

# Information on procedural elements and rights of applicants subject to a Dublin transfer to Lithuania

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Migration Department under the Ministry of the Interior of the Republic of Lithuania

## **About this document**

*The ‘Roadmap for improving the implementation of transfers under the Dublin III Regulation’ was endorsed in the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) of the Council of the European Union on 29 November 2022. The roadmap identified a clear need for objective and neutral information on reception and detention conditions and the asylum procedure in all the Member States, which can serve as reference in transfer decisions and that can be used in national courts when the person concerned has exercised his or her right to an effective remedy.*

*This data collection is based on Article 5 of the regulation on the European Union Agency for Asylum <sup>(1)</sup> (EUAA). Member States were requested to provide information that reflects both the relevant legal provisions and the practical implementation of these provisions. The scope of the fact sheet is limited to rules and conditions applicable to applicants for international protection as well as other persons that are subject to a transfer under the Dublin III regulation <sup>(2)</sup>.*

*The European Commission and the EUAA jointly developed the template which served as the basis for this fact sheet. The EUAA gathers and stores the fact sheets and requests Member States to update the information at least one time per year. The relevant national authorities of the Member States provide all the information contained within the fact sheet and are responsible for ensuring that it is accurate and up-to-date.*

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(1) [Regulation \(EU\) 2021/2303](#) of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021).

(2) [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (OJ L 180, 29.6.2013).

## 1. Access to material reception conditions

**1.1** What steps should an applicant complete following a Dublin transfer in order to gain access to accommodation and other material reception conditions in your Member State?

Lithuania has two reception centres officially responsible for reception of asylum seekers: Pabradė Foreigner registration centre (managed by State Border Guard Service, SBGS) and Rukla Refugee Reception Centre (managed by Ministry of labour and Social Security).

The State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania is the authority responsible for the Foreigners Registration Centre in Pabrade, a facility aimed to provide reception for asylum seekers and detained third country nationals in Lithuania. The State border guard conducts also the initial steps of asylum procedure: preliminary interviews, vulnerability assessment as well as fingerprinting and photo taking. SBGS is also in charge of in charge for the control of illegal migration.

The Ministry of labour and Social Security manages the Refugees Reception Centre, a budgetary institution providing social services, accommodation and state support for the integration of aliens granted asylum and unaccompanied minors in the Republic of Lithuania. Asylum seekers can also be accommodated in Rukla with an agreement of the Ministry of labour and social security. Usually vulnerable asylum seekers or families with children are accommodated in this facility.

With regards to the Foreigners' Registration Centre of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (hereinafter – Foreigners' Registration Centre or FRC), according to the current practice, the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (hereinafter referred to as the "SBGS") is responsible for the determination of the legal status of foreigners returned under the Dublin III Regulation. The issue of provision of material reception conditions is decided taking into account the legal status of the foreigner (the foreigner requests asylum, agrees to return to the country of origin). Depending on the foreigner's legal status, foreigners may be accommodated by decision of the Migration Department - in the FRC SBGS or in a place of residence of their choice, or, in the case of grounds for detention of the foreigner, by court decision – they may be detained in the FRC SBGS, or subjected to an alternative detention measure.

Refugees Reception Centre: The applicant is referred to Refugees Reception Centre or State Border Guards Service both have accommodation sites for applicants. The applicant should sign a contract for accommodation there. Other support is provided after the signing.

How long do these steps normally take?

*Foreigners' Registration Centre:* Decisions on the provision of material services, taking into account the legal status of the foreigner, shall be taken in parallel with the foreigner being taken in charge by the FRC SBGS officers (for no longer than 24 hours).

*Refugees Reception Centre: One day.*

When and how is the applicant provided with information on how to gain access to accommodation and other material reception conditions?

*Foreigners' Registration Centre:* The reception conditions are provided automatically, and the foreigners are informed, depending on their legal status, about the possibility of staying outside the accommodation centres, and about the provision of the documents and other information required for such decisions

*Refugees Reception Centre:* Information is provided by the officers of the State Border Guard Service upon arrival to Lithuania.

**1.2** What material reception conditions (as per Article 2(g) Directive 2013/33/EU laying down standards for the reception of applicants for international protection (recast) (RCD) are available to applicants for international protection entitled to these in your Member State?

