

Standard Summary Project Fiche
Project Number LI 2002.03
LI2002/IB/JH/01

1. Basic Information

1.1. Désirée No.

1.2. Title Migration and Asylum Management System

1.3. Sector Justice and Home Affairs

1.4. Location Ministry of Internal Affairs, Refugee Reception Centre, Vilnius District Administrative Court, Ministry of Foreign Affairs
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2. Objectives

2.1. Overall Objective

The overall objective of this **€3.65 Million** institution building and investment project, of which **€0.75 Million** is provided from national co-financing, is to align Lithuanian asylum and migration legislation with the relevant *Acquis* and strengthen its administrative capacity to fully implement that *Acquis*, including establishment of comprehensive asylum and migration data processing and communication system.

2.2. Project Purpose

- Strengthen the administrative, operational and co-operation capacities of the migration and asylum institutions.
- Ensure full alignment of the national asylum and migration legislation to the EU *Acquis* including newly adopted Directives and Regulations in the field of asylum and migration.
- Establish comprehensive asylum and migration data processing and communication system (IS/IT).

2.3. Accession Partnership and NPAA Priorities

The 1999 Accession Partnership defines border and migration *legislation* as a short-term priority. The implementation of *migration policy* and *asylum procedure*, which have to be brought in line with the related *Acquis* and relevant international conventions, is a medium-term priority. Draft Accession Partnership 2001 among its priorities in Justice and Home Affairs sector also foresees such measure as *completion of alignment with Acquis on visa policy, asylum and migration, reinforcement of administrative capacity of competent bodies and improvement of the appeals system*.

On its part, NPAA 2001 covers migration and asylum issues in the Justice and Home Affairs chapter where the following measures are outlined:

- The provision of legal assistance to asylum seekers (3.7.1-P-B5)
- Creation and financing network of translation services for asylum seekers (3.7.1-P-B6), and
- Upgrading of the centre for information about refugees' countries of origin and ensuring retrieval of information (3.7.1-P-B7).

All these measures are continued in draft NPAA 2002 - 2003. Moreover, there are new measures in draft NPAA 2002 - 2003 related to this aspect:

- Strengthening of Asylum Affairs Division and Foreigners Affairs Division of the Migration Department under MIA, the Information Sub-Division of the Asylum Affairs Division in order to ensure asylum procedure in the Republic of Lithuania and establishment of the Register of Foreign nationals (3.24.1-S3).

Additionally the NPAA Law approximation Action Plan for 2002 - 2003 states that the Law on the Ratification of 1990 Dublin Convention needs to be drafted until 4th quarter of 2002 (3.24.1 - T1) as well as the necessary legislation establishing the implementation of asylum procedure in accordance with the mentioned Convention (3.24.1-T2). Dublin Convention includes EURODAC Regulation.

3. Description

3.1. Background and Justification

As of July 1999, Lithuania has begun to implement a Programme for the Control of the Migration Process. Covering the years 1999-2002, the programme is intended to regulate migration flows, namely by removing barriers obstructing the free movement of persons and preventing unlawful entry into and stay on the territory of the Republic of Lithuania.

In the area of asylum, the Lithuanian Parliament adopted a new Refugee Law in June 2000. In addition, in July 2000, the Government adopted a National Action Plan in the field of Asylum outlining priority actions until 2002.

In a further initiative, on 4 September 2000, the Government adopted the Resolution on the *Establishment of the Register of Foreigners and Approval of the Register Regulations*. The Resolution provides for the establishment of the Register as of 1 July 2003. The Foreigners Register is to include a *Refugee Register - Database* in which applications for refugee status can be recorded. Lithuania's Law on Refugee Status of 29 June 2000 provides for the creation of the Database. The Register of Foreigners will also include already existing databases on *visa information, temporary resident, permanent resident, citizenship, asylum and blacklist*.

The Regular Report 2000 found that Lithuania had made progress in aligning its migration and asylum legislation with EU *Acquis*. Concerning visas, the policies were close to being in line with the Schengen requirements, though some aspects needed to be revised before accession to EU. The Regular Report also noted that the Migration Department under MIA is understaffed given the magnitude of its tasks.

With a view to the future, there are new EC and EU legislative instruments concerning migration and asylum whose implementation requires additional national legislation to be enacted. In particular, legislation drafted and adopted in the context of the Vienna action plan and the Tampere Conclusions must be implemented.

Practical endeavours are also needed for the establishment of a comprehensive migration and asylum management system. This will include:

- Setting up the register foreseen in the Government Resolution on the Establishment of the Register of Foreigners and Approval of the Register Regulations. A structured database in which all available and relevant information about foreigners entering Lithuania can be stored and shared with the relevant institutions must be set up. This process is closely linked to overall law approximation and administrative capacity building in Lithuania.
- In order to ensure successful implementation of NPAA measures concerning translation services and information about refugees' countries of origin data-

bases on *country of origin information* and information on *available interpreters* needs to be established. These databases will be located in Migration Department under MIA.

- Setting up a separate fingerprint database, referring to the requirement of EURODAC Regulation (a part of Dublin Convention) to have a necessary capacity for transmitting the required fingerprints to the central unit of EURODAC and receive the replies.¹
- Strengthening of national administrative capacities, especially by better communication and co-ordination between the institutions responsible for the respective areas (migration, asylum and visas). There is a need both for better internal working instructions and a comprehensive IS/IT in order to make the processes smooth and efficient.

The Republic of Lithuania has already achieved certain results in terms of implementation of the Geneva Convention on Refugee Status and its New York Protocol. The Law of the Republic of Lithuania on Refugee Status and its implementation is in compliance with the Constitution of the Republic of Lithuania and generally in alignment with the *1951 Geneva Convention on the Refugee Status*, with the *1967 New York Protocol on the Refugee Status*, and with the *1989 Convention on the Rights of the Child*, and with the other international instruments and their requirements. When drafting this Law, the attention has been paid to the Conclusions of the Executive Committee of the United Nations High Commissioner for Refugees, to suggestions of the EU experts, and to the minimum guarantees, applicable to asylum seekers during the refugee status determination procedure.

