



Input by civil society organisations to the Asylum Report 2023

Dear Colleagues,

The production of the *Asylum Report 2023* is currently underway. The annual [Asylum Report series](#) presents a comprehensive overview of developments in the field of asylum at the regional and national levels.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, UNHCR and researchers. To this end, we invite you, our partners from civil society, academia and research institutions, to share with us your reporting on developments in asylum law, policies or practices in 2022 (and early 2023) by topic as presented in the online survey.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and challenges which remain. Your input can cover practices of a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

All submissions are publicly accessible. For transparency, 2022 contributions will be published on the EUAA webpage. For reference, contributions to the 2022 Asylum Report by civil society organisations can be accessed [here](#), under 'Acknowledgements'. All contributions should be appropriately referenced. You may include links to supporting material, such as analytical studies, articles, reports, websites, press releases or position papers. If your organisation does not produce any publications, please make reference to other published materials, such as joint statements issued with other organisations. Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.

The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2023 by **Friday, 3 February 2023**.*





Instructions

Before completing the survey, please review the list of topics and types of information that should be included in your submission.

For each response, only include the following type of information:

- ✓ New developments and improvements in 2022 and new or remaining challenges; and
- ✓ Changes in policies or practices, transposition of legislation or institutional changes during 2022.

Please ensure that your responses remain within the scope of each section. Do not include information that goes beyond the thematic focus of each section or is not related to recent developments.

Contributions by topic

1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment) and issues regarding border guards)

From August 2021 continues practice of collective expulsion at the Lithuanian-Belarus border, which is regulated by the order of Minister of the Interior of Lithuania¹. State border guard service under Ministry of the Interior of the Republic of Lithuania (hereinafter – SBGS) can allow entry into territory and accept asylum applications as exemption for the vulnerable people². However, up till now there is no clear practice regarding vulnerability assessment and identification procedures at the border. European Commissioner for Home Affairs Ylva Johansson condemned policy of collective expulsion³, as did international NGOs⁴. Despite condemnation Lithuanian authorities declared that practice of collective expulsion won't

¹ Lithuania, Minister of Interior and State Commander of National Emergency Operations. Decision regarding control and enforcement of the state border during influx of the of foreigners ([Lietuvos Respublikos Vidaus reikalų ministro Valstybės lygio ekstremaliosios situacijos operacijų vadovo sprendimas Dėl masinio užsieniečio antplūdžio pasienio ruožo teritorijose prie Lietuvos Respublikos valstybės sienos su Baltarusijos Respublika valdymo ir valstybės sienos apsaugos sustiprinimo](#)), No 10V-20, 2 August 2021.

² Lithuania, Article 140(12) of the Law of the Republic of Lithuania on the Legal Status of Foreigners No. IX-2206. In communication with the SBGS, the SBGS presented examples of cases when migrants were allowed to enter territory of Lithuania: dangerous weather conditions to children; physical violence against children, real danger to children health (children was beaten, wound, broken bones); sexual violence (when it was identified that children could have been raped or experienced other sexual violence); pregnant minors; unaccompanied minors.

³ Lithuania, LRT (2022), [Johansson in Vilnius: migrant pushbacks have no place in EU](#), 21 January 2022.

⁴ Amnesty International (2022), [Lithuania: Forced out or locked up – Refugees and migrants abused and abandoned](#), 27 June 2022, [Medecins Sans Frontieres \(2022\), People repeatedly repelled at Lithuania and Latvia borders face increased suffering](#), 15 December, 2022; [Amnesty rep on Lithuania's treatment of migrants: we shouldn't compete with Belarus who can be more cruel – interview - LRT](#)





change⁵. The SBGS on daily basis issues press releases on the number of pushed-back migrants and informed that 11 211 migrants were not allowed to enter territory of Lithuania from Belarus side from 1 January 2022 till 31 December 2022⁶. Lithuanian authorities claim that immigrants have a possibility to lodge asylum application at the nearest international border crossing point (hereinafter - BCP) or at the Lithuanian embassy in Belarus (Minsk). However, such possibility is severely restricted as concluded by Lithuanian Red Cross Society report regarding access to asylum procedure. Lithuanian Red Cross society released a thematic study “Access to the asylum procedure at the diplomatic missions of the Republic of Lithuania abroad and at the BCPs of the state border guard service”⁷ which shows that only those foreigners who have a valid travel document and a document confirming their legal stay in Belarus can submit an asylum application at the Embassy of the Republic of Lithuania in Minsk. In addition, the further procedure for examining such a request is not properly regulated, and people who have submitted applications wait in limbo and face the risk of refoulement without receiving a decision from the Migration department under Ministry of the Interior of the Republic of Lithuania. The study also shows that only those foreigners who were granted passage by the Belarusian authorities after document inspection can lodge an asylum application to the BCP of the SBGS. In addition, even in cases where foreigners manage to reach the SBGS officials, their asylum applications are sometimes not registered, and they themselves are refouled back to the Belarusian side.

