

3 Lithuanian nationality: Trump card to independence and its current challenges¹

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There are slight differences between the Latvian and Lithuanian approaches as far as the transition from the Soviet to democratic institutions is concerned. Lithuania could be said to have used the Soviet legal and institutional basis for the adoption of the decisions necessary at the time more than Latvia did. However, it will be argued that these differences do not challenge the underlying principle of *ex iniuria ius non oritur* followed also by Latvia and Estonia.

In comparison to other Baltic states, Lithuania escaped close international scrutiny of its nationality policies (see Järve and Krūma in this volume). Therefore, nationality has, until recently, not created any major international controversies. Only after Lithuania encountered hurdles related to the presidential discretion for granting nationality has the issue attracted attention, especially on the national political agenda. Since then there have been heated debates on the need to change the Lithuanian approach to dual citizenship.

3.1 History of nationality policy

3.1.1 General overview of nationality policy

The same scenario of imposing Soviet nationality upon their nationals was applied in all three Baltic states, including Lithuania. However, Soviet Citizenship Law did allow the Soviet republics much authority regarding nationality matters (Kalvaitis 1998: 240). This was seized by Lithuania in 1989 when it enacted its first Citizenship Law.

Guided by the principle of *ex iniuria ius non oritur*, Lithuania, having declared independence on 11 March 1990, first reinstated the 1938 Constitution and simultaneously suspended some of its articles as they were incompatible with democratic principles or the institutions provided for no longer existed. Following the full suspension of the 1938 Constitution, the Provisional Basic Law was enacted, accounting for present-day realities (Kalvaitis 1998: 243). The 1992 Constitution was carefully drafted with reference to laws in force before 1940 and with an emphasis on constitutional continuity (Ziemele 2005: 40). However, the enactment of the 1989 Citizenship Law before adoption of the

Constitution is the main difference to the approaches adopted in the two other Baltic states because Lithuania was guided by the conflicting principle *ex factis ius oritur*, at least to a certain extent. This means that the new Constitution was adopted by an extended body of nationals in comparison to the citizenship laws prior to 1940.

The development of Lithuanian nationality legislation can be divided into three main phases. The first phase started with the Law adopted in 1989 providing for liberal conditions upon which Lithuanian nationality could be acquired. This phase ended with the Law of 1991 when Lithuania had already restored its independence and stricter criteria for the acquisition of nationality were introduced. This second phase is problematic and confusing because there were various attempts to find a balance between compliance with the principle of continuity of nationality and the avoidance of double nationality. The third phase was initiated by the new 2002 Law on Citizenship. It attempts to streamline provisions of the 1991 Law and its numerous amendments and to liberalise the regulation of dual nationality.

3.1.2 *The 1989 Citizenship Law*

The first Lithuanian nationality law was adopted on 3 November 1989. The Law identified four categories of persons who were or could become nationals of Lithuania:

- Those who held Lithuanian citizenship prior to 15 July 1940 including their children and grandchildren, as well as those who were permanent residents in the territory of the Lithuanian SSR on 15 July 1940 and their children and grandchildren provided that they are or have been permanent residents of the Lithuanian SSR.
- Those who had a permanent place of residence in the Lithuanian SSR if they were born in the territory of the Lithuanian SSR or can prove that at least one of their parents or grandparents was born there and if they are not citizens of another state.
- Other persons who at the time of the adoption of the Law were permanent residents for at least two years and had employment or other legal source of support in Lithuania. Thus, the law allowed those who arrived in Lithuania during the Soviet period to acquire Lithuanian nationality (with some exceptions, such as Soviet army officers). They had to declare their intention to become nationals within two years following the entry into force of the law², i.e. until November 1991. Upon registration they had to swear an oath of allegiance to the Lithuanian Constitution and laws (Kalvaitis 1998: 244, 261). This principle applied irrespective of their nationality or language abilities.

- Those who had acquired the Lithuanian nationality in accordance with the law.

According to the Constitutional Court of Lithuania in Case 7/94, the Law differentiated between existing and potential holders of Lithuanian nationality.³ Persons who were nationals prior to occupation, their descendants and permanent residents on 15 June 1940 who continued to reside in the country when the Law entered into force, were considered nationals *ipso facto*. The same applied to persons born in the territory of Lithuania and still residing there, and those whose parents were born or resided in that territory. These persons were considered as having a permanent legal relationship with Lithuania; a principle which was considered particularly important in Lithuania for its nationality policies (Ziemele 1998: 223). Finally, those who were deported from the territory of Lithuania or emigrated after the occupation, as well as their children and grandchildren, also retain the right to Lithuanian citizenship.

Soviet-era immigrants were only considered potential nationals as they were guaranteed the right to freely decide on their nationality. After they accepted nationality they all had to take a pledge of loyalty to Lithuania (Kalvaitis 1998: 261). In case 7/94, the Constitutional Court emphasised that there were differences between this category of persons and other nationals. The latter never had permanent legal relations with Lithuania and they were immigrants holding Soviet nationality. After the restoration of an independent Lithuania, they became foreigners if they did not use the option provided for by the 1989 Law. It has to be recalled that this choice was not obvious or easy at the time. In 1989 or even 1990, it was still difficult to foresee the collapse of the Soviet Union. Taking an oath of allegiance to Lithuania required certain convictions. 90 per cent (87 per cent according to other sources) of non-Lithuanian permanent residents registered as nationals under these provisions. Only 1 per cent of the pre-independence electorate chose not to become nationals of the Republic of Lithuania (Kalvaitis 1998: 261).

The law did not provide for dual nationality. This was confirmed in the Provisional Basic Law in art. 13 which stated that as a rule, a citizen of Lithuania may not at the same time be a citizen of another state. The subsequent amendments on 16 April 1991 confirmed that Lithuanian nationality is lost upon the acquisition of the nationality of another state. However, a number of exceptions existed at that time as well. These concerned those who were nationals of Lithuania prior to 15 June 1940 and their descendants.

3.1.3 *The 1991 Citizenship Law*

The second Citizenship Law in Lithuania was adopted on 10 December 1991.⁴ It established who are to be considered Lithuanian nationals. The new law ended the liberal period when any resident could apply for nationality after two years of residence and introduced stricter requirements. It was subsequently amended several times: 19 November 1992, 16 July 1993, 3 October 1995 and 6 February 1996. The following comments on the 1991 Law take these amendments into account.