*Foreigners' Registration Centre:*

The material reception conditions provided by the FRC SBGS are regulated in detail by the Description of the Conditions and Procedure for the Temporary Accommodation of Foreigners in the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania, approved by the Order No IV-340 of the Minister of the Interior of the Republic of Lithuania of 4 October 2007 on the Approval of the Conditions and Procedure of the Temporary Accommodation of Foreigners in the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (recast of 13 July 2020 No 1V-674). At the time of admission, rooms are allocated to asylum seekers accommodated in the FRC SBGS taking into account family unity, sex, language, cultural aspects, vulnerability.

**Meals.** Meals in the FRC SBGS are organised in a centralised way - they are prepared and served in the centre's canteen, but the residents have the possibility to prepare additional meals themselves. Meals are served 3 times a day to adult foreigners accommodated in the centre, and 4 times a day to minors in accordance with the physiological rates approved by the Government of the Republic of Lithuania. Foreigners can choose between three types of meals: traditional, alternative, vegetarian. If a person is identified as having special dietary needs, a special meal is prescribed by the family doctor.

**Hygiene products.** The residents of the Centre shall be provided with bed linen and hygiene products in accordance with the regulated Lithuanian hygiene standard HN 61:2020 "Public health safety requirements for the temporary accommodation of foreigners in the Foreigners' Registration Centre of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania".

**Clothing and footwear.** Depending on seasonality and needs, the residents of the centre are provided with clothing and footwear from the charity and EU foundations' project funds received and made available by the respective project implementers and non-governmental partners (Vilnius Archdiocese Caritas, LRKD, etc.).

Financial allowance. Asylum seekers currently receive a monthly cash allowance for minor expenses of EUR 15.70 from the date of application, in accordance with the procedure established by the Minister of Social Security and Labour.

*Refugees Reception Centre:*

All of the reception conditions (as per Article 2(g)) are provided.

At the time of admission, rooms are allocated to asylum seekers accommodated in the reception facilities taking into account family unity, sex, language, cultural aspects, vulnerability.

Meals. Meals are organised in a centralised way - they are prepared and served in the centre's canteen, but the residents have the possibility to prepare additional meals themselves. Meals are served 3 times a day to adult foreigners accommodated in the centre, and 4 times a day to minors in accordance with the physiological rates approved by the Government of the Republic of Lithuania. Foreigners can choose between three types of meals: traditional, alternative, vegetarian. If a person is identified as having special dietary needs, a special meal is prescribed by the family doctor.

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Financial allowance. Asylum seekers currently receive a monthly cash allowance for minor expenses of EUR 15.70 from the date of application, in accordance with the procedure established by the Minister of Social Security and Labour.

**1.3.** How does your Member State ensure that applicants for international protection in your Member State are provided with full access to the material reception conditions as defined in Article 2(g) of RCD in line with Article 17 and 18 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

*Foreigners' Registration Centre answer:* Pursuant to Article 71 of the Law on the Legal Status of Foreigners, asylum seekers in the Republic of Lithuania are guaranteed the right to material reception conditions during their stay in accommodation places designated by the authorities of the Republic of Lithuania, to receive free of charge necessary medical assistance, psychological assistance and social services, as well as other state-guaranteed (free of charge) healthcare as provided for in the Law on the Health Care System, and to have access to reception conditions for the vulnerable persons that correspond to their special needs.

*Refugees Reception Centre answer:* Pursuant to Article 71 of the Law on the Legal Status of Foreigners, asylum seekers in the Republic of Lithuania are guaranteed the right to material reception conditions during their stay in accommodation places designated by the authorities of the Republic of Lithuania, to receive free of charge necessary medical assistance, psychological assistance and social services, as well as other state-guaranteed (free of charge) healthcare as provided for in the Law on the Health Care System, and to have access to reception conditions for the vulnerable persons that correspond to their special needs. The accommodation centres have sufficient staff, material provisions and financial resources to fully meet the criteria of Directive 2013/33/EU. Reception conditions are in line with Article 17 and 18 of RCD.

**1.4.** Does your Member State apply a policy in line with Article 20.1(c) of reducing or in duly justified exceptional cases withdrawing the access to reception conditions for applicants in cases the applicant lodged a subsequent application?

