

# The Changing Residence Permits on the Basis of Family Reunification in the Context of Legal Principles

## The Case of Lithuania

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**Purpose:** The study aims to examine the legality of decisions adopted by the Lithuanian Migration Department concerning the change or non-extension of residence permits issued on the basis of family reunification. The analysis focuses on whether these administrative decisions comply with fundamental legal principles – namely proportionality, comprehensiveness, legality and the protection of legitimate expectations – as developed in Lithuanian constitutional doctrine, European Union law and national administrative case law.

**Methodology:** The research applies a qualitative legal methodology combining document analysis of national and EU legal acts regulating residence permits, systematic analysis of the jurisprudence of the Supreme Administrative Court of Lithuania, and comparative assessment of administrative decisions. Supplementary methods include linguistic interpretation of legal concepts, statistical review of case outcomes and generalisation to formulate overarching conclusions regarding administrative practice and judicial review.

**Findings:** The analysis reveals that Migration Department decisions frequently lack sufficient individualisation and rely excessively on generalised conclusions of the State Security Department, without conducting a comprehensive assessment of applicants' personal, family, social and economic circumstances. Case law demonstrates that where courts genuinely apply the principles of proportionality, comprehensiveness and legality, decisions tend to be more favourable to applicants. Conversely, formalistic or declarative references to legal principles correlate with the dismissal of complaints. The principle of legitimate expectations remains largely absent from judicial reasoning and,

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in some cases, is explicitly rejected as irrelevant in permit modification procedures.

**Value:** The study contributes to administrative and migration law scholarship by systematically linking abstract legal principles with concrete judicial outcomes in family reunification cases. It highlights structural deficiencies in administrative decision-making and underscores the need for a more substantive application of legal principles to ensure effective protection of fundamental rights, legal certainty and public trust in migration governance.

**Keywords:** changing residence permits, family reunification, national and state security, Migration Department, legal principles

## Introduction

The concept of family in contemporary law and legal doctrine does not have a clear or universal definition. The Constitution of the Republic of Lithuania (1992), adopted by referendum on 25 October 1992, enshrines the fundamental principles, values and objectives of the state. Among these values is the family. The Constitutional Court of the Republic of Lithuania, through systematic interpretation of the Constitution's concise provisions, has emphasised that the family constitutes the foundation of society and the state, and that the state bears responsibility for its protection and fostering (Resolution of the Constitutional Court of the Republic of Lithuania 2002). According to the official constitutional doctrine, the significance of marriage must be emphasised – it is regarded as one of the essential foundations of the constitutional institution of the family, ensuring the vitality of the Nation and the preservation of historical continuity (Resolution of the Constitutional Court of the Republic of Lithuania 2011). Given the importance of the institutions of family and marriage, this paper analyses the legality of the decisions of the Migration Department under the Ministry of the Interior of the Republic of Lithuania (hereinafter: the Migration Department) concerning the issuance (extension) of residence permits in the Republic of Lithuania for foreigners on the basis of family reunification, in the context of compliance with legal principles.

The word principle derives from the Latin term *principium*, meaning “beginning, foundation” (BAUBLYS et al. 2012: 228). In legal doctrine, the nature of legal principles and their place within the legal system has long been debated; however, it is now an established view that legal principles are not merely abstract guidelines but fundamental provisions of the legal system that underpin both legal regulation and its practical application (SINKEVIČIUS et al. 2022: 57). In legal scholarship, principles are classified according to various criteria, such as their mode of formation, manner of expression, legal force and scope of application. For the purposes of this article, the most relevant classification is that based on the scope of application of legal principles, which is further divided into general, inter-sectoral, sectoral, sub-sectoral, institutional and sub-institutional principles. In this context, particular attention should be paid to the significance of legal principles, which is revealed through the functions they perform. The classification of legal

principles according to their functions includes organisational or coordinating and verifying functions (BAUBLYS et al. 2012: 224). Legal principles determine legal norms and their application; it is precisely their “organising” effect that makes it possible to assert that principles guide legal regulation and serve as a kind of framework for the legal system or legal regulation. The verification function is of particular importance in the context of this study, as from this perspective principles are imperative: they set boundaries of conduct, the transgression of which gives rise to legal liability. In this way, the legality of decisions can be assessed, and it can be verified whether the legislature and state officials, through their actions, do not infringe certain legal standards (BAUBLYS et al. 2012: 225).