The law identified groups of individuals eligible for Lithuanian nationality. Initially those included:

- nationals of Lithuania prior to 15 June 1940 including their children and grandchildren if they had not acquired nationality of another state;
- permanent residents of Lithuania between 9 January 1919 and 15 June 1940 within the territory of the present Lithuania, their children or grandchildren, if they continue to reside in Lithuania and are not nationals of another country;
- persons of Lithuanian origin who left Lithuania prior to 16 February 1918, if they have not acquired nationality of another state;⁵
- persons who acquired nationality in accordance with the Law on Citizenship effective prior to 1991;
- other persons who acquired nationality under the Law (naturalised).

The Supreme Council in the Resolution on the Procedure for Implementing the Republic of Lithuania Law on Citizenship of 10 December 1991, clarified in sect. 5 that persons serving in the armed forces, internal troops and state security structures, as well as other law enforcement and repressive structures of the Soviet Union must not be considered as permanently residing or employed in Lithuania. This was in line with the Supreme Council Resolution on 1939 Treaties between Germany and the USSR and Elimination of their Consequences for Lithuania (7 February 1990) and the Supreme Council Declaration on the Status of Soviet Armed Forces in Lithuania (19 March 1990). They stated that servicemen of the occupation army were not entitled to the right to participate in elections organised in Lithuania, with the exception of those who under the 1989 Law on Citizenship could be recognised as nationals of Lithuania. A descendant of a Lithuanian citizen, as identified prior to 15 June 1940, who had served in the Soviet army, was not excluded from Lithuanian nationality. The USSR nationality was declared null and void with respect to these individuals as it was for all other Lithuanian nationals. The Constitutional Court stated:

Such a decision meant that the consequences of occupation and annexation with regard to citizens of Lithuania on whom citizenship of the Soviet Union had been forced against their will, were being undone. It goes without saying, that such a decision on the part of the state could only be adopted regarding its citizens, and the state could by no means resolve issues concerning the citizenship of another state.

According to art. 12 of the 1991 Lithuanian Constitution, with the exception of cases established by law, no person may be a citizen of the Republic of Lithuania and another state at the same time. The Citizenship Law deals with the issue of dual citizenship in a confusing way which is closely connected with a certain conflict between the principles of continuity of nationality and the principle of effective link that the Law tries to accommodate. Relevant provisions of the Law have been amended several times to clarify who can and who cannot acquire dual citizenship. Concerns were expressed by the Lithuanian nationals who could not obtain Lithuanian passports because they had in the meantime acquired another nationality. They were therefore denied the possibility to restore their nationality because dual nationality was prohibited. The Council of Europe characterised this situation as unsatisfactory (Ziemele 1998: 220).

Explanations were given by the Constitutional Court in Case 7/94 when it dealt with questions pertaining to the right of members of the Soviet armed forces to acquire Lithuanian nationality. The Constitutional Court was approached by a group of MPs who challenged the validity of the Resolution of the Parliament which provided that members of the USSR army, who had terminated their service before 1 March 1992 and 4 November 1994, and had been issued a Citizen Certification Card, could acquire citizenship. The Court declared the provisions of the Resolution unconstitutional. It clarified that the 1989 Citizenship Law 'did not provide an option for a citizen of Lithuania to be at the same time a citizen of another state'. This was supported by another general principle of the 1989 Law, providing that Lithuanian nationality is lost with the acquisition of another nationality (Ziemele 1998: 220). The Court noted that there is only one exception to this general rule, i.e. those who were nationals of the Republic of Lithuania prior to 15 June 1940 and their descendants. The latter explanation relates to the application of the principle of continuity of nationality while the prohibition of dual nationality is linked in principle to the understanding of effective link by Lithuania as concerns its decisions on nationality issues.

According to this ruling of the Constitutional Court, the Law was amended in 1995. Art. 1 provided that nationals of Lithuania prior to 15

June 1940 and their children are nationals of Lithuania if they have not repatriated to their ethnic homeland (this new requirement was not changed in response to the court decision. In fact, it was declared unconstitutional by the court in 2006). The requirement that they are not permitted to be nationals of another state was lifted. However, this condition was still applicable to their grandchildren until the amendments of 2 July 1997, which permitted these, too, to retain their other nationality.

This amendment also affected arts. 17 and 18 of the 1991 Law. Art. 17 stated that the right to nationality of Lithuania shall be retained for an indefinite period for (1) those who were nationals prior to 15 June 1940 and their children provided that they have not repatriated i.e. departed to their ethnical homeland and (2) persons of Lithuanian origin residing in other states.⁶ According to the 1995 amendments a person with one Lithuanian parent or grandparent and who is Lithuanian him or herself shall be considered a person of Lithuanian origin. The same amendments provided for differentiation between the above mentioned categories (1) and (2). While the first group could retain another nationality, the second had to renounce the nationality of another state and return to Lithuania for permanent residence in order to be granted Lithuanian nationality. Thus, the Law grouped persons according to their ethnic origin and according to whether they had departed for their ethnic homeland or another country. In both cases, those who were entitled to citizenship but resided abroad were not considered Lithuanian citizens *ex lege*. They had to express the corresponding intention and meet the requirements established by law.⁷

Art. 18 stated that all persons mentioned in art. 17 should renounce the nationality of another state. Moreover, persons of Lithuanian origin residing in other states shall become permanent residents as well as take the oath to Lithuania in order to acquire nationality.⁸ Such a complicated scheme reflects the problems caused by the prohibition of dual nationality when the independence of a state, which was suppressed for a considerable time, is restored. It was only when amendments were made in 1993 that those who were deported or left Lithuania during occupation and their children who had not acquired nationality of another state by birth and lived in other states could recover Lithuanian nationality by presenting a written notice to the authorities. Before these amendments neither provisions of art. 17 or art. 18 provided possibilities to acquire dual nationality.

Therefore, on the one hand, the Law identifies nationals with respect to whom the prohibition of dual nationality does not apply, i.e. groups of individuals whose right to nationality is retained for an indefinite period without renouncing their present nationality. On the other hand, there are groups of persons who have the right to nationality but

the right can only be exercised when they renounce their present nationality (Ziemele 2001: 235-236).

Distinctions apply also to different categories of children, i.e. those who are considered nationals by birth and those who have to acquire nationality although they are born in Lithuania. A child born to parents one of whom is a Lithuanian citizen *shall be* a citizen irrespective of his or her place of birth if at least one parent has permanent residence in Lithuania (art. 9). If, however, both parents reside outside Lithuania they shall reach an agreement on the child's nationality until he or she is eighteen years of age. Foundlings *shall be* considered nationals while children born to stateless persons who are permanent residents in Lithuania *shall acquire* Lithuanian nationality (arts. 10 and 11). The articles do not specify whether these children have to be born in Lithuania, which may imply that the Law means children who have arrived in the country with their parents. Both articles draw a distinction between children who *shall be* nationals by birth and those who have to *acquire* nationality (Ziemele 1998: 237).