Procedures which deprive of the opportunity of access to the asylum procedure is implemented despite decision of Court of Justice of the European Union (hereinafter - CJEU) in case C-72/22 PPU issued on 30 June 2022. The CJEU stated that Lithuanian practice which deprives access to asylum procedure and leads to an automatic detention contradicts the European Union and international law⁸. As a reaction to CJEU decision Ministry of interiors stated that Lithuania will continue its policy as long as Belarus instrumentalise immigrants⁹.

The practice of collective expulsion poses direct threat to migrants’ lives on the Lithuanian-Belarus border. Push backs continue despite severe weather conditions, e. g. SBGS released expulsion video of group of Iranians during winter storm¹⁰. In the video, the apprehended Iranian man begs to put him in contact with the Iranian diplomatic mission but is being ignored by the officers despite their respective obligations under the Vienna Convention on Consular Relations¹¹. Among those stuck between two borders and pushed from both sides, there are already reported cases of frostbites that caused amputations¹². Until the end of 2022, the Lithuanian Red Cross recorded information about 14 persons: 2 Sri Lankan nationals with

⁵ Lithuania, LRT (2022), [Po incidentu, kai migrantai nušąla galūnes, VRM tvirtina – pozicija dėl migracijos nesikeis](#), 27 November 2022.

⁶ [Neįleistų neteisėtų migrantų statistika | Valstybės sienos apsaugos tarnyba prie Lietuvos Respublikos vidaus reikalų ministerijos \(lr.v.lt\)](#)

⁷ Lithuania, Lithuanian Red Cross society (*Lietuvos Raudonojo Kryžiaus draugija*), [Prieiga prie prieglobsčio procedūros LR diplomatinėse atstovybėse užsienyje ir VSAT PKP](#), December 2022.

⁸ CJEU, C-72/22 PPU, *M.A. v Valstybės sienos apsaugos tarnyba*, 30 June 2022.

⁹ [VRM po Teisingumo Teismo sprendimo: Lietuva siekia pakeisti ES teisę dėl migrantų | 15min.lt](#)

¹⁰ Lithuania, LRT (2022), [Pasieniečių pasidalintame vaizdo įrašė – keliolikos iranietų bandymas neteisėtai patekti į Lietuvą](#), 14 December 2022.

¹¹ <https://www.lrt.lt/mediateka/irasas/2000248416/i-lietuva-neteisetai-atvyke-iranieciai-mus-muse-priverte-cia-eiti-kai-topatys-visai-nenorejome>

<https://www.youtube.com/watch?v=0S4qxfWpC0k>

¹² *Medecins Sans Frontieres* (2022), [People repeatedly repelled at Lithuania and Latvia borders face increased suffering](#), 15 December, 2022.





frostbitten limbs that required amputation, 1 emaciated Iraqi national, 2 Afghan nationals with frostbites of the limbs, 1 Syrian and 8 Egyptian nationals, at least two of whom underwent limb amputation¹³.

Access to asylum procedures was limited also for those who were in the territory but had no documents allowing them to stay in the territory legally. The Migration department refused to register asylum applications stating that an application was not lodged immediately. In one of such cases the Seimas Ombudsmen's Office of the Republic of Lithuania concluded that SBGS and Migration department has to ensure registration of such asylum application as it is foreseen in Asylum procedure directive Art. 6¹⁴. As Lithuanian Red Cross identified, most of applications were not registered due to omission of Lithuanian institutions. The applicants stated that they have claimed asylum since the beginning but those who have registered them did not direct them to asylum procedures¹⁵.