This study will analyse whether the decisions adopted by the Migration Department comply with the fundamental legal principles of proportionality, comprehensiveness, legality and legitimate expectations. In the jurisprudence of the Supreme Administrative Court of Lithuania (hereinafter: Supreme Administrative Court), it is consistently emphasised that subjects of public administration (hereinafter: Administrative bodies) have a duty to observe legal principles, such as the rule of law and the obligation of state institutions to serve the people and others (administrative case No. A492-801/2014). The principles of public administration impose an imperative on administrative bodies, when adopting decisions, to respect principles that are not explicitly enshrined in the Law on Public Administration of the Republic of Lithuania, such as legality, good administration and others (Bulletin 2016: 465).

Several methods were applied during the study: the document analysis method, which analysed the provisions of legal acts regulating the process of issuing residence permits to foreigners in the Republic of Lithuania; the comparative method, which was based on which the decisions of administrative courts were compared, the circumstances and arguments on which the decisions were based were assessed; the statistical method made it possible to determine a specific number of cases in which favourable or unfavourable decisions were made in relation to foreigners, as well as to analyse their statistical data; the linguistic method was used to explain the concepts used in legal doctrine and court practice; the generalisation method was applied to formulate partial and final conclusions.

### **Legal principles that are relevant in the examination of disputes concerning the change of permits for foreigners**

The principle of proportionality is a general legal principle relevant to the entire legal system. The Constitutional Court has repeatedly emphasised that this principle derives from the constitutional principle of the rule of law and implies that legal measures applied must correspond to legitimate objectives of public importance, be necessary to achieve those objectives, and not restrict individual rights and freedoms more than is required to attain the intended aim (Resolution of Constitutional Court of the Republic of Lithuania 2013). In other words, a balance must be maintained between the protection of the public interest and the safeguarding of individual rights. Pursuant to Article 3(10) of the Law on Public Administration (1999), administrative decisions and the measures for their implementation must be necessary and proportionate to the administrative objectives

pursued. It should be noted that the Law on Public Administration is a legal act regulating the process of public administration and is binding on administrative bodies. Every restrictive measure must be logically justified and necessary to achieve its objective. In other words, a state decision cannot be “more than necessary”, meaning that sanctions restricting human rights and freedoms should not be excessive. This has implications not only for the legality of decisions but also for aspects of human dignity, justice and social sensitivity. Therefore, it can be concluded that proportionality is not a mere formal rule but an essential component of legality, allowing an assessment of whether a decision is not only lawful but also just.