In relation to spouses of Lithuanian nationals art. 14 provided a simplified procedure for the acquisition of nationality, i.e. three years of residence in Lithuania while married, the passing of exams on language and the Constitution as well as the renunciation of their previous nationality. The amendments of 1992 added another category of persons subject to a simplified procedure. It stated that those who are married to Lithuanian nationals who were deportees or political prisoners and their children born in exile shall be granted Lithuanian nationality if they are married for at least three years and have moved for permanent residence to Lithuania together with their spouse. These persons would only have to renounce their previous nationality and to pass an examination on the Constitution of Lithuania.

Lithuania's general approach to the regulation of nationality, especially in the early 1990s, can be considered as more liberal compared to the other Baltic states. First, most of the Soviet-era settlers acquired nationality on the basis of the 1989 Law while Latvia and Estonia re-established the body of nationals on the basis of the legislation of the pre-occupation period. Second, Lithuania did not introduce any quota system while Latvia only abolished its quota system in 1998.⁹ Third, Lithuania included residence during the Soviet period as valid for nationality purposes. Latvia and Estonia took into account only the residence after restoration of independence. Therefore, Lithuania managed to avoid criticism which continues to be addressed to Latvia and Estonia. This has often been explained by the different proportion of non-indigenous populations residing in Lithuania when independence was restored.

The Lithuanian approach cannot be qualified as a 'pure zero option' because there were distinctions made between different groups of persons. The principle of continuity of nationality remained the main point of departure for deciding how to identify nationals. That is the reason why some of the groups were not considered nationals *ipso facto* and were subject to naturalisation according to the 1989 Law. However, the procedure was very simple and a majority of the groups affected by this clause, mainly former USSR nationals, naturalised. As a consequence, the 1991 Law did not really have to address the issues concerning the former USSR nationals, except when these did not use the 1989 Law option (Ziemele 1998: 225). However, concerning nationals, a distinction was made between the execution of the right to nationality and the restoration of nationality. Restoration concerns situations where the original nationality was not retained throughout the occupation or when some actions are needed to re-instate it (Ziemele 1998: 224).

3.1.4 *The 2002 Citizenship Law*

The third Law on Citizenship was adopted on 17 September 2002 and entered into force on 1 January 2003. It repealed the 1991 Law and incorporated certain related laws (such as the Law on the Validity of Citizenship Documents). The Law was subsequently amended in 2003 and 2004.¹⁰ One of the main issues which was publicly debated was the question of Lithuanian émigrés holding dual nationality.¹¹ Emigrants voiced their discontent with the fact that they were stripped of their Lithuanian nationality when acquiring the nationality of another state. The new Law accommodated their requests and in addition provided for possibilities to have their nationality status re-instated. However, some national minorities protested against the Law. They argued that permitting dual nationality only to ethnic Lithuanians contravenes the Constitution and international norms.

The new Law on the Implementation of the Republic of Lithuania Law on Citizenship was adopted in 2003 (amended in 2004). One of the main provisions stated that those who applied for nationality under the 1989 Law, but did not receive a document confirming their status and were residing abroad, lost their nationality on 31 December 2003. This decision was made by the Minister of the Interior.

The new Citizenship Law slightly amended art. 1 defining the categories of nationals. It now includes references not only to children and grandchildren of persons who were nationals prior to 15 June 1940 or permanent residents from 9 January 1919 to 15 June 1940 but also to their great-grandchildren. Moreover, those who were nationals prior to 15 June 1940 and their descendants (including great-grandchildren) do not have an obligation to renounce a nationality held from another

state. Reference to 16 February 1918 has been lifted and, thus, any person of Lithuanian descent is a Lithuanian citizen if he or she does not have any other nationality. Hence, the Law expands the category of persons who have an inherent right to nationality of Lithuania up to the fourth generation, and introduces conditions for simplified restoration of nationality for those who lost their Lithuanian nationality but have an inherent right to it. The former art. 17 has been simplified and art. 18 has been deleted altogether.

The conditions upon which a child is considered a citizen if only one parent is a Lithuanian citizen have also been slightly changed. According to the new art. 9, a child shall be a citizen if born in the territory of Lithuania and one of the parents is a national. In the case of a child born outside Lithuania, his or her nationality is to be determined by an agreement between the parents (of whom one must be a Lithuanian national) until he or she reaches eighteen years of age. This shall be done irrespectively of their place of permanent residence. Art. 10 provides *ius soli* acquisition of nationality for children whose parents are stateless persons permanently residing in Lithuania.

The conditions for acquiring Lithuanian nationality were made stricter for spouses (art. 14). Firstly, the 2002 Law provided that only those spouses who had been married for at least five years and had been resident in Lithuania for that period were to be granted nationality. They had to pass exams on language and the Constitution and were not allowed to hold another nationality. Thus, stricter requirements were introduced as previously only three years of residence were required. With the amendments effective from January 2005, the residence requirement for spouses of Lithuanian nationals has been raised even further to seven years.¹² Secondly, persons married to Lithuanian nationals who were deportees or political prisoners and their children born in exile are no longer exempt from the Lithuanian language exam. They also have to reside in Lithuania for five, not three years as before. Thirdly, the Law has introduced conditions upon which a person can acquire nationality in the case of his or her spouse being deceased, if they were married for more than a year with residence in Lithuania. In these cases a person could acquire Lithuanian nationality after three years of residence provided that he or she passes the exams on language and the Constitution and renounces his or her previous nationality. However, after the amendments effective from January 2005 the residence requirement was raised to five years.

It shall be noted that at least some amendments were introduced because of a ruling of the Constitutional Court of Lithuania in case No. 40/03 of 30 December 2003 regarding the granting of nationality by way of exception.¹³ A Seimas resolution asked the Court's ruling on the possible violation of the constitutional principle of equality by the Pre-

sident when he granted nationality by exception to one of his advisors, Jurij Borisov. These events were heatedly debated and subsequently led to an impeachment procedure against the President. In summary, the Constitutional Court ruled that in cases where the President grants nationality by way of exception he or she shall verify the service which was given to Lithuania as a state, establish whether the person has permanent factual links with Lithuania, whether the applicant is not subject to any exceptions mentioned in the Law as well as his or her possibilities to recover nationality on his or her own initiative in accordance with the Law. Moreover, the Court emphasised that the legislator cannot deny the nature and meaning of the institution of citizenship and the relevance of the Constitution, which allows dual nationality only in individual cases provided for by the law. This means that cases of dual citizenship must be extraordinarily rare and exceptional.

