum and to return the alien. These decisions can be appealed. - On the basis of a readmission agreement or a request to an embassy regarding the establishment of a person's identity and issuing a travel document is prepared. - Until the return is enforced, the alien can be detained by a decision of the court if the detention is necessary for the taking of and/or enforcement of the relevant decision (if the alien hampers the taking and/or enforcement of the decision and may abscond to avoid return, expulsion or transfer). - If it has been determined that the decision to return cannot be implemented immediately because the foreign state to which the alien may be returned to refuses to accept the alien, the alien is in need of basic medical aid, the alien cannot be returned due to objective reasons (the alien is not in possession of a valid travel document), a decision to suspend the enforcement of the return is taken. - After one year after this decision is taken and if the circumstances due to which such decision was taken have not disappeared, a temporary residence permit in Lithuania can be issued. After one year, if the alien applies for a renewal of

[34] Automation is defined as 'The use or introduction of automatic equipment in a manufacturing or other process or facility' (see Oxford Dictionary https://en.oxforddictionaries.com/definition/automation, last accessed on 24th March 2017). For example, the use of a document reader would be understood as partially automating the task of performing document checks).

	the residence permit, it is repeatedly assessed whether it is possible to return the alien.
Short stay visas	Since the person must have a valid travel document when applying for a visa/residence permit, a person's identity is established by visually assessing whether there are signs of forgery in the document and comparing the information given in the application to the information provided in the document presented by the alien.
Long stay visas/ permits for family reasons	See the answer regarding short stay visas.
Long stay visas/ permits for study reasons	See the answer regarding short stay visas.
Long stay visas/ permits for the purposes of remunerated activities	See the answer regarding short stay visas.

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. .