Foreigners can submit applications for refugee status at state border crossing points, police commissariats and the Foreigners Registration Centre. All the employees of these institutions have clear instructions on how to act when an application for refugee status is submitted. Training concerning issuing of initial interviews is constantly taking place. Training is usually organized by UNHCR, foreign countries' institutions related to asylum matters (mostly by Nordic States), other international institutions. The training for officials were also organized during the PHARE Horizontal Programme project in the field of asylum (1998 - 2000).

On 21 January 1999 the Ministry of Interior and the Lithuanian Red Cross Society signed an agreement on legal assistance for asylum seekers. Pursuant to the agreement, the lawyers of the Lithuanian Red Cross provide free of charge legal consultation to asylum seekers and represent their interests at the court. On 26 March 2001 the Ministry of Interior, Lithuanian Red Cross Society and UNHCR co-ordinator in the Republic of Lithuania signed a new co-operation agreement. This agreement specifies the rights and obligations of the Ministry of Interior and the Lithuanian Red Cross.

The Migration Department has created a network of persons capable of interpreting in asylum cases. Moreover, on the initiative of the Migration Department, a Draft Agreement Between Migration Department under the Ministry of Interior of the

¹ In Lithuania, all asylum seekers are fingerprinted when they apply for asylum in the Republic of Lithuania. For the purpose of establishing the identity of illegal migrants, the fingerprints of those are taken by the Police or the State Border Guard Service. The fingerprint data of all asylum seekers and illegal migrants together with the fingerprints of criminal offenders are stored in a Central Database administrated by the Police Department under the MIA.

This practice will need to be refined and a number of technical arrangements will have to be put into place and implemented before full participation by the Republic of Lithuania in EURODAC is possible. **First**, EURODAC imposes an obligation on Member State to fingerprint all asylum seekers as well as illegal migrants who are apprehended at the border and to transmit this data, together with basic personal information, to the Central Unit in the Commission. **Secondly**, the Republic of Lithuania will have to set up National EURODAC Unit, which will interact and be technically compatible with the EURODAC Central System.

Republic of Lithuania, Citizenship and Migration Board of the Republic of Estonia and Citizenship and Migration Department of the Ministry of the Interior of the Republic of Latvia on Utilisation of Interpretation Services in Asylum Procedure of the Baltic States was drawn up. It was signed in Tallinn on 17 March 2000 (Estonia).

During preparation of this project, the UNHCR Liaison offices in Vilnius, the Republic of Lithuania, and in Riga, the Republic of Latvia, were consulted. The Migration department at the Ministry of Interior received comments on the project from these institutions and the majority of the comments were taken into account.

For more detailed information on the project background, please refer to Annex 5 and Annex 6.

3.2. Linked Activities

Phare is supporting the adoption of the Justice and Home Affairs *Acquis* by a series of programmes dealing, *inter alia*, with border management, prevention of illegal migration, strengthening and improving of asylum procedure and National Schengen Information System.

Among programmes related to migration and asylum issues, the following are the most important:

- Upgrading of the Foreigners' Registration Centre at Pabrade (€ 649.000). Phare assistance has succeeded in improving the living conditions for illegal immigrants and asylum seekers housed in the Centre and along with the general decrease of illegal immigrants entering Lithuania considerably reduced the risk of overcrowding.
- Phare Horizontal Programme in the field of Asylum aimed at aligning the Associated States' asylum legislation, practice, and institutional capacity to the EU *Acquis* on asylum and related international standards. The Programme was formally launched in January 1999 and ended in November 2000. During this project, the Action Plan outlining the priorities in asylum field was prepared.
- Phare Horizontal Programme in the field of Migration launched in May 2001 and ending in May 2002. The purpose of the project is to contribute to the transfer of the EU *Acquis* and the adaptation of national legislation. This will be done by the formulation of a Gap-analysis and a Migration National Action Plan for the implementation of the *Acquis*.
- Phare project no. LI9908.01 on the Adoption and Implementation of the Schengen *Acquis*. The project will help increasing Lithuania's compliance with EU standards and requirements in the area of the security and protection of the common territory through the progressive adoption of the requirements of the Schengen Agreement.

Action Plans and reports produced during aforementioned projects will contribute to implementation of the proposed project.

Lithuania has also received bilateral assistance concerning migration and asylum matters. An agreement between MIA and the "Norway Registers Development AS" for co-operation in the field of the establishment of the Register of Foreigners was signed on 15 February 2001. During this project, a report for the establishment of Register of Foreigners will be prepared in October 2001 and later it will be used for this Phare project.

In spring 2001, the Swedish Migration Board provided assistance in organising a three-day seminar aimed at assessing the existing procedure for registering applica-

tions for visas, residence permits, asylum and decisions on expulsion and the needs for improvement in order to ensure compliance with EU standards. This needs assessment provided a good starting point for the work with establishing a new comprehensive migration IS/IT.

3.3. Results

Institution building

- Trained staff of institutions involved in asylum and migration matters has increased its competence.
- Internal working rules prepared and put in force
- Co-operation methodology/manual prepared for asylum and migration institutions
- Asylum procedure Handbook prepared and published
- Recommendations for alignment of legislation prepared

Investment:

Technical Assistance

- Created and operational software for Register of Foreigners, which will include already existing and also new databases.

Supply

- Software and hardware including fingerprint equipment for migration and asylum IS/IT purchased, installed and operational.

3.4. Activities

The project consists of one Twinning component, one Technical Assistance and one Investment component.