Generally the Law streamlines the conditions for the acquisition and retention of nationality of the previous Law which due to its numerous amendments became too cumbersome. A number of provisions are excluded because they do not relate to the acquisition or retention of nationality but rather dealt with the conditions for entry and residence in the territory of Lithuania. The Law is clearer regarding the continuity and restoration of nationality as well as dual nationality. Moreover, it brings the conditions in line with the requirements of human rights law (groups excluded from acquiring nationality, loss of nationality due to invalid passport, etc.) and provides for stricter requirements in certain cases (spouses). Finally, the Law grants more authority to the Minister of the Interior and clarifies a number of provisions in relation to the naturalisation procedure. These latest provisions came into force on 1 April 2006.¹⁴

3.2 Basic principles of the most important current modes of acquisition and loss of nationality

3.2.1 General principles of the acquisition of nationality

Art. 12 of the Constitution proclaims that 'citizenship of the Republic of Lithuania shall be acquired by birth or on other grounds established by law'. However, the Citizenship Law does not mention the principle of reducing statelessness as a possible guideline for the nationality policy of the state (Ziemele 1998: 248). There is no support for the argument that Lithuania has adopted the *ius soli* principle in addition to the *ius sanguinis* principle as basis for the acquisition of nationality in the Law.

Art. 7 enumerates the grounds on which the nationality of Lithuania can be acquired by: (1) birth; (2) exercising the right to nationality; (3)

naturalisation; (4) international treaties; (5) reference to other grounds provided in legislation. Reference to international treaties is unclear. It can be argued that in cases where the Citizenship Law contravenes Lithuania's international obligations the norms of the treaties would then be directly applicable.

3.2.2 *Right to nationality*

The Lithuanian Citizenship Law identifies a number of groups who are considered Lithuanian nationals by birth and by exercising the right to nationality. The Law provides for the retaining of the right to citizenship. It was designed to prevent persons residing in foreign states who had held citizenship prior to the occupation from losing their link to Lithuania, irrespective of their ethnic origin. Those who retained the right to citizenship could become citizens in two ways – by claiming the right to citizenship or by restoring their citizenship.¹⁵ Nationals are, firstly, those individuals who were nationals by right, i.e. they were nationals before 15 June 1940 or are of Lithuanian descent. However, a distinction is made within this category of people between nationals *ipso facto* who do not have to renounce the nationality of another state and those who have to do so in order to become nationals of Lithuania. In both cases their right is preserved indefinitely. Secondly, nationals are people who were born in the territory and have subsequently resided there (Ziemele 2001: 237). They are given the right to acquire nationality on the basis of application because their links with Lithuania are not considered as obvious (Ziemele 2001: 237). Otherwise, they are regarded as foreigners, albeit with the right to permanent residence. In comparison with the first group, their right to opt for nationality is not preserved indefinitely (Ziemele 1998: 222). Thirdly, children born to Lithuanian parents and foundlings shall be Lithuanian nationals while children born to stateless persons have the right to acquire nationality. The provision is neutral regarding the gender of the parents.

Nationals residing outside Lithuania can submit their applications to diplomatic and consular missions. The Minister of the Interior has the authority to submit a recommendation to recognise a person as having lost nationality, and to receive applications for retention of nationality by persons who were nationals prior to 15 May 1940 and those of Lithuanian descent. According to art. 29 if a person fails to obtain the necessary documents attesting Lithuanian nationality held prior to 15 June 1940 or his or her Lithuanian descent, the Minister of the Interior or Minister of Foreign Affairs and institutions authorised by them may apply to the Presidential Citizenship Commission for a verification of facts. The Commission presents its recommendatory findings

to the Minister of the Interior or the institution authorised by him. According to art. 31, repeated applications shall be accepted no earlier than one year after the adoption of the previous decision.

3.2.3 *Naturalisation*

Art. 12 lays down several requirements to be met in order to acquire Lithuanian nationality.

The requirements are the following:

- passing the Lithuanian language exam (speaking and reading);¹⁶
- ten years of permanent residence in Lithuania;
- permanent employment contract or a constant legal source of support;
- knowledge of the Constitution;
- lack of any other nationality; and
- agreement to take the oath to Lithuania.

Amendments in 1995 lifted the requirements of the language exam and the knowledge of the Constitution exam for persons over 65 years of age, disabled persons of group I and II¹⁷ and the sick with grave chronic mental diseases. These exceptions were upheld in the 2002 Law. In addition, this Law has lifted the requirement that refugees have to be stateless or renounce their nationality prior to applying for Lithuanian nationality.

Art. 12 provides that interests of the state have to be taken into consideration when nationality is granted. The application of this provision is unclear and open to discretion.

The terms 'permanent residence in the territory of Lithuania' and 'constant legal source of support' were clarified in sect. 3 of the Supreme Council Resolution on the Procedure for Implementing the Republic of Lithuania Law on Citizenship (adopted on 10 December 1991). A person shall be considered as permanently residing in Lithuania if he or she has been registered in the register of permanent residents, has accommodation, and is employed in Lithuania under an employment contract or has another paid occupation in Lithuania and pays taxes there. A person will also be considered as permanently residing if he or she is somebody's dependent or is paid a pension legally due to him or her in Lithuania. Residency is counted including the period 1940-1991 (Kalvaitis 1998: 264).

Lithuanian practice as confirmed by the Constitutional Court in Case 7/94 has established that neither an occupying army nor repressive structures of a foreign state which resided in Lithuania without consent of Lithuania's authorities could be considered as lawfully residing for the purpose of the permanent residence requirement of the Citizen-

ship Law (Ziemele 2001: 236). Likewise, service in such foreign forces cannot be considered as legal employment. Moreover, this interpretation is valid also in the context of the 1989 Law.

According to art. 16, the President has the right to grant nationality by exception. The requirements for this option are, first, significant contribution to strengthening of Lithuanian statehood by the person in question. Second, the person has to contribute to Lithuania's power and its authority in the international community. Third, the person should be integrated into the Lithuanian society, i.e. he or she must have permanent factual links with Lithuania. Fourth, according to the ruling of the Constitutional Court in Case 40/03, art. 13 is applicable in these cases.

