



IO1/A4 NATIONAL REPORT (LITHUANIA)

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I Introduction

c. Aims/Objectives of Report

The aim of the research is to indicate **existing good practices** and, when possible, reinforce them. At the same time research is aimed towards **identifying gaps and issues** in existing practices in Lithuania– crucially, the issue of migrant populations’ lack of knowledge concerning their workers’ rights.

II Key findings from Desk Review

d. Literature Review/National Context

Statistical data and overviews of migrant workforce in Lithuania

A foreigner is a person who does not possess Lithuanian citizenship. This group of people is comprised of EU citizens, non-EU citizens and persons not recognized as a citizen of any country. More than 49 thousand foreigners lived in Lithuania at the beginning of 2018. The vast majority is third country nationals: 37 percent are people who have obtained permanent residence permits (PRP), which are issued for five years. 50 percent are people who have obtained temporary residence permits (TRP), which are commonly issued for 1-2 years. Citizens of the EU and their families amount to 13 percent.

The majority of foreign immigrants in 2017 were citizens from Ukraine and Belarus (about 35 percent of all immigrants). In the fig. 1. there are presented 5 EU countries and non-EU countries, most of which immigrants arrived in Lithuania in 2017¹.

Non-EU citizens can enter and stay in Lithuania only for purposes established by the law. The fig. 2. shows all the temporary residence permits (TRP) issued/replaced to non-EU citizens based on admission grounds. In 2017 the majority of the permits were issued on the basis of work (55 percent), family reunification (23 percent) and to study (14 percent)².

It is obvious that majority of immigrants come and stay in Lithuania for the work.

¹ <http://123.emn.lt/en/#chart-12-desc>

² <http://123.emn.lt/en/#foreigners>



Asylum seekers. Lithuania has three forms of asylum: refugee status (permanent), subsidiary protection (granted for two years with the possibility to be prolonged) and temporary protection (can be granted by the government if there is an increased number of people asking for asylum). Lithuania usually grants subsidiary protection. Despite the European Union experiencing the biggest influx of migrants due to the conflicts that are happening around the world, the number of asylum seekers in Lithuania remains the same – on average 490 asylum applications per year. Most applications are received from Syria, Russia, Afghanistan, Belarus, Azerbaijan and Tajikistan³. In 2018 there were about 280 asylum seeker applications in Lithuania. The general tendency shows that the number of migrants increased since 2013 in Lithuania⁴. The majority of migrants are from neighboring countries, such as Ukraine, Belarus, Russia, Latvia, Poland and others.

Legislation: Short overview of national legislation with a focus on workers' rights.

Free movement of workers is one of the fundamental rights of the EU. However, third-country nationals can only work in EU Member States if they meet the legal requirements. Some of these requirements have been transposed from EU directives, while others have been developed through a national migration policy. Thus, not only administrative procedures but also imperative requirements and rules have to be overcome in order to employ third-country nationals. Too complicated, inflexible and economically uncompetitive regulation of this process in Lithuania creates obstacles for the employment of third-country nationals⁵.

Integration of immigrants is based on Foreigners Integration Program, Recognition of professional qualifications, Health, social & educational programs. The important documents are:

- 1951 Geneva Convention
- EU Directives 2011/95/EU, 2013/33/EU

³ The ministry of the Interior Issues of the Republic of Lithuania (2018). Migration Yearbook.

<https://osp.stat.gov.lt/services-portlet/pub-edition-file?id=33220>

⁴ Key migration indicators in the republic of Lithuania (2018). [Retrieved from <http://mipas.lt/en/2019/07/26/key-indicators-of-migration-in-the-republic-of-lithuania/>]

⁵ <https://www.llri.lt/naujienos/ekonomine-politika/faktai-ir-analize-darbo-migracija-ir-treciuju-saliu-pilieciu-idarbinimo-reguliavimo-lankstumas/lrinka>



- EU -Turkey Refugee Deal, 2016⁶
- Law on the Legal Status of Aliens⁷
- Resolution of the Government ,No.628,22-06-2015
- Resolution of the Government, No.998,05-10-2016
- Resolution of the Government,No.822, 11-10-2017⁸

In general, about 55% of migrants arriving to Lithuania are job seekers. As of this moment, based on the data from the Lithuanian employment office, Lithuania lacks people of the following professions: drivers of international freight vehicles, welders, metal hull assemblers, concrete workers, electricians, plasterers, tailors and others⁹.