Foreigners' Registration Centre: No

Refugees Reception Centre: No

If yes, what material support is provided to persons whose material reception conditions have been reduced or withdrawn in accordance with Article 20(1)(c) in your Member State to ensure a dignified standard of living and access to health care?

No material conditions are reduced.

**1.5** What health care is an applicant for international protection entitled to in your Member State in line with Article 19 RCD?

Foreigners' Registration Centre: Asylum seekers are provided with the necessary health care in the Republic of Lithuania, which includes emergency medical care and other personal health care services, including the possibility to be vaccinated, in accordance with the national immunoprophylaxis programme in the Republic of Lithuania. These medical services are covered by the State budget. In addition, medical services are provided by EU foundations through projects. Health care services for foreigners accommodated in the FRC SBGS are provided by the Family Doctor's Office. Applicants with special needs accommodated in the Centre are provided with the necessary medical or other assistance, including appropriate mental health care. The FRC SBGS has 2 psychologist posts.

Refugees Reception Centre: Emergency care and essential treatment of illnesses and of serious mental disorders is provided.

**1.6** What steps are taken to ensure that applicants for international protection in your Member State have full/effective access to health care, in line with Article 19 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

*Foreigners' Registration Centre:* The Law on the Legal Status of Foreigners stipulates that persons accommodated in the FRC SBGS and in other places of accommodation have the

right to receive free of charge the necessary medical assistance. The Foreigners' Registration Centre has a nurse and general practitioner (family physician) offices. Both provide primary care for applicants for international protection. If secondary care is needed, applicants for international protection is transported to a medical centre.

*Refugees Reception Centre:* National legislation states, that emergency care and essential treatment of illnesses and of serious mental disorders is provided. Applicants for international protection have access to health care in the reception centres (which usually provide primary care) and can access medical centres and hospitals.

**1.7** Please describe what are the support measures available/provided to persons with special reception needs in your Member State in line with Article 21 RCD (e.g. minors, unaccompanied minors)?

*Foreigners' Registration Centre:* Families of asylum seekers with minor children can be accommodated in the FRC SBGSs and have the right to all the services provided: medical assistance, social services, educational services, hygiene products, clothing, footwear, etc. Minor asylum seekers are a very specific and one of the most vulnerable groups, with certain special needs that require support. All minors accommodated in the FRC SBGS are considered vulnerable persons. Through surveys and consultations it is aimed to identify children who belong to particularly vulnerable groups and who have special needs.

Every minor is ensured an educational process. Children are taught according to the Lithuanian language curriculum for bridge classes and bridge mobile groups, approved by the Order No ISAK-1216 of the Minister of Education and Science of the Republic of Lithuania of 14 June 2006. The FRC SBGS provides full conditions for children's leisure activities. Families with children living in the Centre are given priority in ensuring access to personal health care services.

*Refugees Reception Centre:* Minors and unaccompanied minors are provided with medical, social services and psychological support according to the needs and their age. Every accompanied and unaccompanied minor is inscribed into the local kindergarten or primary/ secondary school. Leisure activities, excursions, indoor and outdoor sport activities, games, art therapy and other programs are organised. If needed, help buying and preparing food is provided. Guardian of the unaccompanied minor acts as a legal representative in dealing with migration procedures, family reunification or other procedures. Refugees Acceptance Centre is designated authority for guardianship.

**1.8** How does your Member State ensure that applicants for international protection with special reception needs in your Member State are provided with full access to the reception conditions, which cater for their special reception needs, in line with Article 21(1) of RCD, and, where relevant, more favourable provisions set out in your national legislation?

*Foreigners' Registration Centre:* A social needs assessment and vulnerability assessment are carried out for all asylum seekers staying in the FRC SBGS within 2 weeks of the date of placement. Vulnerability assessment includes: social needs assessment, health

screening, primary psychological support in the centres. Once a vulnerable person has been identified, he/she is added to the list of vulnerable persons. Vulnerable persons include: unaccompanied minors, minors, pregnant women, single parents with minor children, persons with disabilities or serious illnesses, elderly persons, persons who may have been subjected to torture, abuse or other forms of severe psychological, physical or sexual violence, persons with mental disorders or mental illness, victims of trafficking in human beings, other persons who have special needs.