Art. 13 identifies the groups of persons precluded from acquiring nationality. Those include persons who (1) have committed crimes against humanity or acts of genocide; (2) have taken part in criminal activities against Lithuania; (3) before coming to Lithuania have been tried for a deliberate crime for which the criminal liability is imposed in Lithuania or have been sentenced in Lithuania; (4) are chronic alcoholics or drug addicts and (5) have especially dangerous infectious diseases.

The exclusion of alcoholics, drug addicts and criminals applied until the adoption of the 2002 Law. Criminals who were convicted before the adoption of the Law were subject to an *ex post facto* penalty to their punishment. The exclusion from naturalisation of alcoholics and drug addicts was particularly pernicious because it discouraged them from seeking needed treatment.¹⁸

Since 1 January 2005, groups (1) and (2) have been broadened and now include not only those persons who committed aforementioned crimes but also those who were preparing or attempting to commit those crimes and acts. Moreover, the amendments added that those who do not have the right to reside in Lithuania cannot be granted nationality.

Since then, art. 13 on conditions for withholding nationality has been changed to bring it in line with human rights requirements. Firstly, it no longer states that chronic alcoholics, drug addicts or those ill with especially dangerous infectious diseases cannot become nationals. Secondly, the scope of persons who have had criminal charges against them has been minimised. The Law no longer refers to persons who, before coming to Lithuania, have been tried for a deliberate crime but only to persons who, before coming to Lithuania, have had a custodial sentence imposed on them for a premeditated crime. Also, in relation to those convicted in Lithuania, reference is made to premeditated crimes, not deliberate ones.

The procedures for resolving issues related to nationality are set out in chapter V of the Law. The chapter includes detailed information as

to what documents shall be submitted in each case when a person applies for nationality. According to para. 10 of art. 28 all applications for the acquisition, renunciation and restoration of nationality shall be submitted to the President through the executive institution of the municipality. Applications for nationality are reviewed by the Citizenship Commission which is established by the President. It submits proposals for a decision to the President. Decrees by the President should be co-signed by the Minister of the Interior. According to the Constitutional Court, the responsibility for these decrees lies with the ministers. The reason for this is that the President can be removed from office only for grave violations of the Constitution. In the case of a denial, an applicant is provided with a reasoned decision in writing. According to art. 30, decrees by the President concerning the granting, retention, restoration or loss of nationality as well as declaring an act on the granting of nationality invalid are published in the *Official Gazette*.

3.2.4 *Loss of nationality*

The grounds for loss of Lithuanian nationality are outlined in art. 18. It provides that nationality is lost (1) upon renunciation; (2) upon acquisition of nationality of another state; (3) on grounds provided for by international agreements to which Lithuania is a party.¹⁹ Paragraph 2 of the same article states that nationality should not be lost in cases when a person acquires the citizenship of another state with which Lithuania has concluded a contract on dual citizenship. A person may be recognised as having lost nationality if he or she is in the military service of another state or is employed in the public service of a non-EU Member State without permission of the Lithuanian authorities. According to the amendments in 2004 (effective of 1 April 2006), a Lithuanian citizen working in another state under the permission of the Lithuanian authorities would lose Lithuanian nationality if he or she were to injure the interests of Lithuania. The formulation is wide and it is unclear what is meant by damaging Lithuanian interests. Acquiring the nationality of another state does not result in loss of nationality for two groups of persons, i.e. those who were nationals prior to 15 June 1940 and their descendants as well as persons of Lithuanian descent.²⁰ A person may be recognised as having lost nationality if he or she is in the military service of another state or is employed in the public service of another state without permission of the Lithuanian authorities.

Moreover, there are a number of grounds on which naturalisation can be invalidated. Art. 21 provides that, firstly, naturalisation will be deemed invalid if nationality has been acquired by fraud or if a person has committed international crimes provided for by the international treaties or customary law (aggression, genocide, crimes against human-

ity, war crimes or crimes against Lithuania). Secondly, the act of naturalisation will be declared invalid if the court establishes that after 15 June 1940 a person has 'organised or carried out deportation or extermination of the residents, suppressed the resistance movement in Lithuania' (official translation). The same result would be reached if a court establishes that a person took part in the actions against independence and territorial integrity of Lithuania after 11 March 1990.

The act of invalidation applies to naturalised nationals and Lithuanian descendants, if they have opted for Lithuanian nationality (Ziemele 1998: 221). A declaration of invalidity may be used as an additional penalty in relation to other criminal charges, e.g. if a person has committed crimes against humanity, acts of genocide or crimes against the Republic of Lithuania, prior to or after acquisition of nationality, as determined by the court decree. Original nationals cannot be subjected to such an additional penalty in similar circumstances (Ziemele 1998: 250). The article does not set any precise time limit within which charges brought against a person for crimes against Lithuania could affect naturalisation. This again opens the possibility of arbitrary decisions which could result in statelessness and would run contrary to the rule prohibiting arbitrary deprivation of nationality (Ziemele 1998: 250).

Art. 30 provides that invalidation of nationality is enacted by the President of Lithuania who issues a decree to that effect. The decree is not subject to judicial scrutiny. As the Lithuanian Citizenship Law is both complex and cumbersome on a number of issues the right to appeal decisions would be more than desirable (Ziemele 1998: 222).

According to art. 19, everyone has a right to renounce their nationality. However, the same article provides for exceptions. Thus application for renunciation may not be considered if the person has been charged with a criminal act or if a court judgement passed on the person has become effective and enforceable. Setting the absence of criminal charges as a condition for the renunciation of nationality may also raise human rights considerations. The person may still be entitled to renounce nationality, which would not affect procedures employed by the state as long as the person remains within its jurisdiction (Ziemele 1998: 249).

The Law on Citizenship places additional safeguards in order not to allow cases of statelessness to arise. Art. 20 provides that a person who has lost nationality as a result of renunciation or on grounds provided in an international treaty may be reinstated with Lithuanian nationality if he or she submits an application while having permanently resided in Lithuania for at least ten years, has a legal source of support and is stateless. Special conditions are provided for those who were nationals or permanent residents before 15 June 1940 and their descendants as well as persons of Lithuanian descent. If they have lost nationality as a result of renunciation or on the basis of an

international treaty, Lithuanian nationality is restored automatically on the basis of application.

3.3 Current political debates

The most recent proposals in the field of nationality policies aim to resolve issues concerning dual nationality. Over the years, the group entitled to dual citizenship has been considerably expanded.