The principle of good administration (responsible governance) is one of the fundamental principles of both the legal system of the European Union and that of the Republic of Lithuania. It is enshrined in Article 5(3) of the Constitution of the Republic of Lithuania (1992) (“state institutions shall serve the people”), as well as in international instruments, such as Article 41 of the Charter of Fundamental Rights of the European Union (2000), among others. Although this principle is not directly enshrined in the Law on Public Administration, in the jurisprudence of the Constitutional Court and the Supreme Administrative Court it is consistently recognised as binding on administrative bodies and occupies a significant place within the legal system. An analysis of the Supreme Administrative Court practice shows that the principle of good administration is particularly broad, encompassing both substantive and procedural imperatives (Bulletin 2016: 465). From this principle derives the duty of administrative bodies to provide reasoning for their decisions. Although they enjoy discretionary power, such discretion is neither absolute nor unlimited; their decisions must be reasoned, clear, and consistent with general legal principles as well as with other principles established in the Law on Public Administration. The principle of comprehensiveness is directly enshrined in Article 3(5) of the Law on Public Administration (1999) which stipulates that administrative bodies must respond to applications or complaints clearly and with reasoning, indicating all circumstances that influenced the examination of the application or complaint, as well as the specific legal provisions relied upon in assessing its content. The importance of reasoning is consistently emphasised in the practice of the Supreme Administrative Court. The reasoning of an individual administrative act is linked to the principles of legality and good administration, which administrative bodies are obliged to observe (administrative case No. A2760-492/2015). Moreover, the Supreme Administrative Court emphasises that when an administrative body adopts an individual administrative act, it must indicate the essential facts, arguments and evidence, provide the legal basis, and ensure that the reasoning is adequate, clear and sufficient. Such decisions cannot be based on assumptions or suspicions, personal sympathies or antipathies, but must be grounded in legal norms. Thus, in exercising discretionary power, an administrative body is obliged to conduct a thorough examination and support its assessment with arguments that are relevant and that substantiate the conclusions drawn on their basis (administrative case No. A662-563/2014). The requirement of comprehensiveness is further specified in Chapter III (“Submission of Applications and Complaints”) of the “Rules on the Examination of Applications and Complaints in Public Administration Bodies”, approved by a Resolution of the Government (2007). For example, paragraph 24.3 requires that

applications and complaints be specific and comprehensible, paragraph 24.5 stipulates that their content or form must not violate rules of etiquette and norms of good morals, along with other provisions of the Resolution. Both legislation and case law demonstrate that considerable attention is devoted to the principle of good administration and the principle of comprehensiveness derived from it. The purpose of this is to ensure that administrative bodies cannot act formally or arbitrarily but are obliged to serve the people, to adopt clear, reasoned, legally justified and well-considered decisions, and to examine each individual's situation, thereby safeguarding and protecting their rights and freedoms.

Administrative bodies operate in a specific area regulated by law – public administration – which manifests itself through the areas set out in Article 6 of the Law on Public Administration (1999): administrative regulation, the adoption of administrative decisions, the provision of administrative services, the supervision of the implementation and compliance with legal acts and administrative decisions, and the administration of the provision of public services. According to legal doctrine, an entity is to be regarded as an administrative body if it performs at least one of the functions set out in this Article. Thus, by operating in the fields established in Article 6 of the Law on Public Administration, administrative bodies implement the functions of the state or municipalities. Pursuant to the doctrine of the Constitutional Court, institutions through which state functions are carried out, as well as civil servants employed therein, must comply with the requirements of legality (Resolution of the Constitutional Court of the Republic of Lithuania 2004). The principle of legality in the field of public administration means that the activities of administrative bodies must comply with the requirements of legal acts, that their decisions must be based on legal norms, and that the content of those decisions must correspond to the requirements of legal norms (Bulletin 2016: 473). In other words, administrative bodies cannot act at their own discretion – every action must be legally justified, that is, within the limits of legal acts, and must not exceed their powers. In the practice of the Supreme Administrative Court, this principle is interpreted broadly: when adopting an individual administrative act, an administrative body must comply not only with legal acts but also with general legal principles, such as fairness, legal certainty and legitimate expectations, as well as the principles enshrined in Article 3 of the Law on Public Administration. This means that when adopting individual administrative decisions, administrative bodies must apply legal norms not mechanically but in a manner that ensures their application corresponds to these principles, as well as to higher-ranking legal acts (administrative case No. A492-819/2014). In accordance with the principle of legality, unlawful administrative acts should, as a general rule, be annulled (administrative case No. A602-1218/2014). It can therefore be concluded that, in this respect, the principle of legality is imperative, obliging administrative bodies to act within the limits of the law, to observe the hierarchy of legal acts, thereby restricting arbitrariness and ensuring the justification of governmental actions.