Concerning foreigners rights there are Electronic migration services portal¹⁰ which indicates main rights of foreigners as the right of equality: “Foreigners in the Republic of Lithuania shall be equal before the law, irrespective of their sex, race, citizenship, language, origin, social status, religion, convictions or views”; freedom of movement, right to stay in the Republic of Lithuania, right to get employment in the Republic of Lithuania, right to reside in the Republic of Lithuania, right to emergency medical care, right to appeal decisions before a court, rights of unaccompanied minors.

Platform for migration information and cooperation¹¹ explains main legal acts that defines labour relations, wage, work, leisure-time conditions and gives useful links and contacts.

⁶ https://helprefugees.org/news/eu-turkey-deal-explained/?gclid=Cj0KCQiAxfzvBRCZARIsAGA7YMweNNLEz7-FV1CWTvlhVbrMktn0ZUpCkEJpXtm0e9hLtjIV9_7QPwgaAjnLEALw_wcB

⁷ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378?%20jfwid=q8i88m808>

⁸ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/267b0781afe811e7a80ef1cff7d455dd>

⁹ Migration in numbers. <http://123.emn.lt/en/>

⁹ <https://www.migracija.lt/en/u%C5%BESienie%C4%8Di%C5%B3-teis%C4%97s>

⁹ <https://mipas.lt/en/2017/11/20/employment/>

¹⁰ <https://www.migracija.lt/en/u%C5%BESienie%C4%8Di%C5%B3-teis%C4%97s>

¹¹ <https://mipas.lt/en/2017/11/20/employment/>



Foreigners intending to work in Lithuania needs knowledge of labor law and those who intend to start a family here have knowledge of family law. Thus, migration law specialists are ready to advise the client not only in migration law but also in other branches of law. There are also many services for those who are able to pay¹².

Policy and Practice: Review of existing state of policy and current practices of employment in relation to migrant populations.

For EU citizens, the process of employment in Lithuania is fairly simple. Foreigners (apart from EU nationals) that wish to work in Lithuania have to meet certain conditions. Those arriving from non-EU countries must go through certain procedures, where most important ones are to first find an employer and get a work permit or a decision on compliance with labour market needs. After that, a foreigner can apply for a work visa or a residence permit. There are several steps migrants should make in order to obtain a job¹³:

1. Find a job vacancy/employer. The general way to do this is by searching in various websites that regularly upload job vacancies.
2. Obtain a work permit. The employer has to go through necessary procedures at a Lithuanian Labour exchange, meaning that s/he need to prove that there are no specialists among Lithuanian and EU citizen which meet the requirements of the current position. In other words, the employer should obtain the decision on compliance with labour market needs, which takes about one month. This step is complicated, because it takes a great effort of employer, and therefore, they prefer hiring local employees or those migrants who have already obtained residency permits due to other reasons (marriage, studies, etc) or those having work permits from neighbouring countries (ex., Poland where the procedure is simpler).
3. Get a visa/residence permit. After obtaining a work permit, the foreigner may apply for residency permit, which takes about 4-5 month. There are several offices in the biggest cities where migrants can apply for residence permit in Lithuania or they can apply in Lithuanian embassy if they are abroad.

¹² <http://www.vilys.lt/veiklos-sritys/migracijos-teise/>

¹³ Renkuosi Lietuva. <https://www.renkuosilietuva.lt/en/>



Support and assistance. There are several websites, where migrants and foreigners can find a useful information related to different issues of moving/returning to Lithuania, concerning work, education, integration, socialization, housing and healthcare:

- The IOM (International Organization for Migration) provides assisted voluntary reintegration, migration research, integration and promotion of tolerance. <http://www.iom.lt/en/home.html>.
- The Red Cross organization helps refugees to socialize, as well as provides a free social, psychological and legal assistance: <https://www.redcross.lt/pagalba-pabegeliams>. The organization is aimed at provision of services to promote the integration of third-country nationals and refugees, ensuring their safety, social and economic autonomy, guaranteeing basic needs and developing the competence to create a positive future in the host society. The services of the Center are intended for foreigners who have a residence permit but are not citizens of the Republic of Lithuania.