3.4.1 Twinning and Training package

Guaranteed results/ expected outputs

- Revision of national migration and asylum legislation and preparation of recommendations in order to align it with the EU *Acquis* including newly adopted Directives and Regulations in the field of migration and asylum.
- Revision of internal instructions of all institutions involved in an asylum procedure and recommendations for their better work and co-operation prepared, including preparation of a co-operation methodology/manual.
- Preparation of Action Plans for effective implementation of comprehensive migration and asylum IS/IT.
- Preparation and publication of the Asylum Procedure Handbook as an internal instruction for the related institutions, including preparation of recommendations for future development of the Handbook.
- Development of training material and delivery of training for staff involved in inter-institutional co-ordination, and management and use of asylum and migration IS/IT. The training will include a limited number of study visits to Member State's administration. It will be provided to²:
 - 20 specialists of the Migration Department under MIA;
 - 20 specialists of the Police Department under MIA;

² This is a preliminary proposal and the final list of institutions and specialists will be prepared with the project team in co-operation with the project beneficiary.

- 20 specialists from State Border Guard Service under MIA (including 5 persons from Foreigners Registration Centre);
- 10 specialists from the Ministry of Foreign Affairs;
- 5 judges from Vilnius District Administrative Court;
- 5 specialists from Ministry of Social Security and Labour (Refugee Reception Centre);
- 5 specialists from Information Technology and Communication Department under MIA;
- 5 specialists from Population Register Service under MIA.
- 2 specialists from Forensic Science Center of the Police Department under MIA (concerning EURODAC).

The training will enable the graduates to act as trainers at their home institutions³.

Scope of the twinning

- Conducting review and analysis of Lithuanian legislation in view of aligning it with the newly adopted EU legislation;
- Development of training programmes and materials on application of new EU legislation and delivery of such training.
- Revision of internal instructions of all institutions involved in an asylum procedure and preparation of operational manual for their better work and co-operation preparation.
- Drafting of Asylum Procedure Handbook (internal working guidelines) for all institutions of the asylum procedure and preparation of recommendations for future development of Asylum Procedure Handbook
- Development of training materials, and delivery of training for staff involved in inter-institutional co-ordination, management, analysis and use of asylum and migration IS/IT.
- Preparation of recommendations for further development of the Register of Foreigners and related databases;

Required inputs

One PAA over period of 12 person/months with good administrative and management skills and good knowledge of written and spoken English. S/he will be providing general management and institutional support to ensure an effective implementation of the project. S/he should have a good overview of the fields of migration, asylum, and visas. Practical experience in the fields of the migration and asylum IS/IT and of staff training would be an advantage. Additionally the PAA will possess the following qualifications:

- At least 5 years working experience in the field of migration and asylum;
- Experience in solving co-ordination and co-operation issues;
- Good knowledge of migration and asylum legislation in the European Union, including the recent developments;
- Familiar with the Schengen *Acquis*, EURODAC, and Dublin systems and data protection requirements.

Short and medium term experts

A group of Short-term experts (STEs) for 16 person/months. All must be familiar with EU operations in the field of migration and asylum, have experience in preparing and delivering of training programmes, and have good knowledge of spoken and written English.

Additionally, experts assisting in preparation of recommendations for further development of the Register of Foreigners and related databases must possess the following qualifications:

- Good knowledge of EU member state practice in establishment and operation of migration and asylum IS/IT
- Practical experience in the establishment of migration and asylum IS/IT, including Register of Foreigners and other related databases.
- Practical experience in the preparation and implementation of training packages related to management and use of migration and asylum IS/IT.
- Ability to provide assistance in preparation of new Action Plans for effective implementation of comprehensive migration and asylum IS/IT.

Operating environment of the twinning

The Migration Department under MIA will be the counterpart for the twinning project. To ensure smooth operations, the Ministry will provide office accommodation and the usual office equipment to the project. It will also contribute to covering the expenses of seminars in Lithuania and of local travel.

3.4.2 Technical Assistance

A private company will be contracted to develop the asylum and migration IT/IS software. Its task will consist of:

- Programming
- Software test and summary of results
- Installation of software
- Development of computer network and insurance of system's security
- Training on how to work with the new software for persons who will be working with the Register of Foreigners (the exact number will be specified)

Technical Assistance component should result in newly created software for the Register of Foreigners including already existing and also new databases.

All databases currently possessed by the Migration Department are located in Information Technology and Communication Department under MIA. Therefore Technical Assistance will be provided to the latter department and all new servers and databases will be located there while other institutions will be linked to a common network.⁴

Terms of Reference for Technical Assistance will be prepared by the Ministry of Internal Affairs

3.4.3 Supply contract

Equipment for the migration and asylum IS/IT funded by Phare and co-financed by MIA will be acquired in one international tendering operation.

Register of Foreigners will be located in Information Technology and Communication Department under MIA. Databases on available interpreters and country of origin Migration Department under MIA. Exact placement of fingerprint equipment will be known when a political decision concerning National EURODAC Unit will be done, as it is expected at the 4th quarter of 2002. It is expected that the equipment will be placed in Forensic Science Centre or Information Technology and Communication Department under MIA.

The initial technical preparations have been completed, and a preliminary equipment list is provided in Annex 4. The final technical specification and final list of equipment will be prepared with the advice of PAA and STEs.

3.5 Lessons learned

There have been no previous Phare projects in the area of migration. However, a draft version of Interim Evaluation Report No.R/LI/JHA/01027 on Justice and Home Affairs was prepared by EMS Consortium on 22 November 2001. In its conclusion, the Report stated that there were quite few recommendations from the point of view of Programme management. It also proposed a number of Programme design related recommendations, which will be taken into account.