The amendment of the Law on the Legal Status of Foreigners submitted to the Parliament by the Lithuanian authorities. These amendments foresee changes related to the provisions that regulate access to asylum, in the light of CJEU decision in case C-72/22 PPU. Despite these amendments, Lithuanian authorities initiated new changes of the Law on the State Border and Protection Thereof aiming to legalise push back policy¹⁶. These amendments are widely criticized by NGOs, Seimas ombudsman institution¹⁷ and international law experts¹⁸. The amendments proposed by the authorities are seen as formal demonstration that government is reacting to the CJEU decision, however, according to the experts, it is not going to change factual situation and immigrants crossing border with Belarus will continue being deprived from access to asylum procedure.

2. Access to information and legal assistance (including counselling and representation)

During 2022 under public criticism came provision of free state legal aid for asylum-seekers¹⁹. The provision of free state legal aid was criticised for low quality, ignoring requests of the asylum-seekers during appeal procedures and most of the appeals were prepared and sent without meeting the asylum-seeker²⁰. At the same time, law firm providing free legal aid

¹³ Monitoring Report 2022, Lithuanian Red Cross (*Lietuvos Raudonojo Kryžiaus draugija*): <https://redcross.lt/veiklos/prieglobscio-ir-migracijos-programa/stebesena-2/>

¹⁴ [PAŽYMA DĖL X IR Y SKUNDO PRIŠ MIGRACIJOS DEPARTAMENTĄ PRIE LIETUVOS RESPUBLIKOS VIDAUS REIKALŲ MINISTERIJOS IR VALSTYBĖS SIENOS APSAUGOS TARNYBĄ PRIE LIETUVOS RESPUBLIKOS VIDAUS REIKALŲ MINISTERIJOS - LRSKI \(lrski.lt\)](#)

¹⁵ [2 minutės nustatyti – „nelegalas“ ar pabėgėlis: kaip realybėje atrodo reikalavimai išvykti savo noru - LRT](#)

¹⁶ [Lithuania to legalise pushbacks - LRT](#); [Lithuanian cabinet endorses controversial migrant pushback legislation - LRT](#); [Lietuvos Respublikos valstybės sienos ir jos apsaugos įstatymo Nr. VIII-1666 1, 2, 4, 11, 14, 15... \(lrs.lt\)](#); [Lietuvos Respublikos valstybės garantuojamos teisinės pagalbos įstatymo Nr. VIII-1591 1 straipsni... \(lrs.lt\)](#);

¹⁷ [Lithuanian cabinet endorses controversial migrant pushback legislation - LRT](#); [Dėl Lietuvos Respublikos įstatymo „Dėl užsieniečių teisinės padėties“ Nr. IX-2206 2, 3, 5, 67, 71... \(lrs.lt\)](#)

¹⁸ [Žalimas: įstatymu pasienyje apgrežiami migrantai – problemos sprendimo demonstracija - LRT](#)

¹⁹ Lithuania, Delfi (2022), [Skandalinga pasipelnymo iš migrantų schema: šimtai tūkstančių eurų iš valstybės – j apsu kraus teisininko kišene](#), 15 May 2022 and Lithuanian Red Cross society (*Lietuvos Raudonojo Kryžiaus draugija*) (2022), [Stebėsenos ataskaitos apie užsieniečių priėgą prie prieglobsčio procedūrų ir valstybės garantuojamos teisinės pagalbos apgyvendinimo centruose santrauka](#), 2022, and [LRC Monitoring Report 2022](#)

²⁰ Lithuania, Lithuanian Red Cross society (*Lietuvos Raudonojo Kryžiaus draugija*) (2022), [Stebėsenos ataskaitos apie užsieniečių priėgą prie prieglobsčio procedūrų ir valstybės garantuojamos teisinės pagalbos apgyvendinimo centruose santrauka](#), 2022





received substantial financial gains. Also, the most crucial point of criticism was impartiality and neutrality of the free state legal aid, as the Migration department itself was hiring law firm. Mentioned problems and concerns were identified in major study “Evaluation of Lithuanian asylum system”²¹ by Mykolas Romeris university. As consequence of the public criticism new public procurement for provision of free legal aid was organised, but again by the Migration department itself.

Also, Lithuanian Red Cross provides free legal aid for the asylum-seekers. Legal aid of Lithuanian Red Cross covers consultations and support in preparations of the documents for the asylum procedures. In addition, Lithuanian Red Cross lawyers on regular basis visits accommodation facilities of asylum-seekers and have access to the BCP’s (only registered asylum seekers), remand prisons and correctional facilities. In 2022 Lithuanian Red Cross lawyers counselled 980 people, initiated 35 strategic litigation cases (at the end of 2022 7 cases were still pending, 4 were discontinued, the rest were won). Furthermore, Lithuanian Red Cross instituted 33 humanitarian, social and legislative initiatives. Monitoring team conducted 62 visits and drafted 52 reports.