c. Issues/Problems

Challengers in labor market could be general issues which concern migrant workers as a whole, but, in addition, certain specific issues such as the particular vulnerability of migrant women and youth, who are part of that whole. Labor immigration studies emphasize that labor immigrants enter the common labor market of Lithuania and therefore face the same problems as Lithuanian citizens (Lietuvos socialinė raida. 2017). It is noteworthy that due to language barrier, ignorance of labor rights and lack of understanding of the legal framework, labor migrants are more vulnerable in the labor market than Lithuanian citizens.

Language learning and qualification confirmation are important problems. One of the major obstacles that the new arrivals encounter is not being able to speak the language. It is quite difficult to learn the Lithuanian language; however, it is worth learning it if one wants to stay in Lithuania for a longer time. Several institutions organize courses in the Lithuanian language, and most them are in Vilnius. The individuals who have acquired a certain level of education and/or are holders of foreign qualifications willing to study at Lithuanian



institutions of higher education may contact the appropriate institutions regarding assessment and recognition of foreign qualifications.

Every EU worker has certain minimum rights¹⁴ relating to:

- health and safety at work: general rights and obligations, workplaces, work equipment, specific risks and vulnerable workers
- equal opportunities for women and men: equal treatment at work, pregnancy, maternity leave, parental leave
- protection against discrimination based on sex, race, religion, age, disability and sexual orientation
- labour law: part-time work, fixed-term contracts, working hours, employment of young people, informing and consulting employees

Research on the living and working conditions of working migrants in Lithuania (Žibas, Petrušauskaitė, (2015) revealed that immigrants from non- EU countries are more vulnerable in the labor market due to the language barrier, ignorance of labor rights and lack of understanding of the legal framework. Upon arrival in Lithuania, migrants from non-EU countries become legally "tied" to their first workplace without the right to change it. If migrants lose their jobs, they must leave the country immediately. In such cases, public employment agencies and specific policies become inaccessible and therefore ineffective. Moreover, only highly qualified labor migrants have the opportunity to live with their family members in Lithuania; work permits to qualify for employment migrants (e.g. welders, long-distance drivers, and seamstresses) do not have this possibility.

Ševerenkienė (2018) stress a lot of challenging issues for migrants and foreigners mainly concerned with employment, education and attitude:

- Negative attitude towards different religion, race etc.
- Difficulties with taking up Lithuanian language, low salaries in labour market, lack of qualification documents.
- Finding a job closely relates to relocating and housing.
- Cultural differences and language barrier.

¹⁴ <https://ec.europa.eu/social/main.jsp?catId=82&langId=en>



- Integration to the team and organization.
- Differences in work ethics, learning, management.
- Different expectations about salary, career, working conditions.
- Lacking competencies high at demand in labour market.

III Research results I: Good Practices

a. Good Practice 1. The tailored services for foreigners in Employment offices.

There are tailored services for foreigners in Employment offices that are provided by professionals (Ševerenkienė, 2018). Services usually include four steps:

1. Counselling and information before registration for employment
2. Evaluation of professional competencies
3. Visits to companies & engagement into working environment
4. Assisting & mediating employment , signing contract

The most popular economic sectors foreigners found employment are:

- Wood processing & production
- Building & construction
- Poultry manufacturing
- Beauty & hairstyling
- Food manufacturing
- International service centre
- Automotive
- Sewing & knitting

b. Good Practice 2. Migrant information system¹⁵

Migrant information system is created as a result the project migis.eu. Most of the measures offered to immigrants are aimed at solving individual problems (for example, only in the training of a particular national language, only information on employment, etc.), therefore the project team has developed an e-Educational Tool migis.eu, which includes interactive

¹⁵ http://migis.eu/?page_id=24#1522172755386-82dae3da-8dfb



detailed information on the host country (60 hrs. of prepared (text and videos) for immigrants and their educators in English and native country language.

