

Subject-matter concerned	<input checked="" type="checkbox"/> 1) non-discrimination on grounds of nationality <input type="checkbox"/> 2) freedom of movement and residence - linked to which article of the Directive 2004/38 <input type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	28 February 2017
Deciding body (in original language)	Lietuvos Vyriausiasis Administracinis Teismas
Deciding body (in English)	Supreme Administrative Court of Lithuania
Case number (also European Case Law Identifier (ECLI) where applicable)	A-2445-624/2017
Parties	Applicants: R. G.-M. and J. B. Respondent: Migration Board of Vilnius County Chief Police Commissariat (<i>Vilniaus apskrities vyriausiojo policijos komisariato Migracijos valdyba</i>)
Web link to the decision (if available)	http://eteismai.lt/byla/251623513182256/A-2445-624/2017
Legal basis in national law of the rights under dispute	Law on Identity Card and Passport (<i>Asmens tapatybės kortelės ir paso įstatymas</i>), 23 December 2014, No. XII-1519 (with amendments), available in Lithuanian at: https://www.e-tar.lt/portal/lt/legalAct/a8939f2090d811e4bb408baba2bddd3f3/GRxVJrYuSj
Key facts of the case (max. 500 chars)	The applicants' daughter was born in Lithuania and on her birth certificate, first Lithuanian passport and French passport her name and last name were spelled in original, i.e. with non Lithuanian symbols, such as "x" and "w". The applicants requested to issue a new Lithuanian passport for their daughter keeping the original spelling of her name and last name. The Migration Board refused to keep the original spelling and based its decision on the provisions of the Law on Identity Card and Passport, which states that information in the identity card and passport shall be spelled in Lithuanian characters („x" and „w" are not Lithuanian characters). The court of first instance quashed the decision of the Migration Board as disproportionate and discriminatory and ordered to issue a new passport with the name and last name spelled in original. The Migration Board filed an appeal complaint.
Main reasoning / argumentation (max. 500 chars)	The Court based its decision on the interpretations of the laws by the Constitutional Court and stated that according to the legislation in force names and last names on identity card and passport can be spelled only in Lithuanian characters. However, the Court decided that the gap in legal regulation did not prevent to spell name and last name in original spelling on the part of the passport "other records".

Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	Even though legal regulation, which allows to spell name and last name in non Lithuanian characters does not exist, it in itself cannot constitute grounds for refusal to spell name and last name in non Lithuanian characters and non grammatical form on the part of the passport “other records”.
Results (e.g. sanctions) and key consequences or implications of the case (max. 500 chars)	The appellate court partly changed the decision of the first instance court, by ordering Migration Board to issue a Lithuanian passport to the applicants’ daughter spelling her name and last name in Lithuanian characters and at the same time spelling her name and last name in non Lithuanian characters and non grammatical form.
Key quotations in original language and translated into English with reference details (max. 500 chars)	<p><i>“<...> kaip matyti iš oficialios konstitucinės doktrinos, Konstitucijai neprieštarautų teisinis reglamentavimas, kuriuo būtų nustatyta ir tai, kad to paties paso kitų įrašų skyriuje asmens vardą ir pavardę galima įrašyti nelietuviškais rašmenimis ir nesugramatinta forma, kai asmuo to pageidauja.</i></p> <p><i>Nors tokio teisinio reglamentavimo nėra, tai savaime negali būti pagrindas atsisakyti paso kitų įrašų skyriuje asmens vardą ir pavardę įrašyti nelietuviškais rašmenimis ir nesugramatinta forma, kai asmuo to pageidauja <...>”.</i></p> <p>“<...> as it is apparent from the official constitutional doctrine, the legal regulation, which would set forth that on the part of the passport “other records” person’s name and last name could be spelled in non Lithuanian characters and non grammatical form on the request of the person, would not contradict the Constitution.</p> <p>Even though such legal regulation does not exist, it in itself cannot be grounds for refusal to spell name and last name in non Lithuanian characters and non grammatical form on the part of the passport “other records”<...>”.</p>
Has the deciding body refer to the Charter of Fundamental Rights. If yes, to which specific Article.	Yes. Article 7