4. Institutional Framework

The project will involve the following institutions:

- **Ministry of Internal Affairs:**
 - Migration Department
 - Information Technology and Communication Department
 - Police Department;
 - Forensic Science Centre of the Police Department
 - State Border Guard Service;
 - Foreigners Registration Centre;
 - Population Register Service
- **Ministry of Social Security and Labour;**
 - Refugee Reception Centre;
- **Ministry of Justice:**
 - Vilnius District Administrative Court;
- **Ministry of Foreign Affairs.**

The main institution responsible for the implementation of this project will be the Migration Department under MIA. The Department ensures the implementation of the State policy in the fields of migration, citizenship, declaration of the residence place, visas, granting asylum and refugee status and legal status of foreigners in the Republic of Lithuania.

An inter-institutional steering group for the co-ordination of project activities and its smooth implementation will be created. The group will consist of representatives of the institutions involved in the project and will be chaired by the Deputy Head of the Migration Department.

The Steering group will have regular meetings at least once per month and more often if necessary. On day-to-day basis, the technical co-ordinator of the project components will be the representative from Migration Department appointed by the Steering group. UNHCR and IOM will participate in the project as observers with consulting and advisory role.

5. Detailed Budget (€Million)

| Project Components | Investment Support | Institution Building | Total Phare (I + IB) | National Co-financing | IFI | TOTAL |
|----------------------|--------------------|----------------------|----------------------|-----------------------|-----|-------------|
| Twinning | | 0.6 | 0.6 | | | 0.6 |
| Technical assistance | | 0.55 | 0.55 | 0.15 | | 0.7 |
| Supply | 1.75 | | 1.75 | 0.6 | | 2.35 |
| TOTAL | 1.75 | 1.15 | 2.9 | 0.75 | | 3.65 |

The Phare amount is binding as a maximum amount available for the project. The ratio between the Phare and national co-finance amounts is also binding and has to be applied to the final contract price.

The national co-financing commitment is a tax-excluded net amount.

6. Implementation Arrangements

6.1. Implementing Agency

PAO: Zilvinas Pajarskas,
Director of Central Financing and Contracting Unit under the Ministry of Finance

Address: J.Tumo-Vaižganto 8A/2 Telephone: 370 2 685367
2600, Vilnius Fax: 370 2 225335
Lithuania e-mail: info@cfcu.lt

6.2. Twinning

The Twinning Team will primarily be located at the Ministry of Internal Affairs. The contact person for the Twinning Component will be Mr. Janas Vidickas - Deputy Head of the Migration Department under MIA, tel. 370 2 717109; fax: 370 2 718210; e-mail: janas@vrm.lt

6.3. Non-standard aspects

PRAG and Twinning Manual will be applied fully. The project has three components: 1 Twinning Component, 1 Technical Assistance Component and 1 Investment Component.

6.4. Contracts

There are 3 tenders foreseen for the implementation of this project activities:

Value of Twinning Covenant €0.6 Million

Value of Technical Assistance Contract € 0.7 Million, including € 0.15 Million of national co-financing

Value of Supply Contract € 2.35 Million, including € 0.6 Million of national co-financing

7. Implementation Schedule

| Component | Start of Tendering | Start of Project Activity | Project Completion |
|----------------------|--------------------|---------------------------|--------------------|
| Twinning | 1Q/02 | 3Q/02 | 3Q/03 |
| Technical Assistance | 3Q/02 | 4Q/02 | 2Q/03 |
| Supply | 4Q/02 | 2Q/03 | 2Q/03 |

8. Equal Opportunity

The Constitution of Lithuania, the Law on Equal Opportunity between Men and Women, and other legal acts explicitly forbid the discrimination on the basis of sex, nationality, and religion. A Controller on equal opportunities between men and women is appointed by the Seimas (the Parliament).

The institution involved in the project execution will observe equal opportunity of men and women in its recruitment and human resources development. Vacancies are equally open to both genders. The beneficiary will also ensure equal access of men and women to the project activities and results.

An inter-institutional steering group created for this project will also ensure equal opportunities for both genders.

9. Environment

The investment component of this project relates to institution building activities.

10. Rates of Return

The investment component of this project relates to institution building activities.

11. Investment Criteria

The investment component of this project relates to institution building activities.

12. Conditionality and sequencing

The Migration Department under MIA will expand its Centre for Information about the Countries of Origin of Refugees and Asylum Seekers, and create a network of translation services for asylum seekers before the project commences.

The Government Programme of the Republic of Lithuania contains the necessary elements for the upgrading of the migration and asylum systems. A strategy has also been prepared that includes the most important elements for the legislative work.

Improvements in the field of migration and asylum are priorities in the Justice and Home Affairs policies of the Lithuanian government. As such, the primary conditions for starting the programme are fulfilled.

Lithuanian side will contribute € 0,75 Million in line with the Phare co-financing requirements.

Lithuanian side also undertakes to ensure timely co-ordination of the project with the on-going project under the Phare Horizontal Programme and bilateral proj-

ects. It will also ensure that material developments (e.g. Actions Plans) developed during aforementioned projects will be made available to the project team.

Lithuanian side will ensure further maintenance of the system after the asylum and migration data processing and communication system is established. It commits itself to guarantee the proper functioning of the system in the future also the allocations of financial resources needed in order to sustain, support and further develop the system.

All tendering activities can start as outlined in section 7 and detailed in Annex 2. Sufficient human resources will be made available by MIA and the other involved institutions for the timely implementation of all the planned operations.