There are also provided several important facts for migrants on the rights in labour market (as e.g. Relations between employee and employer who are regulated by **the Labour Code** (<https://www.e-tar.lt/portal/lt/legalAct/f6d686707e7011e6b969d7ae07280e89>)).

c. Good Practice 3. Consulting for foreigners in Lithuania

There are several non-governmental organizations who implement the projects on migration issues and migrants rights and provides free consultations. The most important are two:

1. Lithuanian Centre for Human Rights¹⁶ (LCHR) is a non-governmental organisation located in Vilnius. LCHR has been working in the field of human rights for two decades. Since the foundation by private persons in 1994, LCHR focused on human rights education, advocacy and research, implementing numerous projects and activities in the field. Equality and non-discrimination of people are fundamental principles that LCHR use in activities and work philosophy.
2. International Organization for Migration¹⁷ is the leading inter-governmental organization in the field of migration and works closely with governmental, intergovernmental and non-governmental partners. With 173 member states, a further 8 states holding observer status and offices in over 100 countries, IOM is dedicated to promoting humane and orderly migration for the benefit of all. It does so by providing services and advice to governments and migrants. Organisation has office in Vilnius and provides free consultations on legal and practical issues related to arrival and stay in Lithuania. Vilnius International Organization for Migration implements various activities related to the integration of migrants through various projects. The project "I Choose Lithuania" is very important and useful for migrants. Employees of "I choose Lithuania" provide consultations and assistance to anyone who wants to come to Lithuania.

¹⁶ <https://manoteises.lt/lchr/information-in-english/>

¹⁷ <http://www.iom.lt/en/home.html>



Consultations on work, education, health care, integration of aliens as family members and other issues are provided.

IV Field-based Research Results: Interviews with Stakeholders

4 persons have participated in the field- research.

Interviewers: I1 –Kaunas municipality employment service representative; I2- social worker; I3 – adult educator; I4 – academic, Lithuanian language teacher, founder of the Lithuanian language and culture club for Non-Lithuanians.

1. All respondents were in a way related to migrant issues, however not so much to the subject of migrant workers' rights. E.g., employment service cares about employment of a person and handles work permissions, social worker helps TCN's to find a person competent to help; adult educator teaches professions, language and culture teacher – cares about and helps in integration of TCN's.

2. Talking about the Situation in Lithuania, how migrant workers are aware of their rights, respondents mention that: “there are various cases – for example, some TCNs leave their job and look for another one, with better working conditions; others (TCNs) don't see any problems in where we (specialists) see” (I1). “Refugees, they clarify a lot by themselves, via their channels, from co-nationals who stay for a longer time in Lithuania, they know a lot about their rights” (I2) “There are no special training on TCN's rights for refugees, but social workers look for the job they could work right away. Social worker accompanies and helps them during a job interview and contracting. If any problems arise on a work, then refugees come with questions to social worker “(I2).”Often refugees get a job with a salary even higher than Lithuanians do, because the state supports and cover part of refugees' salary costs – subsidize 70 % of their salary. Refugees know that and often negotiate with an employer for a higher salary” (I2). “Sure TCNs know their rights – e.g. Turkish people who are working in the construction sector have organized a strike in January 2020. They protested against poor working conditions and unpaid wages“(I3). “For migrants are most difficult to find a job, and if a person finds it, then could some problems arise – how to keep it and have guarantees. It is difficult to find a qualified and prestigious



job because of lack of native language skills, or because Lithuanian organizations find it's unfavourable for them to employ a TCN. It is bad practice for those, who are well qualified, really want to integrate, know the language, love Lithuania and want to stay here" (I4).

3. Migrant workers capacity to report any potential violation of their rights as workers

There are some information for migrants on where and how to report on violation of their rights. (I1). But refugees don't know enough (I1, I4) – if somebody offend them in the street, e.g. because of scarf dressing, they usually call to their social worker to talk about it but do not report anywhere, because are afraid they don't know the law or support system. Social workers often call police if something discriminating happens in the street, or write complaint for institution where discrimination occurs. (I2). Adult educators always help them with information regarding reporting. (I3). TCNs are in contact with persons and institutions– social, educational, but do not get specialized information. It would be good for TCNs to know the specialized contact – person or department- for specific questions of protection of their rights. (I4)

4. How would a special training program help migrant workers to develop their awareness and knowledge on their rights?

Well-publicized and freely accessed e-platform would help them to know more (I1, I2, and I4). Face-to-face consultations would help most - it would be good to have a special professional, consultant, or a competent person to contact regarding consultations on TCN's rights. (I3) However, as regarding economic migrants - their main interest is work and they dedicate all their time for it. Therefore, they would not be interested in face-to-face learning, especially when they do not see a problem here. (I1).