In addition to all the principles discussed above, the constitutional principle of legitimate expectations is of particular importance. The European Parliament Resolution of 6 September 2001 approved the European Code of Good Administrative Behaviour (2001), Article 10(2) of which provides that an official shall respect the legitimate and reasonable expectations which members of the public have in light of the way in which

the institution has acted in the past. This principle was first mentioned in the case law of the Court of Justice of the European Union (hereinafter: the CJEU) (Case No. 112/77 1987). In that case, the Court recognised that legitimate expectations apply to anyone who finds themselves in a situation that has given rise to certain expectations due to actions taken by the administration. It should be noted that this principle protects only those expectations that are objectively created by the actions of the administration, and not those arising merely from an individual's subjective hopes. Therefore, it can be concluded that this principle is closely linked to public trust in the administration. In one of its cases, the Supreme Administrative Court extended the scope for the emergence of legitimate expectations by clarifying that a legitimate expectation may arise not only from legal acts but also from actions of public authorities (administrative case No. A12-801/2003). In this context, attention should be drawn to the case law of the CJEU and the Supreme Administrative Court, which emphasises that established practice, administrative inaction or delay may render an individual's expectations legitimate and worthy of legal protection. In its jurisprudence, the Constitutional Court has further noted that the principle of the protection of legitimate expectations entails the protection of acquired rights, meaning that individuals are entitled to reasonably expect that the rights they have already acquired under applicable legal acts will be preserved and capable of being effectively exercised (Resolution of the Constitutional Court of the Republic of Lithuania 2009). As noted above, this principle is constitutional. The Constitutional Court has emphasised that it derives from the constitutional principle of the rule of law and implies the duty of the state to ensure the certainty and stability of legal regulation and to protect individual rights. If these are not guaranteed, trust in the state and in law is not secured (Resolution of the Constitutional Court of the Republic of Lithuania 2008). In summary, it is evident that the principle of legitimate expectations is not merely a rhetorical statement but possesses real legal force, implying mutual trust in the relationship between the state and the individual. In the context of this study, it is of particular importance, as the subject matter of the disputes examined in case law concerns the non-extension (modification) of residence permits. This means that individuals had already been granted residence permits in the Republic of Lithuania, had met the relevant requirements, and thus had certain objective expectations that the institutions would act consistently and would not impose new requirements that they had already fulfilled previously.

### **Case law on legal principles relevant to the examination of disputes regarding the changing of permits for foreigners on the basis of family reunification**

Considering the content of the analysed legal principles and their significance within the legal system and public administration, it is appropriate to assess how these principles are applied in administrative cases, whether the courts consistently adhere to them, and how the courts interpret them.

In administrative case No. eA-982-463/2025 the Supreme Administrative Court emphasised the three core legal principles (administrative case No. eA-982-463/2025). The Court stated that each foreigner's situation is unique and requires a thorough and comprehensive examination. When adopting decisions, the Migration Department may not rely solely on the conclusion of the State Security Department (hereinafter: the SSD); it must examine all individual circumstances (family ties, integration, conduct in Lithuania, etc.). This emphasis permits the conclusion that the Migration Department must be guided by the principle of comprehensiveness: decisions cannot be mere formal transpositions of the SSD's conclusion, but must reflect an exhaustive, individualised assessment.

The Court carried out a detailed analysis of the conditions under which the right to family life may be restricted, emphasising that this right is not absolute: it may be limited on the grounds of public order and public security. However, such restrictions must always be assessed in light of their proportionality, even when the protection of national interests is invoked. In this particular case, the Supreme Administrative Court emphasised that there was no evidence indicating that the applicant had engaged in activities against the security of Lithuania, and her presence in the country posed no objective risk. It stated that the likelihood of any manifestation of a threat from her was significantly lower than the adverse consequences for the applicant and her family. In doing so, the Court highlighted that the principle of proportionality is not a mere formal requirement: the Migration Department must adopt adequate decisions without restricting individual rights and freedoms more than is necessary to achieve the intended objectives.