ANNEXES TO PROJECT FICHE

- 1. Logical framework matrix**
- 2. Detailed implementation chart**
- 3. Contracting and disbursement schedule**
- 4. Reference to feasibility /pre-feasibility studies: Preliminary Budget for Technical Assistance and Supply Component**
- 5. Reference to Background and Justification**
- 6. Principal Valid Legal Acts of the Republic of Lithuania Regulating the Legal Status of Aliens in Lithuania**
- 7. Scheme of feeding of data in the Register of Foreigners**
- 8. Scheme of using of data of the Register of Foreigners**

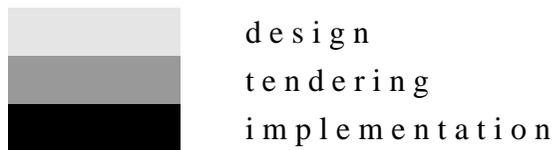
| LOGFRAME PLANNING MATRIX FOR Project: Asylum and Migration Management System | | Programme Name and Number | Asylum and Migration LI 2002-x-xx |
|---|--|---|---|
| | | Contracting Period Expires: 2Q/04 | Disbursement Period Expires: 2Q/05 |
| | | Total Budget: €3.65 Million | Phare Budget: €2.9 Million |
| Overall Objective: <ul style="list-style-type: none"> Align Lithuanian asylum and migration legislation with the relevant <i>Acquis</i> and strengthen its administrative capacity to fully implement this <i>Acquis</i>, including establishment of comprehensive asylum and migration data processing and communication system. | Objectively Verifiable Indicators: <ul style="list-style-type: none"> Decision making process in the fields of asylum and migration corresponds to practices in comparable Member States | Source of Verification <ul style="list-style-type: none"> National, EU and international reports, studies and statistics | |
| Project Purpose: <ul style="list-style-type: none"> Alignment of the Lithuanian asylum and migration legislation to the EU <i>Acquis</i> including newly adopted Directives and Regulations in the field of asylum and migration. Administrative, operational and co-operation capacities of the migration and asylum institutions strengthened Asylum and migration data processing and communication system (IS/IT) functioning as planned. | Objectively Verifiable Indicators: <ul style="list-style-type: none"> Legislation enacted. Requests for asylum, residence permits and visas are processed in an effective, efficient, and transparent manner in line with the EU requirements including the Dublin Convention, EURODAC Regulation, and Schengen Agreement. Data processing and communication secure, reliable and fast as in comparable Member States. | Source of Verification <ul style="list-style-type: none"> National, EU and international reports, studies and statistics. Reports drafted by PAAs and project leaders. | Assumptions <ul style="list-style-type: none"> Continued political support in Lithuania to the idea of joining the European Union. |
| Results <ul style="list-style-type: none"> Recommendations for alignment of legislation prepared Co-operation methodology/manual prepared for asylum and migration institutions Trained staff of institutions involved in asylum and migration matters has increased its competence. Internal working rules prepared and put in force Asylum Procedure Handbook prepared and published Created software for Register of Foreigners, which will include already existing and new databases. Software and hardware including fingerprint equipment for migration and asylum IS/IT purchased and installed. | Objectively Verifiable Indicators <ul style="list-style-type: none"> Review of Lithuanian legislation in view of new EU legislation conducted and necessary recommendations documented in a working paper. 90 specialists graduated from the training courses have increased their competence. Operational manual for officials of the involved institutions accepted and put in force Asylum Procedure Handbook (internal working guidelines) for all institutions of the asylum procedure prepared and accepted and put in force. Newly created software for Register of Foreigners tested, documented and installed. Hardware and software received in time, and at the required quality, as planned | Source of Verification <ul style="list-style-type: none"> National, EU and international reports, studies and statistics Handing-over notes issued by the MIA | Assumptions. <ul style="list-style-type: none"> Draft legislation enacted as planned Funds for operating the system available when needed Trained staff can be retained in the medium and long-term |
| Activities <ul style="list-style-type: none"> Review of Lithuanian legislation and preparation of recommendations in order to align it with the <i>Acquis</i> including newly adopted Directives and Regulations in the field of migration and asylum. Review of internal instructions of all institutions involved in an asylum procedure to prepare them for better work and co-operation Preparation and publication of the Asylum Procedure Handbook as an internal instructions for the related institutions Development of training programmes, materials, and delivery of training for staff involved in inter-institutional co-ordination, management, and use of asylum and migration IS/IT. Preparation of Action Plans for effective implementation of comprehensive migration and asylum IS/IT. Selection, purchase, and installation of hardware and software including fingerprint equipment for migration and asylum IS/IT. | Means <ul style="list-style-type: none"> One Twinning Arrangement including one PAA for a period of twelve months and group of STEs (16 p/m) One Service contract for development of software for the Register of Foreigners. One Supply tender for hardware including fingerprint equipment for the migration and asylum IS/IT. | Source of Verification <ul style="list-style-type: none"> Twinning Covenant Reports drafted by PAA Progress reports by software developers | Assumptions <ul style="list-style-type: none"> Co-operation between participating Lithuanian and Member States institutions free of frictions Qualified Twinning Partner for the project can be found |

Preconditions

- Government commitment concerning co-financing.
- Centre for information about the countries of origin of refugees and asylum seekers expanded
- Network of translation services for asylum seekers set up.