Additionally, on Lithuanian Red Cross internet page information about asylum-seeker’s rights and asylum procedure is available in Arabic, Kurmanji, English, Dari, French, Farsi, Pashto, Russian, Sorani, Tamil and Urdu languages²².

3. Provision of interpretation services (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

By the end of 2022, EUAA interpreters were available on the site in all centers for foreigners’ (according to nationalities and gender, mostly – Arab, Kurdish dialects, Farsi, French speaking interpreters) as well as remote interpreters, also electronic tools for interpretation were used. The number of interpreters decreased in parallel with the decreasing number of migrants.

4. Dublin procedures (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

For a certain period, Dublin transfers to Poland was suspended. Unfortunately, Lithuanian Red Cross has no data about exact timing. At the moment, Dublin transfers to Italy are suspended.

5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

²¹ Lithuania, Mykolas Romeris University (*Mykolas Romeris Universitetas*) (2022), *Prieglobsčio sistemas vertinimas*, 20 December 2022.

²² Information is available at: <https://redcross.lt/kaip-padedame/pagalba-pabegeliams-ir-migrantams/informacija-migrantams/>





Though the Law on Legal Status of Foreigners does not explicitly refer to "border procedures", Lithuanian authorities have re-interpreted the applicable legislation in order to keep the arriving asylum seekers de facto detained in closed facilities by automatically referring them to the so-called "accelerated procedure" which is neither legally justifiable nor actually leading to expeditious examination of his asylum claim (which is the purpose of the accelerated procedure). Since summer 2021, thousands of asylum seekers arriving from the territory of Belarus (including people fleeing wars in Syria, Yemen and Mali, unaccompanied minors from Afghanistan taken over by Taliban etc.), have been automatically and arbitrarily referred to "accelerated procedure" under false pretences (ostensibly making no claims "relevant for the assessment"). It's reasonable to assume that the only reason and purpose of applying "accelerated procedure" in most cases was to abuse the clause in the Law on the Legal Status of Foreigner.

It is important to note that the most asylum applications lodged by the citizens of Belarus, Russian Federation, and other Commonwealth of Independent States (hereinafter – CIS) countries, who lodged their asylum applications during the emergency, are not evaluated under the accelerated procedure as opposed to the asylum applications of people from Iraq, Syria, Afghanistan, Yemen, Sri Lanka, India, or African countries.

In addition, according to the Law of the Republic of Lithuania on the Legal Status of Foreigners, an asylum claim that is processed under the accelerated procedure must be issued in 10 working days (Article 81 paragraph 2), but in practice asylum seekers had to wait for decisions for more than 6 months, thus creating a situation of legal uncertainty for the applicants.

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions – housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

After the start of the crisis at the border with Belarus, newly arrived asylum-seekers (including children) were accommodated at the facilities for 6 months without permission to leave the centers by virtue of a general provision of the law, after 6 months – by an administrative decision for yet another 6 months (in spring 2022 the courts recognized such measures as de facto detention). At the beginning of the year there were operating 3 foreigners' registration centers (under SBGS) in Lithuania – Pabradė, Medininkai and Kybartai, 2 refugee reception centers (under the Ministry of Social Security and Labour (hereinafter - MSSL)) in Naujininkai and Rukla and family support center in Jieznas, relatively small center with a capacity of around 50. Jieznas center was the only one that did not apply measures of restriction of freedom.

Most of the accommodation facilities (especially those under supervision of SBGS) in the first part of the year could not provide proper reception conditions. It was reported overcrowding, lack of access to social and medical services, no vocational activities for the children and adults. There were reports of abuse, degrading mental health due to *de facto* detention conditions²³. Seimas Ombudsman Office released reports stating that reception conditions at the Kybartai

²³ *Medecins Sans Frontieres* (2022), [People detained in Lithuania are experiencing abuse, violence and mental health distress](#), 6 May 2022, [A "hierarchy of suffering" exacerbates asylum seekers' mental health in Lithuania](#), 30 August 2022.





Foreigners' registration center²⁴ and at Medininkai Foreigners' registration center²⁵ amounted to torture and degrading human treatment. The annual monitoring report for 2022 prepared by the Lithuanian Red Cross²⁶ concludes that in all foreigners' centers, except for Jieznas, the lack of availability of certain services, challenges regarding catering services, accommodation facilities, etc., were recorded. Due to public criticism of reception conditions, Lithuanian institutions started to improve reception centers.