5. Special training programs

Respondents did not know any special training programs for TCNs, dedicated to their rights at work. However, some useful information on employment procedures and human rights could be found on websites of Red Cross <https://www.redcross.lt/teisine-pagalba> (in Lithuanian only), The Refugees Reception Center <http://www.rppc.lt> (no specific info on TCN's rights), MIGRIS/ Electronic Migration Services <https://www.migracija.lt/noriu-gauti-prieglobstį-lr> (no specific info on working TCN's rights). Respondents didn't know about any programs for TCN's on their rights.



6. The main obstacles to promote knowledge on migrant workers' rights:

- Lack of motivation of migrants for economic reasons. Their main interest – to earn and be back to their own country (I1);
- The actual information does not reach social workers in time. Social workers search for the information on the internet if clients ask. However, it would be useful to know about existing training - learning courses or e-platforms, and suggest for TCNs some training on their rights, even if they do not ask for it. (I2);
- The local policies need improvements toward covering the personal needs of migrants and organising more training courses for social workers and other specialists to ensure their motivation and appreciate competences to work effectively with migrants (I4).
- The lack of success stories on personal initiatives for both migrants and social workers in charge (I4).
- Sometimes, the attitude toward immigrants is not positive enough, and there are people, who think that TCNs try to take away jobs from locals.

“My personal initiative was Lithuanian language and culture club for non-Lithuanians. I saw a need TCNs have when appear in a different culture and surrounded by language they do not know – they try to understand the culture, what is going on around. Sometimes the attitude toward immigrants is not positive enough, and there are people, who think – what for those TCNs are coming here, they take our jobs. However, the reality is that many perfect persons are coming – they often love the country, Lithuanian peoples, are happy about things around and want to live here.” (I4)

7. The labour market challenges and obstacles that migrant workers most often face

- Inadequate accounting of working time, improper billing for work, inappropriate living conditions. (I1)
- Language and low education could be an obstacle for a good job. (I2) For example, doctoral student –they can easily get a job – researcher position - at the university. Much depend on background of a TCN.
- Barrier of language, culture differences (I3, I4)



- Sometimes TCNs do not know well enough about regulations, rules and legacy that can be different compare to their country. So different interpretations and different TRUTH can lead to a different interpretation of a situation and so to a conflict. (I4);

8. Examples of “good practices” that work towards supporting and ensuring migrant workers’ rights in Lithuania

-In 2019, based on Morta’s group initiative the leaflets on migrant’s rights in Ukrainian were prepared ad disseminated widely; representatives of police, work inspection and employment service, in Kaunas district were visiting migrants’ families and workplaces, also their employers , with a main purpose of educational activities regarding migrant’s rights (I1).

- Employers’ positive attitude toward good workers. (I2).
- TCNs’ adaptation in society – learning language, acquiring a new qualification (I3).
- Lithuanian Language and Culture Club for Non-Lithuanians, established for language and culture learning, for promotion of cultural communication among TCNs and Lithuanians (I4).

9. Migrants’ groups that are more vulnerable than others or being exploited or manipulated by employers:

- *Illegal employees* – they feel bad themselves and rarely ask law enforcement or other institutions for help (I1).
- *Refugees* are most vulnerable group just because of their complicated life situations. Very of-ten, they have psychological problems - post-traumatic syndrome, etc. Sometimes the problems at work based on their past life-experience (I2).
- *TCNs from the countries with no cultural connections with Lithuania.* They face problems regarding culture and thinking differences, religion difference in particular. For example, Muslims – if they need praying time during the work hours, the employer faced a challenge guarantee or not them the right to have time to pray (I2).
- *Africans* – there are problems with their understanding of a time – very often, punctuality does not exist for them. And it is hard to tolerate it for our employers; on the other hand, we don’t know what the reasons why many Africans are not punctual are (I3).