Detailed Implementation Chart for the Project
Establishment of Comprehensive Migration and Asylum Management System

| Year | 2001 | | | | | | 2002 | | | | | | | | | | | | 2003 | | | | | | | | | | | | 2004 | | | | | | | | |
|-----------------------------|------|---|---|----|----|----|------|---|---|---|---|---|---|---|---|----|----|----|------|---|---|---|---|---|---|---|---|----|----|----|------|---|---|---|---|---|--|--|--|
| Month | 7 | 8 | 9 | 10 | 11 | 12 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 1 | 2 | 3 | 4 | 5 | 6 | | | |
| Twinning Component | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Technical Assistance | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Supply | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |



CUMULATIVE CONTRACTING AND DISBURSEMENT SCHEDULE (Phare Contribution only - €2.9Million)

| | Date | | | | | | | | | | | | |
|--|-------|-------|-------|-------|-------|------------|-------------|-------------|-------------|-------------|------------|-------|-------|
| | 2001 | | | 2002 | | | | 2003 | | | 2004 | | |
| | 30/06 | 30/09 | 31/12 | 31/03 | 30/06 | 30/09 | 31/12 | 31/03 | 30/06 | 30/09 | 31/12 | 31/03 | 30/06 |
| Contracting | | | | | | | | | | | | | |
| • Twinning | | | | | | 0.6 | | | | | | | |
| • Technical Assistance | | | | | | | 0.55 | | | | | | |
| • Supply | | | | | | | | | 1.75 | | | | |
| Total contracting (cumulative) | | | | | | 0.6 | 1.15 | | 2.9 | | | | |
| Disbursement | | | | | | | | | | | | | |
| • Twinning | | | | | | 0.3 | 0.36 | 0.42 | 0.48 | 0.54 | 0.6 | | |
| • Technical Assistance | | | | | | | 0.17 | 0.30 | 0.44 | 0.55 | 0.55 | | |
| • Supply | | | | | | | | | 1.05 | 1.57 | 1.57 | | |
| Total disbursement (cumulative) | | | | | | 0.3 | 0.53 | 0.72 | 1.97 | 2.66 | 2.9 | | |

Reference to Feasibility/Pre-feasibility Studies

Some feasibility studies have been conducted with the assistance of Swedish and Norwegian partners.

An agreement between MIA and the "Norway Registers Development AS" for co-operation in the field of the establishment of the Register of Foreigners was signed on 15 February 2001. During this project, a report for the establishment of Register of Foreigners will be prepared in October 2001 and later it will be used for this Phare project.

In spring 2001, the Swedish Migration Board provided assistance in organising a three-day seminar aimed at assessing the existing procedure for registering applications for visas, residence permits, asylum and decisions on expulsion and the needs for improvement in order to ensure compliance with EU standards. This needs assessment will also be used as a starting point for the work with establishing a new comprehensive migration IS/IT.

Preliminary Budget for Technical Assistance and Investment Component

| | Investment Support | Institutional Building | Total |
|--|------------------------------|----------------------------|------------------|
| Technical Assistance | | | |
| Development of software, software test and summary of results | | 420 000 | 420 000 |
| Installation of software | | 50 000 | 50 000 |
| Development of computer network and insurance of system's security | | 130 000 | 130 000 |
| Training how to work with new software | | 100 000 | 100 000 |
| Investment Component | | | |
| Network hardware (Router, Swith, Hub, Rack, Cable) | 630 000 | | 630 000 |
| Servers hardware (servers for Register of Foreigners, application servers, server for database in which countries of origin information and information about available interpreters can be stored, server for fingerprint system) | 570 000 | | 570 000 |
| Software for countries of origin and available interpreters database | 50 000 | | 50 000 |
| 230 Computers | 220 000 | | 220 000 |
| 80 Printers | 30 000 | | 30 000 |
| 64 Electronic readers of documents | 128 000 | | 128 000 |
| Licenses for server software | 150 000 | | 150 000 |
| 12 Digital photo cameras | 6 000 | | 6 000 |
| Lithuania AFIS system (system for fingerprint resolve) modernisation and 12 workplace with light scanners for fingerprints | 500 000 | | 500 000 |
| Other expenses | 40 000 | | 40 000 |
| TOTAL | 2 324 000⁵ | 700 000⁶ | 3 024 000 |

⁵ This is a preliminary list with preliminary calculations. The final list will be prepared by the beneficiary in co-operation with the Twinning team.

⁶ This is a preliminary list with preliminary calculations. The final list together with Terms of reference will be prepared by the working group of the Ministry of Internal Affairs before the project starts.

Migration

Law on the Legal Status of Aliens (hereafter – Aliens Law) of 17 December 1998 (in force since 1 July 1999) provides the legal basis for migration to Lithuania including the criteria for issuing permits to enter the country for work, business or study purposes. The most recent amendment to the law was made on 12 June 2001 and was directly linked to Lithuania's accession to the European Union. The Aliens Law also regulates the measures targeted to handle illegal migration, detention and expulsion of aliens.

The Aliens Law is implemented in accordance with a number of by-laws including the Government Resolution approving the Procedure for the Issuance, Change and Withdrawal of Residence Permits for Aliens of 1 May 2000 and the Resolution on the Approval of the Procedure for the Implementation of Decisions Authorising Obligatory Departure or Expulsion of Aliens from the Republic of Lithuania”, adopted on 23 March 2000.

As of December 1999, Lithuania has begun to implement a Programme for the Control of the Migration Process. Covering the years 1999-2002, the programme is intended to regulate migration flows, namely by removing barriers obstructing the free movement of persons and preventing unlawful entry into and stay on the territory of the Republic of Lithuania. Rules on illegal employment are largely in line apart from an adjustment concerning checks on unemployed residents.

The lack of a structured database in which all available and relevant information about aliens entering Lithuania can be stored and shared with the relevant institutions hamper the immigration officials' work with trying to establish the identity of undocumented alien, assess their applications for visas or residence permits or prepare for their expulsion from the country.

The Aliens Law provides for the establishment a Register of Foreigners. The management of the register shall be assigned to the Ministry of Internal Affairs. In addition, the need to establish such a Register is also stipulated in the Program for the Control of the Migration Processes. The Ministry of Internal Affairs supports the idea of establishment of a separate Foreigners Register, an approach based on majority of EU countries' practice. Lithuania's first steps towards the establishment of the Foreigners Register was the creation of a legal basis: on 4 September 2000, the Lithuanian Government adopted the Resolution on the Establishment of the Register of Foreigners and approval of the Register regulations. The Resolution provides for the establishment of the Register as of 1 July 2003. The Position Paper of the Republic of Lithuania on chapter 24 (Co-operation in the fields of Justice and Home Affairs) adopted by the Government on 22 December 2000, furthermore states that the Foreigners' Register should be set up in the 2nd quarter of 2003. The Foreigners Register is to include a database in which applications for refugee status can be recorded, the creation of which is provided for by Lithuania's Law on Refugee Status of 29 June 2000, a database in which applications for visas to Lithuania can be stored, a database in which applications for various forms of residence, work or study permits can be recorded as well as one database containing updated country of origin information and a database containing a list of available interpreters.