On 2 September 2022 it was announced Medininkai Foreigners' registration center is officially closed²⁷. On 21 December 2022 the SBGS announced that Kybartai Foreigners' registration center would be closed²⁸. Jieznas reception center stopped providing accommodation services to families and people with special needs around November 2022. At the end of the year a new branch of Rukla's reception center was opened in Kaunas. To sum up, the number of centers supervised by the SGBS decreased while the number of centers supervised by the MSSL increased. This can be related to the discussions about establishing a new Accommodation agency which will be under MSSL.

It has to be taken into consideration that asylum seekers can also live independently (outside reception centers). In such cases asylum seekers do not get any financial support from the State. In the light of this it is worth noting that asylum seekers receive a right to work only in case the Migration department does not issue decision regarding asylum case within 6 months period, or after 12 months (according to the law all asylum seekers and other migrants who crossed the border irregularly during the period of emergency despite their legal status get a right to work after 12 months since registering them to Lithuanian Migration Information System known as MIGRIS)²⁹. However, even those who get the document confirming their right to work are facing obstacles. As Lithuanian Red Cross thematic monitoring³⁰ showed almost all migrants face difficulties while looking for a job. One of the biggest problems recorded is employer's refusal to pay salaries in cash and the very limited possibilities for migrants to open a bank account if they do not have a passport.

Furthermore, asylum seekers who live outside the foreigner's registration centers in order to receive healthcare services has to provide the DIK (identification number of the insured) code that the people do not know. In most cases when asylum seekers go to the medical institutions (hospitals, polyclinics, etc.), they are forced to pay for services because personnel cannot find them in the system (the search is conducted using identity code, while asylum seekers do not receive such) and is not aware about the fact that emergency and necessary healthcare services

²⁴Lithuania, Seimas Ombudsman Office (*Seimo kontrolieriaus įstaiga*) (2022), [Report on ensuring human rights and freedoms of foreign national in the Kybartai aliens registration centre under the Ministry of the Interior of the Republic of Lithuania, No. NKP-2021/1-4](#) of 24 January 2022.

²⁵ Seimas Ombudsman Office (*Seimo kontrolieriaus įstaiga*) (2022), [Report on ensuring human rights and freedoms of foreign national in the Medininkai Foreigners' centre of the State border guard service under the Ministry of the Interior of the Republic of Lithuania, No. NKP-2022/1-1](#) of 7 July 2022.

²⁶ <https://redcross.lt/wp-content/uploads/2022/09/LRK-metine-stebesenos-ataskaita-2022.pdf>

²⁷ Lithuania, LRT (2022), [Medininkuose oficialiai uždaromas užsieniečių registracijos centras](#), 2 September 2022.

²⁸ Lithuania, 15min (2022), [VSAT uždaro Kybartų užsieniečių centrą, naikina pusantrą šimto etatų](#), 21 December 2022.

²⁹ <https://redcross.lt/wp-content/uploads/2022/09/TEMINE-STEBESENA-ATASKAITU-SANTRAUKOS-THEMATIC-MONITORING-REPORT-SUMMARIES-LT-EN.pdf>

³⁰ [TEMINE-STEBESENA-ATASKAITU-SANTRAUKOS-THEMATIC-MONITORING-REPORT-SUMMARIES-LT-EN.pdf](#)





for asylum seekers have to be provided free of charge. To find out the DIK code asylum seekers have to contact the National Health Insurance Fund under the Ministry of Health. Information on how to receive free of charge medical services is not automatically provided to the asylum seekers neither by Migration department, nor by other institutions.