In this case, the Supreme Administrative Court held that the decisions of the Migration Department did not comply with the principle of legality, as they were not based on the applicant's specific and individual circumstances. Although the Migration Department, relying on the conclusion of the SSD, sought to ensure national security, it failed to provide a factual basis for such a conclusion and did not assess the entirety of the circumstances established in the case. Instead, the sole fact of the applicant's past employment was treated as the main argument, when in reality the totality of the facts should have been evaluated. Since the decision of the Migration Department was not properly reasoned, it was contrary to the requirements of Article 10(5) of the Law on Public Administration. From this, it can be stated that the Court, among other things, addressed the principle of legality, noting that the decision adopted by the respondent was in conflict with the provisions of the law.

In the case concerning L. M.'s temporary residence permit and entry ban, the Supreme Administrative Court found that the decisions of the Migration Department were disproportionate, insufficiently reasoned, and adopted without an assessment of the applicant's individual circumstances. The Court relied on the principles of comprehensiveness, legality and proportionality; however, it did not explicitly invoke the principle of legitimate expectations, even though this principle was implied by the factual circumstances.

In another administrative case No. eA-2434-624/2024, the Supreme Administrative Court found that the Migration Department had failed to conduct an individualised assessment of the applicant's situation (administrative case No. eA-2434-624/2024). It emphasised that the circumstances of each foreigner are typically unique, and that when

making decisions, administrative bodies must take into account such factors as: the type of permit requested, the grounds for the request, the nature of family ties, and whether the applicant has other links with Lithuania, among others. In addition to these considerations, the Court observed that while the SSD carries out a prospective assessment (focused on the future), such assessments cannot be based on speculation or probabilities, but must be grounded in objective facts, evaluated comprehensively, and leading to a reasoned decision. In this particular case, the Court noted that the SSD's conclusion was not individualised but merely generalised. Accordingly, it can be stated with justification that the Court placed particular emphasis on the principle of comprehensiveness, indicating that all factual circumstances must be analysed and assessed with great caution. Finally, the Court stressed that the conclusion regarding the applicant's threat to national security was based on a generalised rather than individualised assessment by the SSD.

The Court did not explicitly invoke the principle of legality but highlighted that the decisions of the Migration Department were in conflict with Article 20 of the Treaty on the Functioning of the European Union (2012). Specifically, the Court pointed out that the Department had failed to assess whether there existed such a relationship of dependency between the applicant and her spouse that the spouse would be compelled to accompany the applicant and leave the territory of the Union.

The Supreme Administrative Court in administrative case No. eA-1994-575/2025, assessed the proportionality of the decisions. The Court emphasised that although the objective of the entry ban – protecting national security – may be legitimate and important, the ban must be based on a thorough analysis of the individual's situation and must be indispensable to achieve that objective. According to the Court, the 2.5-year entry ban was justified by the applicant's close ties with a state hostile to Lithuania and by the fact that he had provided false information in the questionnaire about his place of employment. In view of these circumstances, the panel of judges held that such a ban, as a restrictive measure aimed at safeguarding important state interests, was justified, proportionate and adequate to achieve the intended objective, without excessively restricting the individual's rights and freedoms. However, the Court took a different view of the part of the decision concerning the entry of a warning into the Schengen Information System. In this respect, the appellate instance carried out a detailed examination of whether the reasons provided by the Migration Department were sufficient to justify imposing a restriction applicable across the entire Schengen area. The Court, relying on Articles 21 and 24 of the Schengen Information System II Regulation, stressed that Member States are obliged to carry out an individual and proportionate assessment, taking into account the foreigner's personal situation (family ties, economic links, the consequences of the restriction, etc.). The Court emphasised that the facts of the case demonstrated that no such assessment had been conducted, and that this part of the decision was contrary to Article 10(5) 5–6 of the Law on Public Administration, which requires factual and legal justification and the provision of reasoning that influenced the decision. This part of the judgment clearly illustrates that although the Migration Department had based its first decision on statutory provisions, subsequent decisions cannot automatically be derived without meeting the applicable requirements. The panel of judges drew particular

attention to the importance of the principles of proportionality and legality in this case (administrative case No. eA-1994-575/2025).