Vulnerable people are given extra attention, and where possible, accommodation and services are provided to meet their individual needs. They are provided with medical, social and psychological assistance, their physical and psychological condition is monitored, and, if necessary and possible, additional specialised medical care and assistance is provided in other personal health care institutions. In cooperation with non-governmental organisations, the needs of vulnerable people are addressed.

Vulnerable persons and their family members may be accommodated in other accommodation appropriate to their special needs. Vulnerable persons are allowed to reside with an adult close relative or a representative who is legally present in the territory of the Republic of Lithuania, where possible, as decided by the Migration Department.

*Refugees Reception Centre:* Refugees Reception Centre has an accommodation capacity for applicants with special needs. All persons with special reception needs are provided with medical, psychological, social and legal consultations services according to the individual situation, depending on vulnerability assessment results. In case of situations, when reception facilities don't have the means of providing support for applicants with special needs, specialized institutions are involved.

**1.9** How can an applicant for international protection avail themselves of a legal remedy in line with Article 26 RCD, in case they consider that their rights to material reception conditions are not being met in your Member State?

*Foreigners' Registration Centre:* The Migration Department ensures free legal aid to asylum seekers.

*Refugees Reception Centre:* There is a formal procedure to complain about the reception conditions directly to the management of the Accommodation Centre. When applicants for international protection first arrive to the facility, they are introduced to the internal rules of the accommodation centre. During the introduction they are informed about their rights to submit a formal complaint about the reception conditions. Also, administrative procedure can be started to evaluate, whatever reception authorities have fulfilled their obligations in accordance to the reception standards. Formal complaint can be provided by the applicant or respective authorities (NGOs that monitor reception conditions, ombudsman's institution). Refugees Reception Centre's decision can be appealed in court. Legal support is available for applicants.



## 2. Access to the asylum procedure

**2.1** What are the procedural steps that an applicant for international protection transferred to your Member State needs to undertake in order to gain access to the asylum procedure following a Dublin transfer to your Member State?

The applicant should renew asylum procedure or lodge a new application for international protection at the State Border Guards Service or Migration Department under the Ministry of the Interior of the Republic of Lithuania.

How long do these steps normally take?

48 hours.

Are there any different steps to take for persons whose applications would be considered as subsequent applications? (Location to register, fees, admissibility procedure etc.)

There are no different steps to take for.

How long do these steps normally take?

48 hours.

Where can the applicant find this information, or be provided with this information?

Information is provided by the officers of the State Border Guard Service upon arrival to Lithuania and on the website of the Migration Department under the Ministry of the Interior.

**2.2** What are the procedural consequences in your Member State of an application for international protection being considered a subsequent application?

There are no procedural consequences, except the cases where there are no new elements or findings relating to the examination (under these conditions the decision not to consider application shall be made within 3 business days of the date of submission of the application for international protection).

**2.3** Does your Member State avail itself of the possibility under Article 33(2) Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast) (APD) to consider an application for international protection lodged by an applicant transferred to your country through the Dublin procedure as inadmissible? If so, under which of the grounds listed in this Article?

Yes, Art. 33(2) (a) (b) (c) (d).



### 3. Detention and limitations to the freedom of movement of applicants

**3.1** Are there any circumstances under which your Member State an applicant for international protection could be detained on public health grounds (e.g. quarantine), under applicable provisions of national law unrelated to Article 9 RCD?

No.

If yes, please describe these different types of circumstances, the legal basis for the detention, duration, conditions (incl. type of facilities), and the legal remedies available to challenge such a decision.

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**3.2** How can an applicant challenge a decision to place them in detention according to Articles 8 and 9 RCD?

Foreigners applying for asylum in the Republic of Lithuania are provided with state-guaranteed legal aid throughout the asylum application procedure. The asylum seeker may apply for guaranteed legal aid and appeal against all decisions within the time limits established by law.

**3.3** What are the limits set out in national law to the duration that an applicant may be placed in detention according to Article 9 RCD?

The maximum period of detention for foreigners under national law is 18 months.

At what intervals does the judicial authority needs to review a detention decision according to Article 9(5) RCD?

The question of detention of a foreigner is subject to judicial review periodically, but at least once every 3 months.

**3.4** What types of less coercive (alternative) measure to detention are used in your Member State?

Please elaborate under which conditions these are generally used and how does your Member State ensure that these less coercive alternative measure to detention are used when they can be applied effectively as per Article 8.2 RCD?