7. Detention of applicants for international protection (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)

Grounds for detention

Since the government of Lithuania announced the State-level emergency due to the mass influx of foreigners on 2021-07-02, the movement of applicants for international protection is regulated by the special provisions of the Law of the Republic of Lithuania on the Legal Status of Foreigners. Since the amendments of 2022-01-01 to the Law of the Republic of Lithuania on the Legal Status of Foreigners, asylum seekers, who lodged their asylum applications at BCPs, transit zones or whose asylum applications were accepted due to their vulnerability or individual circumstances, until they are admitted into the territory of the Republic of Lithuania, are accommodated at BCPs, transit zones, SBGS, the Refugee reception center or other accommodation centers, without the right to freely move inside the territory of the Republic of Lithuania (Article 140⁸ paragraph 3). According to Article 140⁸ paragraph 5, if the Migration department does not make a decision regarding the legal status of the asylum seeker in 6 months after registering the foreigner in the migration information system, the asylum seeker is admitted into the territory of the Republic of Lithuania and accommodated in places of temporary accommodation specified in Article 140⁸ paragraph 3. Furthermore, Article 140⁸ paragraph 6 stipulates that after admitting the asylum seeker into the territory of the Republic of Lithuania, there are grounds to believe he will abscond according to Article 113 paragraph 5(1, 6-11), the asylum seeker is accommodated in the places of accommodation provided in Article 140⁸ paragraph 3 without the right to move freely inside the territory of the Republic of Lithuania up to 6 months.

Practices regarding detention and alternatives to detention

In practice, asylum seekers who arrive irregularly during the emergency due to the mass influx of foreigners are automatically de facto detained according to Article 140⁸ paragraph 3, since their asylum claims are automatically referred to the accelerated procedure without any individual assessment (see question 5) and they are considered not formally admitted into the territory of the Republic of Lithuania. De facto detention also applies to vulnerable people, such as children. There is no separate administrative decision in which the individual situation of the applicant would be evaluated regarding his detention. In the asylum seeker's registration document issued by the Migration department it is stated that the question of accommodation of the asylum seeker is not being decided since he is not admitted into the territory of the Republic of Lithuania. The Lithuanian Supreme Administrative Court (*Lietuvos vyriausiosios administracinės teismas*) recently ruled that the measure described in Article 140⁸ paragraph 3 amounts to detention and is applied via an administrative act (the asylum seeker registration





document) and can be appealed in court.³¹ This decision may have a positive effect on changing the institutional practice of automatically detaining asylum seekers who arrive in an irregular manner during the emergency.

On 30 June 2022 CJEU in Case C-72/22 concluded that the measures restricting freedom of movement amounted to detention, even if they are described in the national legislation as “alternatives to detention”. Secondly, the CJEU concluded that the detention cannot be applied for the sole reason that the asylum seeker crossed the border illegally³². Before the CJEU judgement, detention of asylum-seekers was not considered as detention by national courts since the national legislation formally described these measures as “alternatives to detention”. After the CJEU ruling the Lithuanian Supreme Administrative Court renewed the case that was referred to the CJEU and confirmed the CJEU decision³³. In some cases, even before the CJEU ruling, asylum-seekers successfully challenged *de facto* detention measures in the Lithuanian Supreme Administrative Court and positive judicial practice was established³⁴.

Detention capacity

At the beginning of this year, foreigners who entered irregularly across the border with Belarus in the summer of 2021, were still detained in overcrowded³⁵ centers without the right to leave the territory of the detention facility.

The situation began to change in the middle of 2022 when most of the detained migrants and asylum seekers were gradually granted the right to temporarily (for a period of 24 hours or 72 hours) leave the territory of the centers. Taking advantage of this opportunity, people, most of whom lived in *de facto* detention conditions for almost a year and received decisions on refusal to grant asylum and deportation from Lithuania, left and did not return, which led to a sharp decrease in the population of the centers and an automatic increase in the centers capacity to ensure better living conditions for the remaining asylum seekers. Out of more than 4,000 migrants who arrived in 2021, only a few hundred remained in the centers at the end of 2022. With a tenfold decrease in the number of residents, the center network was optimized: Migration department’s contract with Jieznas Family Support Centre was not extended, the Medininkai Foreigners’ Registration Centre of the SBGS was closed, and, in the course of the year, modular homes at the Rukla Refugee Reception Centre managed by the Ministry of Social Security and Labour and Pabradė Foreigners’ Registration Centre managed by the SBGS were dismantled. It is expected that in the first quarter of 2023, the Kybartai Foreigners’ Registration Centre managed by the SBGS will also be closed.

³¹ Lithuanian Supreme Administrative Court decision in administrative case No. A-1289-602/2023, 19 January 2023

³² CJEU, C-72/22 PPU, *M.A. v Valstybės sienos apsaugos tarnyba*, 30 June 2022.

³³ Lithuanian Supreme Administrative Court decision in administrative case No. A-1091-822/2022, 28 July 2022

³⁴ Lithuanian Supreme Administrative Court decisions in administrative case No. A-2595-602/2022, 19 May 2022, No. A-2414-881/2022, 05 May 2022, No. A-2306-662/2022, 28 April 2022, administrative case No. A-2307-822/2022, 28 April 2022, the administrative case No. A-1805-756/2022, 31 March 2022.