In administrative case No. eA-1484-492/2025 the Supreme Administrative Court noted that when deciding on the refusal to issue (amend) a temporary residence permit in Lithuania, the reality and obviousness of a potential threat to national security, public order or public health must be assessed (in terms of time and sufficiency of evidence). Interpreting the principle of comprehensiveness, the panel of judges emphasised that the situation of a foreigner is generally unique; therefore, in order to properly apply the provisions of the law, a thorough and all-encompassing examination must be conducted. While there may be attempts to predict future risks, decisions must nonetheless be based on objective facts and their entirety, rather than on speculation or suspicions. This means that the decisions of the Migration Department cannot rely solely on the conclusion of the SSD – the decision must be individualised. In other words, in this case, the Supreme Administrative Court reiterated that the principle of comprehensiveness is of particular importance when deciding on the amendment of residence permits (administrative case No. eA-1484-492/2025).

The court considered the one-year entry ban to the Republic of Lithuania to be proportionate. In the view of the panel of judges, when taking into account the applicant's social, economic, and family ties, his connection with Lithuania, as well as the totality of facts established in the case, the period of one year must be regarded as relatively short, striking a balance between the constitutionally protected common good – national security – and individual rights. From this it can be inferred that the panel of judges did not undertake a detailed assessment of the applicant's social or economic ties but instead interpreted the principle of proportionality primarily through the lens of national security as a priority. This conclusion is reinforced by the court's reference to the argument that the right to respect for family life is not absolute and may be restricted on the grounds of public order and public security, provided that such restrictions remain proportionate.

In the context of the principle of legality, the Supreme Administrative Court held that the decisions of the Migration Department did not contravene the requirement enshrined in Article 10(5) of the Law on Public Administration, which obliges administrative decisions to indicate their factual and legal grounds. The applicant's social factors – such as employment in Lithuania and knowledge of the Lithuanian language – were not overlooked; however, the court emphasised that these circumstances did not outweigh the threat posed to national security (administrative case No. eA-1484-492/2025).

In administrative case No. eA-1688-556/2024, the Supreme Administrative Court addressed the principle of comprehensiveness, noting that each foreign national's situation is unique and, therefore, when considering such an application, both the legal grounds invoked and the individual circumstances (family, social, economic, or other ties with Lithuania, etc.) must be taken into account. The Court further emphasised that the assessment of whether a person poses a threat to Lithuania's national security is essentially forward-looking in nature; however, it cannot be based on mere assumptions or suspicions. Such decisions must be grounded in objective facts and their totality, in particular those relating to the person's past conduct. For this reason, the Court upheld the SSD's conclusion, stating that it was sufficiently detailed and that the applicant's

prior service in the Russian armed forces, notwithstanding the circumstances invoked by the applicant (employment in Lithuania, establishing a family with a Lithuanian citizen, etc.), was to be regarded as a sufficient ground to consider a potential threat. Consequently, it may be argued that this case also strongly emphasised the requirement for decisions to be thorough and individualised; in other words, the Court provided a rather detailed interpretation of the principle of comprehensiveness in the context of this case (administrative case No. eA-1688-556/2024).

In addition to this principle, the Court also referred to the principle of legality, as the applicant argued that the contested decisions did not comply with the requirements set out in Article 10(5) of the Law on Public Administration for an administrative decision. The Court rejected this argument, stating that the contested decisions complied with the statutory requirements for an administrative act, were properly reasoned, and included both the legal and factual grounds, as well as other circumstances relevant to the decision-making process. This position once again underlines that the principle of legality is of crucial importance in administrative disputes: public administration authorities are bound by general, constitutional and statutory principles established in Article 3 of the Law on Public Administration, and may not adopt decisions that would conflict with the provisions of legal acts (administrative case No. eA-1688-556/2024).