Article 115 of the Law No IX-2206 on the Legal Status of Foreigners of the Republic of Lithuania of 29 April 2004 provides for alternative measures to detention:

1. the foreigner must periodically report to the Migration Department or the State Border Guard Service at a fixed time;
2. the foreigner must inform the Migration Department or the State Border Guard Service of his/her whereabouts by electronic means within a fixed period of time;

3. entrust the care of the foreigner to a citizen of the Republic of Lithuania or a foreigner legally residing in the Republic of Lithuania, if this person has undertaken to take care of the foreigner and to support him/her;
4. accommodate the foreigner in the State Border Guard Service without restrictions on freedom of movement;
5. to accommodate a foreigner in the State Border Guard Service with the right of movement restricted to the territory of the accommodation place.

Taking-into account that the foreigner's identity has been established, that he/she does not pose a threat to state security and public order, that he/she assists the court, the State Border Guard Service and the Migration Department in establishing his/her legal status in the Republic of Lithuania, and in other circumstances, the court may impose on the foreigner an alternative measure to detention

**3.5** What conditions, set out in Article 10 RCD, are provided to applicants whilst in detention (specialised detention facilities, access to open-air space, possibility to communicate with UNHCR or an organisation working on behalf of UNHCR, possibility to communicate and receive visits from family members, legal advisers or counsellors and persons representing NGOs, information on the rules of the facility)?

All the conditions provided for in Article 10 of the Directive are laid down in national legislation and are guaranteed to detained asylum seekers.

The facilities are specialized (detained applicants for international protection are kept separately from detained illegal migrants), detainees can access open-air space, facilities include recreation areas. Detainees have a set schedule, daily time is allocated for sport and leisure. UNHCR and their representatives have the right to visit the facilities, detainees can communicate with the outside world and receive visits, information on rules of the facility is provided on arrival.

## 4. Available legal remedies and access to legal aid

**4.1** At which stages of the asylum procedure does an applicant have the right to legal aid after having been transferred to your Member State?

According to Lithuanian national legislation (specifically: Law of the Republic of Lithuania “On the legal status of foreigners” and an order that implements that law: Regarding the approval of the description “On the procedure for granting and revoking Asylum in the Republic of Lithuania”):

The state-guaranteed legal aid provider provides legal services after receiving an order from the Migration Department, to:

1. Participate in the interview of an unaccompanied minor asylum seeker.
2. Participate in the primary interview of the asylum seeker, when the Migration Department receives a notification from the institution that accepted the application for asylum on the necessity of an authorized representative's participation in the interview.
3. Participate in the interview of the asylum seeker, when the asylum expresses a need for state-guaranteed legal aid.
4. Represent the interests of a foreigner during the interview, in a process to revoke the protection status (refugee or subsidiary protection status) when the foreigner or his legal representative request so.
5. Prepare and submit procedural documents to the court or the Migration Department when the Migration Department receives a request from an asylum seeker or his legal representative to provide state-guaranteed legal aid related to appeals to the court in the exercise of rights established by law;
6. Represent the interests of the asylum seeker in the Migration Department or in court, when the Migration Department sets a hearing or receives a court notice of a planned court hearing.
7. Prepare and submit procedural documents to the court, as well as represent the interests of a foreigner whose asylum is revoked in court, when the Migration Department receives a request from the foreigner or his legal representative to provide state-guaranteed legal aid.
8. Prepare and submit procedural documents to the court or represent the interests of an asylum seeker or a foreigner whose asylum is revoked in court, when a court order to perform these procedural actions is obtained.

**4.2** Is the legal aid provided free of charge to applicants for international protection or does your Member State apply any form of means testing? If so how is this applied in practice?

One of the rights, that is provided to the asylum seeker: to use state-guaranteed legal aid in the procedure established by the Minister of the Interior as far as it relates to the examination of the asylum application. State funds of the Republic of Lithuania are used for the implementation of right to use state-guaranteed legal aid to the extent that the asylum seeker cannot implement access to legal aid with his own funds, and to the extent that it cannot be implemented with the funds of international organizations, structural

funds of the European Union, humanitarian aid funds established by individuals and legal entities of the Republic of Lithuania, and non-governmental organizations.