According to the Citizenship Law, the right to nationality is retained by, and dual nationality allowed for, those who were nationals prior to 15 June 1940, their children, grandchildren and great-grandchildren who have not repatriated, as well as persons of Lithuanian descent. Thus, several categories can be distinguished. Firstly, persons of Lithuanian origin are considered to be Lithuanian citizens and retain the right to citizenship irrespective of where they reside abroad. Secondly, persons of other ethnic origin are divided into two groups depending on where they reside. If their place of residence is their ethnic homeland, they are not considered citizens of Lithuania. For instance, if Poles holding Lithuanian citizenship moved to Poland during the period of Soviet annexation they no longer qualify for Lithuanian citizenship.

According to art. 12, para. 2 of the Lithuanian Constitution, no one may be a citizen of both the Republic of Lithuania and another state at the same time except in individual cases provided for by law. This article forms part of Chapter One of the Constitution, which, according to art. 147, can only be altered by referendum, meaning that more than half of the electorate must vote in favour of a change. However, recent amendments to the Citizenship Laws have provided large groups of persons with the right to dual nationality. In response to a petition presented by an Israeli citizen who also claimed to be a Lithuanian citizen this reform was challenged in the Constitutional Court by a group of parliamentarians and by the Vilnius Regional Administrative Court.

The Court emphasised that art. 12 of the Constitution should be interpreted narrowly, i.e. that cases of dual citizenship must be extraordinarily rare and exceptional, and that the Constitution does not permit the widespread granting of dual citizenship. In cases involving the granting of citizenship based on special merits, the Court has stressed that candidates must prove permanent factual links to the state and must be integrated into society before being granted citizenship. The Court considers the provisions for dual citizenship in the Citizenship Law to be highly controversial, inconsistent and confusing. Some provisions are barely compatible with each other while others are phrased ambiguously. As a consequence, the Court declared those provisions of the Citizenship Law that could lead to dual nationality as unconstitu-

tional. While the Court noted that it is not against the Constitution to grant a right to Lithuanian citizenship, the relevant articles providing for the right to retain another nationality when acquiring or regaining Lithuanian nationality were found to be in violation of art. 12 of the Constitution. This conclusion is confusing because in its earlier ruling in case 7/94, the Court accepted the practice of dual citizenship in relation to pre-1940 nationals and their descendants. Moreover, the Court declared that categorising people according to their ethnic origins to establish whether their right to citizenship has been retained or not (in the case of repatriation) violates art. 29 of the Constitution, which provides for equality before the law.²¹

During the spring and summer of 2007, several proposals for amendments were tabled. For instance, it was suggested that dual citizenship should be allowed for children born abroad if at least one parent is a Lithuanian citizen. The draft amendments were criticised by experts as being too general and ambiguous and became bogged down in various parliamentary committees. Meanwhile, the Lithuanian parliamentary Social Liberals successfully collected the 40 signatures of members of parliament necessary to initiate a referendum on the legalisation of dual citizenship.²² This referendum was planned to coincide with parliamentary elections in the fall of 2008 but did not take place.²³

However, the amendments were reconsidered in 2008 and adopted by the Human Rights Committee on 4 June and subsequently by parliament on 30 June 2008. The amendments concerned seven groups. Most notably among these amendments was the one that prevented persons who had acquired citizenship of EU and NATO Member States or of a country with which Lithuania has signed a mutual agreement on dual citizenship from losing their Lithuanian citizenship.²⁴ Seventy-eight MPs voted in favour of the amendments, four against them and nine abstained. Nevertheless, the Lithuanian legal scholar Dainius Zaliemas has argued that these amendments violate the Constitution and devalue the significance of Lithuanian citizenship. He has suggested solving the problems that emigrants encounter by regulating the right to citizenship rather than citizenship itself. He has also advocated for the adoption of regulations similar to the Polish card system (see Górný & Pudzianowska in this volume), which would allow for the preservation of certain benefits for former Lithuanian citizens who have acquired citizenship in another country.²⁵

President Valdas Adamkus vetoed certain provisions in the amendments, including the provisions on dual citizenship for those who hold a passport of an EU or a NATO Member State. According to the President, the amendments broaden too widely the possibilities for granting (retaining) dual citizenship and 'create legal prerequisites for dual citi-

zenship that allow a rare exemption to become a widespread phenomenon'. The parliament agreed with the President and amended the law again on 15 July 2008. The vote was 66 parliamentarians approving the President's amendments, while ten voted against them and seven abstained. The adopted amendments expanded the possibilities for dual citizenship, e.g. for children who acquire Irish or Lithuanian citizenship by birth. However, this is not the end of the story. With the presidential veto, the current law became the provisional law, valid only until 1 January 2010. Since neither the government nor interest groups have come up with a new law, the president entrusted a group of lawyers with the task of presenting solutions. The group concluded that it is highly unlikely that a referendum on the amendment of art. 12 of the Constitution would succeed (the law can only be changed if a majority of at least 50 per cent of all eligible voters agree). The group of lawyers therefore drafted a new Law on Citizenship, presented to the president on 9 February 2009.

3.4 Statistics

Taking into account that nationality and statelessness issues were not high on the political agenda due to the liberal approach adopted in the 1989 Law, no exact statistics were maintained. Lithuanian statistical information is therefore rather poor.

Table 3.1 shows that the share of the titular ethnic group has been rather high in Lithuania compared to Estonia and Latvia.

Table 3.1 *Ethnic composition in Lithuania*

	1979	1989	2001	2007
Lithuanians	80%	79.6%	83.5%	84.7%
Non-Lithuanians	20%	20.4%	16.5%	15.4%

Sources: Statistikos Departmentas, 1979, 1989, 2001: population censuses, 2007: estimation carried out based on the data of the Residents' Register central database, www.stat.gov.lt

Data for the period from 1993 onwards are not available because no exact statistics were maintained during that period. Data on naturalisation has only become available since 2002. The statistics show that the number of persons acquiring Lithuanian citizenship was insignificant between 2003 and 2007. Most of the new Lithuanian citizens were former Russian citizens or stateless persons. For instance, out of the 370 persons granted Lithuanian citizenship in 2007, 113 were former Russian citizens and 184 were former stateless persons.

Table 3.2 *Number of naturalised persons, 2003-2007*

Year	2003	2004	2005	2006	2007
Number	389	610	435	467	370

Source: Migration Department 2008: 56

A relatively large number of persons lost nationality between 2003 and 2007. Moreover, the number increased over the years, especially due to acquisition of nationality of another state (see Table 3.3).