The Supreme Administrative Court in administrative case No. eA-2527-1047/2024 emphasised the importance of the principle of comprehensiveness: the circumstances of foreigners are generally unique and require assessment of the type of residence permit sought, the legal basis invoked, the applicant's situation (family, social, economic, or other ties with Lithuania, etc.), as well as other relevant factors. The court further noted that conclusions of the SSD are forward-looking in nature (oriented towards the future) and cannot be based on speculation or suspicions but must rest on facts, the individual's past actions and their nature in particular. From this position, it can be firmly concluded that the court, in its jurisprudence, underscores the significance of the principle of comprehensiveness and specifies the aspects to which the authorities examining such applications must pay particular attention.

When examining the factual circumstances of this case in the context of the principle of proportionality, the court emphasised that the period of prohibition from entering Lithuania may extend beyond five years. The court highlighted the jurisprudence of the ECtHR, which has developed the concept that, in the context of expulsion and entry bans imposed on foreign nationals, issues of national security constitute interests of paramount importance. The court noted that the decision of the Migration Department to impose a five-year entry ban on the applicant was proportionate, taking into account the applicant's social, economic and family ties with Lithuania, as well as the nature of those ties. In addition, the court held that the applicant's inclusion in the Schengen Information System should also be regarded as proportionate and necessary for safeguarding national security. It is worth noting here a slight deviation from earlier cases, in which entry bans were typically limited to a period of 2.5 years. Such a deviation could perhaps be explained by the applicant's former position, the details of which are not publicly available (administrative case No. eA-2527-1047/2024).

In this case, the judicial panel emphasised the principle of legality, noting that the Migration Department adopted a lawful and well-founded decision by assessing the threat posed by the applicant to Lithuania's national security and imposing a five-year entry ban. Accordingly, the judicial panel concluded that the alert entered into the Schengen Information System was introduced lawfully and on sufficient grounds, as the factual circumstances established met the criteria set out in Article 24(2) of the Regulation of the European Parliament and of the Council [Regulation (EC) No 1987/2006], as subsequently amended. In addition, the court disagreed with the position of the court of first instance, which had held that the decisions of the Migration Department were contrary to the requirements of Article 10(5) of the Law on Public Administration. The judicial panel reasoned that these decisions were clearly based on legal provisions, the relevant factual circumstances were set out explicitly, and other relevant circumstances influencing the administrative decision were also indicated. In other words, this judgment once again underscores the importance of the principle of legality: the decisions of the Migration Department cannot be arbitrary but are bound by the imperatives of statutory provisions (administrative case No. eA-2527-1047/2024).

## Conclusions

After analysing the decisions of the Supreme Administrative Court of Lithuania in cases regarding the change of residence permits in the Republic of Lithuania on the basis of family reunification, it can be clearly concluded that when the court actually applies the principles of law, assesses their relevance in a specific situation and analyses the factual circumstances in detail, the decisions are more often favourable to the applicant. Meanwhile, in cases where the principles are limited to declarative mention or are completely ignored, complaints are most often rejected. The actual, rather than formal, application of the principles of law – completeness, proportionality, legality – directly correlates with greater protection of the rights of applicants.

Moreover, it may be argued that the decisions of the Migration Department often lack sufficient individualisation: they fail to adequately consider the applicant's specific circumstances, while the conclusions of the State Security Department are frequently transposed mechanically and formally, without assessing their actual significance in the particular case. Such decisions are often based on abstract formulations, such as “posing a threat to national security”, without providing concrete, evidence-based reasoning.

The principle of legitimate expectations was not applied in any of the examined cases – on the contrary, in one of them the Supreme Administrative Court explicitly stated that previous decisions concerning the applicant's legal status are irrelevant to the assessment of a new application, thereby effectively eliminating the significance of this principle in the context of such cases.

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