If it turns out that the asylum seeker, who was granted state-guaranteed legal aid, had the funds to pay for legal services and/or had the funds and received the monetary allowance, as well as if it turns out that the financial situation of the asylum seeker has significantly improved, or if he, in fulfilling the established obligation to declare available and received funds, provided misleading information or did not declare received funds, the asylum seeker must cover the costs incurred by the Migration Department in connection with the payment of the services of the legal service provider who provided state-guaranteed legal aid to the asylum seeker. In such a case, the Migration Department provides the asylum seeker with a written instruction to cover the expenses incurred by the Migration Department, which specifies the legal services that were provided to the asylum seeker, their price and/or the total amount payable, calculated based on the added values provided by the state-guaranteed legal aid provider and paid by the Migration Department tax invoices, the settlement bank account of the Migration Department and other requisites necessary for making the payment, as well as other information if necessary. The asylum seeker is obliged to cover the expenses incurred by the Migration Department and submit documents confirming the coverage of these expenses to the Migration Department within 5 working days of receiving the written instruction to cover the expenses incurred by the Migration Department. If the asylum seeker fails to comply with the Migration Department's order to cover costs, the amount due is recovered in accordance with the procedure established by the Code of Civil Procedure of the Republic of Lithuania, if the administrative costs related to the recovery do not exceed the amount to be recovered.

**4.3** What are the deadlines within which your Member State requires that an applicant lodge an appeal with regards to decisions not to grant international protection or not to further examine the application on grounds of inadmissibility?

14 days from the service of the decision. If the decision was taken under border procedure - 7 days from the service of the decision. In the event of declaration of martial law, a state of emergency, also declaration of an emergency due to a mass influx of foreigners - 7 days from the service of the decision.

**4.4** What are the formal requirements when lodging an appeal as referred to in question 4.3?

An appeal must be signed by the applicant or his/her representative. An appeal must be submitted in person or may be sent by post or email (signed by electronic signature) or via electronic Courts' system. Asylum seekers are usually exempted from stamp duty (upon their request).

**4.5** Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State pending the examination of the application in case of a request for extradition of the applicant to a third country? If yes, how do the competent authorities of your Member State ensure that a decision to extradite an applicant to a third country pursuant to Article 9(2) APD is taken in accordance with Article 9(3) APD, i.e.

it does not result in direct or indirect refoulement, in violation of international and Union requirements?

No, Lithuania does not take a decision to extradite an applicant to a third country pending the examination of the application by the determining authority. According to Lithuanian national legislation, Lithuania does make an exception from the right to remain in the Member State only when the determining authority (Migration department) has fully examined a subsequent application, when an accelerated examination procedure is conducted pursuant to Article 31 (8) APD and taken a final decision in respect to the subsequent application for international protection.

**4.6** Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State where a person makes subsequent applications as referred to in Article 41 APD?

Yes, Lithuanian national legislation allows extradition of the applicant to a third country pursuant to Article 9(2) APD, mainly when the applicant has lodged a first subsequent application, where no new elements or findings relating to the examination of whether the applicant qualifies as a beneficiary of international protection by virtue of Directive 2011/95/EU have arisen or have been presented by the applicant.

If yes, how do the competent authorities of your Member State ensure that a decision to return the applicant to a third country does not result in direct or indirect refoulement, in violation of international and Union requirements as per Article 41(1) APD?

Lithuania ensures that the extradition of an applicant to a third country does not result in direct or indirect refoulement, in violation of international and Union requirements, by over viewing newest relevant country of origin information. In particular: by reviewing statements made by applicant at the time of the lodging of a subsequent application in relation to country of origin information and previous applications; any submitted documents by the applicant in relation to the subsequent application; level of indiscriminate violence in a period of one year up to the date of lodging a subsequent application, according to data provided by ACLED and other trusted available sources; reviewing country of origin information, if unsuccessful applicants for international migration would face any persecution in the third country; reviewing country of origin information, if there are any previous instances when a third country applied indirect refoulement to other countries and if that situation could apply to the specific foreigner in view of his individual situation/profile.

Moreover, the applicant can request the relevant administrative court to adopt measures to secure their claim. If the request is granted, the applicant cannot be removed from the Republic of Lithuania until his request for an appeal has been examined by the court.