Table 3.3 *Number of persons who have lost Lithuanian citizenship, by reasons*

Grounds for loss of citizenship	Number of persons				
	2003	2004	2005	2006	2007
Withdrawal of Lithuanian citizenship	235	315	207	216	280
Acquiring citizenship of another state	372	386	265	485	610
The person lawfully decided on Lithuanian citizenship by 4 November 1991 in accordance with the Law on Citizenship of 3 November 1989, resides in a foreign state and has not, before 31 December 2003, approached institutions authorised by the Minister of the Interior or Lithuanian consular offices in foreign countries for issue of a document evidencing Lithuanian citizenship	-	96	283	197	123
Severance of actual ties with Lithuania	1	1	-	-	-
Children under fourteen, if both parents lose citizenship	-	-	-	-	2
Total	608	798	755	898	1,015

Source: Migration Department 2008: 58

The retention of the right to citizenship did not play a significant role between 2003 and 2007. However, the numbers increased in 2007. Most applicants are Russian and Byelorussian citizens.

Table 3.4 *Retention of the right to Lithuanian citizenship*

	2003	2004	2005	2006	2007
Decisions on retention of the right of aliens to citizenship	145	90	20	47	163
Number of certificates issued for retention of the right to citizenship	99	67	35	49	201

Source: Migration Department 2008: 61

3.5 Conclusions

The Lithuanian approach to nationality issues has been considered as more liberal than the regulations in other Baltic states because it did not apply pre-1940 citizenship laws in order to reconstitute its body of nationals. The Citizenship Law of 1989 provided easy criteria for acquisition of nationality. As a result of these liberal laws, most of its residents acquired Lithuanian nationality. However, the Citizenship Law of 1991, enacted immediately after restoration of independence, introduced much stricter requirements for the acquisition of Lithuanian nationality. These are still in existence and in certain cases are more stringent than the regulations in other Baltic states, such as the conditions on residence before applying for citizenship.

One of the major areas currently debated is the regulation of dual nationality in Lithuania. Dual nationality became restricted ever since the adoption of the 1991 Citizenship Law and Constitution. Although it was extended over the years, Lithuania was still criticised for the exclusionary nature and unclear application of dual citizenship. The situation has become even more acute since the Constitutional Court of Lithuania delegitimised nearly 30 statutory and sub-statutory provisions and omissions in the nationality legislation on dual citizenship. The possible solutions remain unclear, but they will have to be found by January 2010 when the now provisional Citizenship Law will become invalid.

Another problem of Lithuanian nationality policy is the wide discretion given to the president concerning the granting of nationality. Notwithstanding the amendments introduced after the decision of the Constitutional Court in the Paksas case, the judicial review of all decisions related to nationality would be a welcome development. This would also facilitate Lithuania's ratification of the European Convention on Nationality which has not yet been signed.

Chronological list of citizenship-related legislation in Lithuania

Date	Document	Content	Source
1989	Supreme Soviet of the Lithuanian Soviet Socialist Republic Law on Citizenship (3 November 1989, No. XI-3329)	Reconstitutes the body of nationals by restoring nationality to those who were nationals before the 1940 occupation and their descendants; provides for liberal naturalisation of residents	www.uta.edu
1991	Republic of Lithuania Law on Citizenship	Introduces stricter naturalisation	www.uta.edu

Date	Document	Content	Source
1991	(5 December 1991, No. I-2072 as amended on 2 July 1997, No. VIII-391) Supreme Council of the Republic of Lithuania Resolution on the Procedure for Implementing the Republic of Lithuania Law on Citizenship (11 December 1991, No. I-2080)	requirements and a complicated system in relation to dual nationality Clarifies the application of the Citizenship Law in relation to <i>inter alia</i> persons who served in armed troops and other state security structures of the Soviet Union	www.litlex.lt (in Lithuanian)
1991	Law on the Validity of Citizenship Documents issued by the Republic of Lithuania and on the Supplement to the Law on Citizenship (void since 1 January 2003)	Confirms that Citizen's Certification Card and Certification Testifying Decision to Acquire Citizenship shall be valid until the person is issued with new citizens' passport but no longer than 1 July 1993; supplements Citizenship Law of 1991; provides that new Citizenship Law shall replace 1989 Law on 11 December 1991	www.legislationline.org (excerpts)
1992	Constitution of the Republic of Lithuania	Confirms the basic principles of acquisition of Lithuanian nationality (<i>ius sanguinis</i>) and a negative position in relation to dual nationality	www.litlex.lt (in Lithuanian)
2002	Law on Citizenship (as last amended by the Law of 3 April 2003, No. IX-1456)	Repeals the 1991 Law; extends the category of persons who have inherent right to nationality and simplifies the restoration of nationality; clarifies Lithuania's position on dual nationality; introduces <i>ius soli</i> for children whose parents are stateless and reside in Lithuania; introduces higher requirements for spouses of Lithuanian nationals	www.coe.int; www.legislationonline.org
2002	Law on Implementation of the Law on Citizenship (as last amended by the Law of 21 January 2003, No. IX-1298)	Clarifies the procedural requirements in cases of dual nationality	www.coe.int; www3.lrs.lt (in Lithuanian)

Date	Document	Content	Source
2003	Ruling of the Constitutional Court of Lithuania on the Compliance of the President of the Republic of Lithuania with Decree No. 40 on Granting Citizenship of the Republic of Lithuania by way of Exception of 11 April 2003	States that citizenship of the Republic of Lithuania is granted to Jurij Borisov by way of exception in compliance with the Constitution of the Republic of Lithuania and para. 1 of art. 16 of the Republic of Lithuania's Law on Citizenship (30 December 2003)	www.lrkt.lt (in Lithuanian)
2004	Amendments to the Law on Citizenship (12 September 2004, No. IX-1078)	Brings the law in line with human rights standards (regarding refugees, alcoholics, drug addicts); takes into account the ruling of the Constitutional Court in the Borisov case in relation to procedural aspects of nationality policies	www3.lrs.lt (in Lithuanian)
2004	Amendments to the Law on the Implementation of the Law on Citizenship (11 November 2004, No. IX-1079)	Streamlines the procedures for the acquisition of nationality attempting to address problems as envisaged in the Borisov case	www3.lrs.lt (in Lithuanian)
2006	Ruling of the Constitutional Court of Lithuania on the Compliance of the Provisions of Legal Acts Regulating the Citizenship Relations with the Constitution of the Republic of Lithuania of 13 November 2006	Repeals provisions in the Citizenship Law concerning dual nationality	
2008	Amendments to the Law on Citizenship (15 July 2008)	Provides for dual citizenship for certain groups as a result of the 2006 Constitutional Court Ruling, which declared the norms on dual citizenship to be unconstitutional	