- *TCNs working in the Construction and Transport Sectors.* The problems relate to GDP and domestic economics, marketing. The TCNs have a temporary permission to work and they do not care about GDP, do not want to pay taxes, because they leave from Lithuania. This problem is actual in Construction and transport sector, because in that sector work many temporary migrants and they change often (I3).
- Muslims. Because their different appearance, religion.

10. Awareness of taking initiatives of promoting information on the rights of foreign workers

- Specialist of employment service does not think she could promote this information adequately, as only a small part of migrants come to employment services - only refugees are registered for unemployed person status. For others, employers manage documents via employment service. (I1)
- Social worker, adult educator and language teacher would be interested in doing that: "For employers would be good to know about migrant rights, about their groups and culture, what are the countries migrants arrive from. Both, employers and employees need to know more about the reality of each other, expectations" (I2). "I need also to gain knowledge on employment, on migrants' rights, because I want to help them enter the labour market. I help them with CV or letter of motivation." (I4).

11. Ideas for raising awareness among relevant bodies

- We would care about promotion of info on human rights and its violations if any occur, in order society would be alert and intolerant for violations of human rights (I1).
- In the places where migrants attend, there should be placed information on human rights and contacts whom and where to contact or report if there is a need for help (I1).
- Special events, meetings, may be at organization, may be informal – invite employers, migrants, specialists for a talk, discussion, and some short, interesting, interactive and intriguing lectures. In language that could understand everybody. In English, may be. With translation, if needed. Translations could be done by volunteering peers. Invite the employers who have already employed refugees or migrants, because those are interested for sure (I2).



- It is important to promote intercultural competence of Lithuanians. Start with common activities of Lithuanians and non-Lithuanians (I4).

“The main problem is a notion: “Lithuania is for Lithuanians”. However, Lithuania was multicultural for ages. Our narrow vision and thinking is a problem. Communication among natives and mi-grants changes it – people get many good emotions from communication among different cultures. The best sides of migrants we can experience - how they are interested in our culture, learn about traditions and traditional arts, how they integrate their ideas into our contexts, learn Lithuanian language. It is important to promote intercultural competence of Lithuanians. Start from common activities of Lithuanians and non-Lithuanians. Many interesting things can bring non-Lithuanians to us. Based on this understanding, I have already established a Lithuania Language and Culture Club for non-Lithuanians. I am happy that many Lithuanians come there for common events too” (I4)

V Conclusions and Recommendations

a. Key results of research (short summary)

In summary, migrants, wishing to enter the labor market face lack of knowledge of the Lithuanian language, incompatibility of competencies with Lithuanian market standards, ignorance of labor rights and lack of understanding of the legal framework, availability of housing, family circumstances and cultural differences that hinder the achievement of the desired employment in Lithuania. Due to language barrier, ignorance of labor rights and lack of understanding of the legal framework, labor migrants are more vulnerable in the labor market than Lithuanian citizens.

Field research revealed there is a need for e-training platform on migrants’ rights freely available and well known for the staff of social services. In addition, there is a need to establish and to know widely about a contact of a person or an office where to report and/or get the consultation regarding the cases of migrant rights. There is still a lack of mutual cultural understanding and communication among locals and migrants, employers and employees. There is a need to increase public awareness and intolerance for violations of human rights.



The common opinion of all respondents is that the work with migrants towards employment has to be organised in the more effective ways, and the personal approach (coughing, consulting, and mentoring) could be one of these ways.

b. Recommendations for future action

When planning curriculum for migrants with a focus on workers' rights training it would be worth to include knowledge and skills on basic and advanced issues on:

1. How to find a job vacancy/employer.
2. How to obtain a work permit.
3. How to get a visa/residence permit.
4. What are main services for foreigners in Employment offices?
5. What are labour rights?
6. Work culture - time, clothing, communication
7. Human rights
8. Include a chapter about intercultural differences and about Local culture.
9. Provide contacts and info on existing support services or professionals, and on culture clubs, intercultural events.
10. Add success stories from both side-migrants and the social workers in charge. The Role Model methods could be then used.
11. Probably, the chapter on the personalising of the trainings could be added including mentoring, coaching, etc.

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