³⁵ Seimas Ombudsman Office (*Seimo kontrolieriaus įstaiga*) (2022), [Report on ensuring human rights and freedoms of foreign national in the Kybartai aliens registration centre under the Ministry of the Interior of the Republic of Lithuania, No. NKP-2021/1-4](#) of 24 January 2022, see paragraph 13.1.2. for overcrowding. Also: Seimas Ombudsman Office (2022), [Report on ensuring human rights and freedoms of foreign national in the Medininkai Foreigners’ centre of the State border guard service under the Ministry of the Interior of the Republic of Lithuania, No. NKP-2022/1-1](#) of 7 July 2022, see paragraph 2.1.5. for overcrowding.





8. Procedures at first instance (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)

Despite decreasing numbers of asylum applicants, the Migration department does not follow the time limits to examine asylum application foreseen in the law (6 months in case application is reviewed under ordinary procedure, and 10 working days in case application is reviewed under accelerated procedure). Furthermore, the Migration department continues the practice of conducting interviews online (especially those who live in the centers), despite lifted COVID-19 restrictions. Asylum seekers struggle getting information about the stage of their case. Even though many applicants do not receive any decision from Migration department within 6 months (many are not even interviewed within this period), even after numerous requests for information, Migration department does not give any timeframes when they are planning to issue decision. The Migration department gives a formal reply that due to migration crisis they are not able to review it within 6 months period.

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)

Improved effectiveness of appeal procedures in asylum cases. Before 1 January 2022 asylum-seekers had to appeal Migration department decisions not to grant asylum to Migration department commission. This commission consisted of 3 Migration department specialists. It was an obligatory stage of appeal. Appeals against decisions of Migration department commission could be submitted to the regional administrative courts, which acted as final appeal institutions. From 1 January 2022 right of asylum-seekers to submit appeals directly to Vilnius regional administrative courts and later to the Supreme Administrative court of Lithuania was restored³⁶. Before the migration crisis asylum cases were reviewed exceptionally by Vilnius regional administrative court, however, in 2022 asylum cases were distributed to different regional courts in order to ensure an effective workload.

Most court hearings in asylum cases are remote despite lifted COVID-19 restrictions.

10. Availability and use of country of origin information (including organisation, methodology, products, databases, fact-finding missions, cooperation between stakeholders)

N/A

11. Vulnerable applicants (including definitions, special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

³⁶ Lithuania, Law On Amending Articles 2, 3, 5, 26, 32, 40, 50, 67, 71, 76, 77, 79, 113, 125, 126, 130-1, 136, 138, 139, 140, and repealing article 69 and Chapter IX-1 of the Law on the Legal Status of Foreigners No IX-2206 and Supplement of the Law with Chapter X-2 ([Lietuvos Respublikos įstatymo „Dėl užsieniečių teisinės padėties“ Nr. IX-2206 2, 3, 5, 26, 32, 40, 50, 67, 71, 76, 77, 79, 113, 125, 126, 130-1, 136, 138, 139, 140 straipsnių pakeitimo, 69 straipsnio ir IX-1 skyriaus pripažinimo netekusiais galios ir Įstatymo papildymo X-2 skyriumi įstatymas](#)), No. XIV-816, 23 December 2021.





Although there is an officially established practice of collective expulsion³⁷, SBGS can allow entry into territory and accept asylum applications as exemption for the vulnerable people³⁸, but currently there is still not yet clear identification and assessment of vulnerability at the border³⁹. Also, there is no independent monitoring mechanism. Despite those mentioned serious violations Lithuanian authorities declared that practice of collective expulsion won't change⁴⁰. International human rights NGOs emphasised the violation of rights of vulnerable people and improper conditions for them⁴¹. Identification of vulnerable persons in the reception facilities was also identified as a problem⁴². In addition, it was identified that there is lack of specialised care for the victims of torture⁴³. Same concerns were raised in major study "Evaluation of Lithuanian asylum system"⁴⁴ by Mykolas Romeris university.

In addition, during 2022 Lithuanian authorities applied automatic *de facto* detention measures without individual assessment of the applicants, including vulnerability. As consequence, the needs of the vulnerable applicants were not properly addressed. In total, about 4000 asylum-seekers (including families and 1000 children) were in *de facto* detention at the beginning of 2022. Later, due to positive judicial practice, in second half 2022 almost everyone of 4000 asylum-seekers received freedom of movement.