Notes

- 1 I would like to thank Prof. Ineta Ziemele and Prof. Egidijus Kuris for their comments on the draft of this article. The usual disclaimer applies.
- 2 Permanent residence was determined by so-called *propiska* which is similar to a residence permit nowadays. It had to be obtained before individuals could move to another place. This was applicable not only in between republics but also within republics. Report on Lithuania, European Commission against Racism and Intolerance. Strasbourg, September 1997, ECRI (97) 56 para. 6.
- 3 Case No. 7/94 of 13 April 1994 (1994) 1 E.E.C.R.C.L.255. Available at www.lrkt.lt.
- 4 The texts used here are available at www.litlex.lt and www.minelres.lv.
- 5 This option was inserted with amendments of 3 October 1995.
- 6 This article was slightly amended on 6 February 1996. Prior to these amendments, the law provided that citizenship shall be retained by children who had Lithuanian citizenship until 15 June 1940 and who were born in Lithuania or in refugee camps but are at present residing in other states.
- 7 Constitutional Court case No. 45/03-36/04
- 8 Before amendments of 7 December 1993, this condition was also applicable to children of those who held Lithuanian citizenship until 15 June 1940.
- 9 See chapter 2 on Latvia in this volume.
- 10 Certain provisions of amendments have been effective since 1 April 2006, but some since 1 January 2005.
- 11 For details on these debates, see the articles 'Lithuanian émigrés unhappy with citizenship loss', *ELTA* [National News Agency], 6 June 2001, 'New Law will entitle Lithuanian emigrants to keep citizenship', *ELTA*, 17 September 2002, and 'Adamkus signed controversial citizenship law', *ELTA* 30 September 2002.
- 12 The proposed amendments were even stricter and debate was reopened after the President of Lithuania intervened with proposals to liberalise the procedure for naturalisation of spouses in Lithuania. The compromise reached was that the required term of residency would be increased from five to seven years, but not to ten years as foreseen in the draft law (86 in favour, five against, seven abstentions). The President also opposed the additional requirement that the couple should have minor children who are Lithuanian citizens. In his view, this would contradict the principle of equality contained in the Constitution. The proposals made by the President were harshly criticised by conservative members of parliament. They saw the proposals as a threat to the survival of the Lithuanian nation and national identity. Moreover, they were afraid that liberal citizenship procedures might stimulate marriages of convenience, often referring to Denmark to illustrate this point. See 'Seimas approves more liberal procedures for admission to citizenship via marriage', *ELTA*, 9 December 2004.
- 13 Concerning this case, see also 'Lithuanian Practice in International Law 2004', as reported in the *Baltic Yearbook of International Law* 5, 2005: 329-332.
- 14 In addition, on 1 April 2006 the authority on questions of citizenship, formerly attributed to municipal institutions, was transferred to the Department of Migration of the Ministry of the Interior.
- 15 Constitutional Court case No. 45/03-36/04.
- 16 On 11 February 2004, the Ministers of Education and Science and Justice confirmed the programme of exams on the basics of the Lithuanian Constitution and language. The procedure for the organisation and implementation of the exams was confirmed by both ministers on 1 March 2004.

- 17 There are three disability groups of which group I is the most serious. The group is assigned by a special commission on the basis of a diagnosis. Assignments can be for a defined period or for life. Group I is as a rule assigned for life.
- 18 Provisions at issue were closely monitored, at least, by Human Rights Watch, which on a number of occasions condemned their application and advocated their abolition. See the reports on human rights developments in Latvia, Lithuania and Estonia available at www.hrw.org.
- 19 Before the 2002 Law was adopted, it was possible to lose one's citizenship on the basis of severance of actual links with Lithuania. A person who has lived abroad with an invalid passport for more than three years or who has entered foreign military or public service without the permission of the competent authorities was considered to have severed links with Lithuania.
- 20 However, it is not entirely clear because according to art. 1, para. 3, persons of Lithuanian descent can acquire Lithuanian citizenship if they are not citizens of any other state. The only plausible explanation can be that according to art. 18 they do not lose their right to acquire Lithuanian citizenship because they possess the citizenship of another state.
- 21 Lithuanian Constitutional Court Ruling in Case No. 45/03-36/04, 13 November 2006.
- 22 'Lithuanian parliament collects signatures to initiate referendum on dual citizenship', *BNS* [National News Agency], 15 September 2007.
- 23 Radzevičūte A., 'Lietuvā iespējams referendums par dubultpilsonību [The referendum on dual nationality in Lithuania is possible]', *Diena* [Latvian daily newspaper], 7 September 2007.
- 24 The other six groups are: (i) political deportees and prisoners and three generations of their descendants; (ii) those who left Lithuania during the Soviet era as well as three generations of their descendants; (iii) persons of Lithuanian descent living in countries sharing a common border with Lithuania; (iv) persons already in possession of passports from two other countries, granted by special decree of the President; (v) offspring born to Lithuanian citizens anywhere in the world; (vi) Lithuanians living in any nation that has signed an international agreement with Lithuania on dual citizenship ('Dual citizenship now allowed in Lithuania', *The Baltic Times*, 1 July 2008, www.baltictimes.com).
- 25 'Seimas' Decision on multiple citizenship is unconstitutional and illogical', *ELTA*, 30 June 2008.

Bibliography

- Kalvaitis, R. (1998), 'Citizenship and national identity in the Baltic States', *Boston University International Law Journal* 16: 231-271.
- Migration Department (2008), *Migration Yearbook 2007*. Vilnius: Migration Department.
- Ziemele, I. (1998), *State Continuity and Nationality in the Baltic States: International and Constitutional Law Issues*. PhD Dissertation. Wolfson College Cambridge.
- Ziemele, I. (2001), 'State Continuity, Human Rights and Nationality in the Baltic States', in T. Jundzis (ed.), *The Baltic States at Historical Crossroads*, 224-248. Riga: Academy of Sciences of Latvia.
- Ziemele, I. (2005), *State Continuity and Nationality: The Baltic States and Russia. Past, Present and Future as Defined by International Law*. Leiden, Boston: Martinus Nijhoff Publishers.