Apart from the current lack of a functioning and comprehensive migration registration IS/IT, there is also a need to further review the existing Lithuanian laws and bylaws in light of the existing and evolving EU *acquis* on migration. Some work has already begun within the framework of the Phare Horizontal Program in the field of Migration, Visas and Border Control. So far within this program, the following legal gaps in the field of migration have been identified in the Lithuanian legislation vis-à-vis the relevant EU documents: procedures on how to deal with rejected asylum-seekers and illegal migrants who cannot be deported for practical or technical reasons and the possibility to grant these individuals a legal status in Lithuania; procedures on how to deal with foreigners readmitted to Lithuania under existing readmission agreements; detention pending expulsion; and clear and workable procedures for family reunification (e.g. the fact that Lithuania lacks embassies in many countries creates a problem for family members who want to submit applications for family reunification, e.g. who will interview the family members, issue them visas etc.).

Asylum

Lithuania ratified the 1951 Convention and 1967 Protocol relating to the Status of Refugees on 21 January 1997. The first Refugee Law was adopted on 4 June 1995 (entered into force on 27 July 1997). In 1998, a working group was created by the Government charged with preparation of amendments to the Refugee Law in light of the requirements of the EU *Acquis* on asylum. As a result of the work of the group, a new version of the Law on Refugee Status (hereafter – Refugee Law) was passed by Lithuanian Parliament on 29 June 2000 (entered into force on 1 September 2000). The Refugee Law regulates admissions of asylum seekers to the territory of the state, establishes procedure for determination of refugee claims and deals with rights and obligations of asylum seekers and refugees. Most of the provisions of the Refugee Law correspond to the requirements of the EU, however some of them still have to be aligned, as indicated in the National Action Plan in the field of asylum approved by the Government in July 2000 and Lithuanian Future Report of November 2000 prepared under the 1999-2000 Phare Horizontal Programme on Asylum. Furthermore, a number of by-laws need to be drafted for the efficient implementation of the Refugee Law. Amendments to the Refugee Law will be needed after the Council Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national, as well as other Community legislation in the field of asylum as a result of the Amsterdam Treaty is adopted.

In addition to protection on refugee grounds, a basis for alternative protection is provided in the Aliens Law, which covers those persons who do not qualify for refugee status but who are in need of protection on other grounds (e.g. war situation in the country of origin, risk of torture or inhuman treatment, etc.). Temporary residence permit on humanitarian grounds is issued for those qualifying for protection under Aliens Law.

Since the start of operation of asylum procedure, more than 800 persons applied for asylum in Lithuania. In addition to those applying for refugee status, 188 persons applied for subsidiary protection. Though these are rather modest numbers in comparison to those in the EU countries, the numbers can be expected to increase considerably with Lithuania's improving financial situation and future EU membership.

Migration Department under the Ministry of Internal Affairs is the central institution in the asylum procedure, which takes decisions and examines asylum applications. Appeals against negative decisions of the first instance are being handled by Vilnius District Administrative Court since 1 September 2000. As the Administrative courts were established only in 1999 within the existing structures of courts of general competence, they still lack capacities not only in handling traditional cases, but even more asylum related ones. In addition to asylum cases, Vilnius District Administrative Court deals with complicated cases of state importance.

Aside from the Migration Department and Vilnius District Administrative Court, a number of other institutions participate in the asylum procedure, including: Foreigners' Registration Centre, State Border Protection Service, local police commissariats. Given the legislative changes and newly introduced procedures (admissibility at the border and accelerated procedure within the territory) there is lack of co-ordination among the mentioned institutions. There is also no comprehensive asylum IS/IT to ensure efficient information exchange. No database on asylum seekers and refugees, which provides for adequate data protection and which is accessible to all institutions involved in the field, exists. Efforts have been taken to establish a country of origin information centre. However, there are no capacities to store and process information as well as make it accessible to all institutions participating in asylum procedure. Availability of the comprehensive IS/IT is furthermore essential in view of Lithuania's preparations to implement the future Council Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national and the EURODAC Regulation.

Visa policy

A visa to enter the Republic of Lithuania shall be issued by a diplomatic or consular institution of the Republic of Lithuania. In the Republic of Lithuania, the Ministry of Foreign Affairs, the Ministry of Internal Affairs (particularly - the Migration Department under the Ministry of Internal Affairs) shall have the right to issue visas.

The visa policy in of the Republic of Lithuania is to a large extent in line with the requirements of the *Acquis*. The Republic of Lithuania shall endeavor to fully align its visa policy with the *Acquis* by the date of accession. In the opinion of Lithuania, the visa policy in respects of the Kaliningrad region of the Russian Federation requires special focus in this context. The visa format in the Republic of Lithuania in force is almost in line with the EU requirements