12. Content of protection (including access to social security, social assistance, health care, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

One of the biggest challenges for asylum beneficiaries is implementation of the right to family reunification. Although this right is foreseen in the Lithuanian national legislation, implementation of it is complicated and frequently almost impossible. Lithuanian Red Cross society is working on the study related to the implementation of the right to family reunification in Lithuania and it will be shared with EUAA as soon as it will be published.

³⁷ Lithuania, Minister of Interior and State Commander of National Emergency Operations. Decision regarding control and enforcement of the state border during influx of the of foreigners ([Lietuvos Respublikos Vidaus reikalų ministro Valstybės lygio ekstremaliosios situacijos operacijų vadovo sprendimas Dėl masinio užsieniečio antplūdžio pasienio ruožo teritorijose prie Lietuvos Respublikos valstybės sienos su Baltarusijos Respublika valdymo ir valstybės sienos apsaugos sustiprinimo](#)), No 10V-20, 2 August 2021.

³⁸ Lithuania, Article 140(12) of the Law of the Republic of Lithuania on the Legal Status of Foreigners No. IX-2206.

³⁹ Communication with the Seimas Ombudsman Office ([Seimo kontrolieriaus įstaiga](#)), Office of the Ombudsperson of Child's Rights ([Vaiko teisių apsaugos kontrolieriaus įstaiga](#)), Lithuanian Red Cross society ([Lietuvos Raudonojo Kryžiaus draugija](#)).

⁴⁰ Lithuania, LRT (2022), [Po incidentų, kai migrantai nušala galūnes, VRM tvirtina – pozicija dėl migracijos nesikeis](#), 27 November 2022.

⁴¹ Amnesty International (2022), [Lithuania: Forced out or locked up – Refugees and migrants abused and abandoned](#), 27 June 2022, [Medecins Sans Frontieres \(2022\), People repeatedly repelled at Lithuania and Latvia borders face increased suffering](#), 15 December, 2022.

⁴² Lithuanian Red Cross society, (2022), [Stebėsenos ataskaitos apie pažeidžiamų grupių teisių užtikrinimą ir apsaugą užsieniečių priėmimo ir sulaukymo centruose santrauka](#), 2022.

⁴³ Lithuanian Red Cross society, (2022), [Stebėsenos ataskaitos apie pažeidžiamų grupių teisių užtikrinimą ir apsaugą užsieniečių priėmimo ir sulaukymo centruose santrauka](#), 2022.

⁴⁴ Lithuania, Mykolas Romeris University ([Mykolas Romeris universitetas](#)) (2022), [Prieglobsčio sistemos vertinimas](#), 20 December 2022.





13. Return of former applicants for international protection

In 2022 the most people who arrived in Lithuania during Migration crisis left the country. The Migration department declares that they received more than 4000 take back requests under Dublin regulation⁴⁵. Till the end of 2022 only few returns were implemented, however, concrete statistics is not known for the Lithuanian Red Cross Society.

14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

N/A

15. Relocation (ad hoc, emergency relocation; developments in activities organised under national schemes or on a bilateral basis)

N/A

16. National jurisprudence on international protection in 2022 (please include a link to the relevant case law and/or submit cases to the EUAA Case Law Database)

Lithuanian Red Cross prepares legal overviews of the most important decisions issued by the Supreme administrative court of Lithuania (the court of last instance) which can be find (including translations) following this link <https://redcross.lt/teisines-apzvalgos/>

Furthermore, Human Rights Monitoring Institute publishes information about their strategic litigation. More information can be found here <https://hrmi.lt/strategines-bylos/>

17. Other important developments in 2022

It is discussed to establish Accommodation agency which would take over reception centers and coordination of state free legal aid. The new scheme of state free legal aid is discussed in parallel.

References and sources

18. Please provide links to references and sources or upload any related material in PDF format

All links can be found in footnotes.

⁴⁵ [Nors neteisėti migrantai iš Lietuvos bėga, dalis jų gražinami atgal | KaunoDiena.lt](https://www.kaunoDiena.lt/nors-neteisėti-migrantai-iš-lietuvos-bėga-dalis-ju-gražinami-atgal)





19. Feedback or suggestions about the process or format for submissions to the Asylum Report

For the survey which covers so many topics, more time is needed in order to fill it up.

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