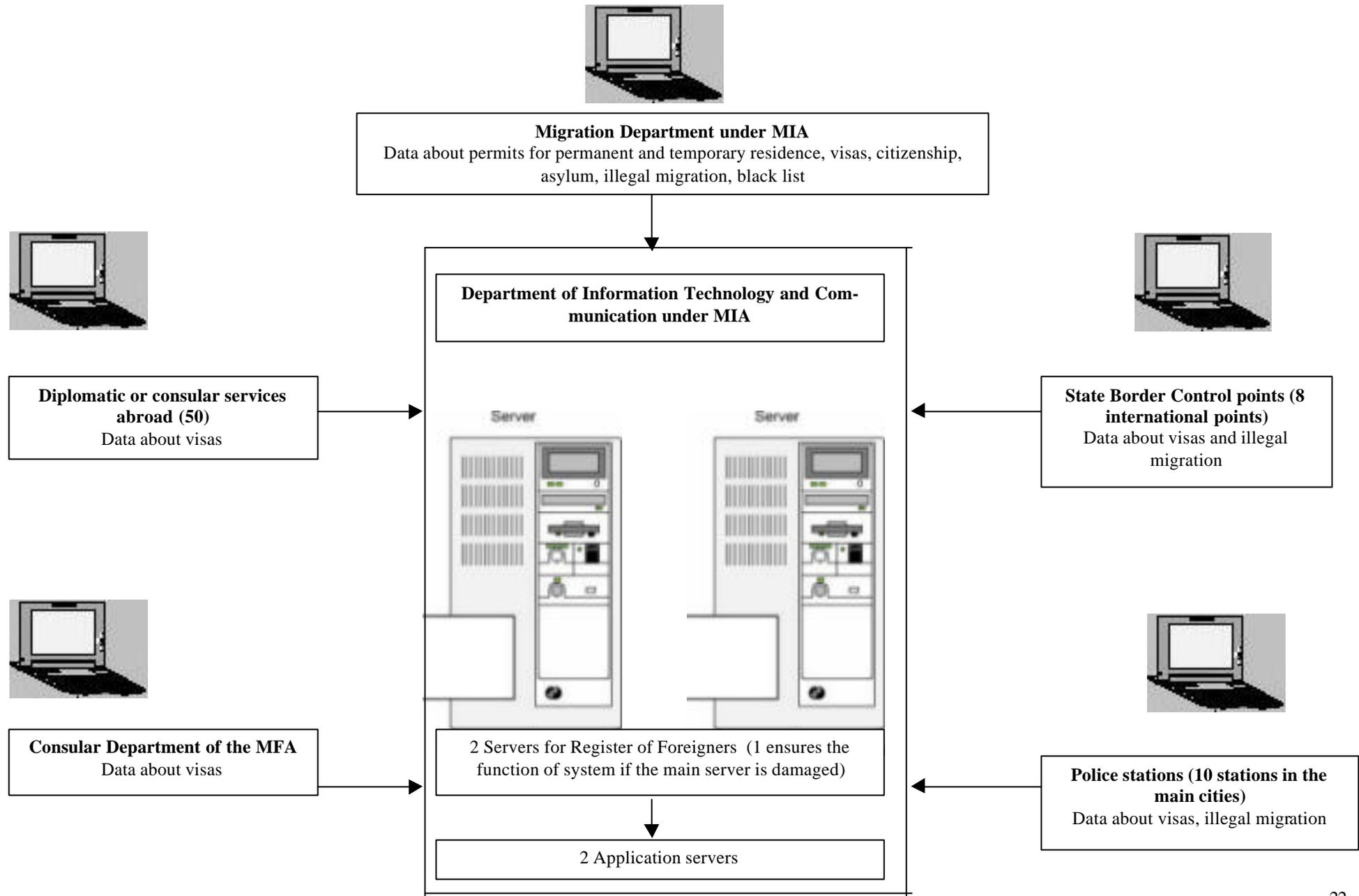
Principal Valid Legal Acts of the Republic of Lithuania Regulating the Legal Status of Aliens in Lithuania

1. The Law of the Republic of Lithuania of 17 December 1998 “On the Legal Status of Aliens in the Republic of Lithuania”
2. The Law of 12 June 2001 Amending and Supplementing the Law of the Republic of Lithuania “On the Legal Status of Aliens in the Republic of Lithuania”.
3. Resolution of the Government of the Republic of Lithuania of 26 June 1997 No. 685 “Concerning the Approval of Regulations for Issuance of Visas of the Republic of Lithuania”.
4. Resolution of the Government of the Republic of Lithuania of 28 May 1999 No. 685 “Concerning the Approval of Regulations for Creation and Use of the List of Aliens, the Entry of which to the Republic of Lithuania is banned”.
5. Resolution of the Government of the Republic of Lithuania of 28 February 2000 No. 228 “Concerning the Procedure of Entry into, Stay on the Territory, Crossing by Transit and Departure from the Republic of Lithuania by Aliens”.
6. Resolution of the Government of the Republic of Lithuania of 23 March 2000 No. 335 “Concerning the Approval of the Procedure for the Implementation of Decisions Authorising Obligatory Departure or Expulsion of Aliens from the Republic of Lithuania”
7. Resolution of the Government of the Republic of Lithuania of 1 May 2000 No. 486 “Concerning the Approval of the Procedure for the Issuance, Change and Withdrawal of Residence Permits for Aliens in the Republic of Lithuania”.
8. The Republic of Lithuania Law of 29 June 2000 on the Amendment of the Law “On Refugee Status in the Republic of Lithuania”.

Other Valid Legal Acts

9. Resolution of the Government of the Republic of Lithuania of 3 July 1999 No. 804 “Concerning the Approval of the Programme for Control of Migration Processes”.
10. Resolution of the Government of the Republic of Lithuania of 28 July 2000 No. 906 “Concerning the Approval of the National Action Plan in the Field of Asylum”.
11. Resolution of the Government of the Republic of Lithuania of 4 September 2000 No. 1049 “On the Establishment of the Register of Foreigners and Approval of the Register Regulations”.

SCHEME OF FEEDING OF DATA IN THE REGISTER OF FOREIGNERS



SCHEME OF USING OF DATA OF THE REGISTER OF FOREIGNERS

