

**NATIONAL REPORT DONE BY THE ODYSSEUS NETWORK FOR THE
EUROPEAN COMMISSION ON THE IMPLEMENTATION OF THE DIRECTIVE
ON RECEPTION CONDITIONS FOR ASYLUM SEEKERS IN:
LITHUANIA**

by

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ABBREVIATIONS

EFR – European Refugee Fund

FRC – Foreigners’ Registration Centre

LRC – Lithuanian Red Cross

MOH – Ministry of Health of the Republic of Lithuania

MOI – Ministry of Interior of the Republic of Lithuania

MSSL – Ministry of Social Security and Labour of the Republic of Lithuania

NGO – non governmental organisation

RRC – Refugee Reception Centre

RSD - refugee status determination

SBGS – State Border Guard Service

SGBV - sexual and gender based violence

1. NORMS OF TRANSPOSITION

Q.1. Identify the main norm of transposition (indicate the title, date, number, date of entry into force and references of publication into the official journal) and indicate its legal nature (legislative, regulatory, administrative); indicate in your answer if this norm was only devoted to the directive or if it has been included in a more general text and indicate in that case by quoting precisely the numbers of the provisions adopted to transpose the directive.

A.1. **There is no particular legislative act that has been adopted with the sole purpose of transposing the Directive. The following legal acts contain provisions transposing the Directive:**

1) Law on Legal Status of Aliens No. IX-2206 of 29 April 2004 (hereafter – Aliens’ Law)¹. It entered into force on 30 April 2004. The following provisions are relevant for transposition of the Directive: Articles 2(21-22), 2(30-31), 32, 67(3), 68, 71, 73(2), 75, 76(2-3),78, 79, 81(3), 84(7-8), 91(2-3), 112-119, 122-123, 136-140, 142.

2) Government Resolution of the Republic of Lithuania No. 103 of 29 January 2001 on Approval of Order and Conditions for Temporary Accommodation of Aliens in the Foreigners’ Registration Centre, as amended on 8 April 2003 by the Government Resolution No. 417 (hereafter – Order on Accommodation of Aliens at FRC).² The following

¹ Published in „State News“ No. 73-2539, 2004, available in English at: http://www3.lrs.lt/pls/inter2/dokpaieska.showdoc_l?p_id=243642

² Published in « State News » No. 11-322, 2001 and No. 35-1472, 2003.

provisions are relevant for transposition of the Directive: Paragraphs 2.2-2.3, 4.2., 4.5, 9-16, 17.15-17.16, 18, 22-23, 29-30, 35, 40.

3) Order of the Minister of Social Security and Labour No. 20 of 13 February 2002 on Approval of the Order on Conditions and Order of Accommodation of Foreigners in the Refugee Reception Centre, Organisation of Foreigners' Occupancy and Application of Disciplinary Measures, Implementation of Foreigner's Right to Receive Monthly Allowance for Minor Expenses and Compensation for Use of Public Transport (hereafter-Order on Accommodation of Foreigners at RRC).³ It entered into force on 21 February 2002.

Q.2. List by order of importance by using numbers (1, 2, 3) the others norms of transposition if there are more than one (indicate for each norm the title, date, number and references of publication into the official journal; include in your answer the administrative measures taken to ensure implementation of the directive and of the transposition norms like regulations, administrative circulars, special instructions,...)

- Put as an annex to your report a paper copy of each norm in the original language with a reference number to help the reader to find it easily;

A.2. **Refer to Annex I attached to this Report.**

- Send us as an electronic version of each norm or a web link to the text (this will be used for the website we are building);

A.2. **Refer to Annex I attached to this Report.**

- Provide the texts of any translation of the above norms into English if they are available.

A.2. **Refer to Annex I attached to this Report.**

A.2.

- 1) Order of the Head of the State Border Protection Service at the Ministry of Interior No. 4-719 of 29 December 2005 on Approval of the Statute of the Foreigners' Registration Centre to the State Border Protection Service at the Ministry of Interior (hereafter – Statute of the FRC).⁴ It entered into force on 11 January 2006.
- 2) Order of the Minister of Social Security and Labour on Approval of the Statute of the Refugee Reception Centre No. A1-234 of 18 August 2005 (hereafter – Statute of RRC).⁵ It entered into force on 24 August 2005.
- 3) Order of the Minister of Social Security and Labour and the Minister of Interior No. 1V-31/A1-28 of 2 February 2005 on Approval of the Order on Accommodation of Unaccompanied Minor Asylum Seekers in the Refugee Reception Centre (hereafter – Order on

³ Published in „State News“ No. 17-702, 2002.

⁴ Published in Lithuanian at : « State News » No. 3-88, 10 January 2006.

⁵ Published in Lithuanian at : « State News » No. 102-3795, 23 August 2005.

Accommodation of Minors).⁶ It entered into force on 12 February 2005.

- 4) **Order of the Minister of Interior No. 1V-361 of 15 November 2004 on Approval of Order for Examination of Foreigners' Applications for Asylum, Adoption of Decisions and the Implementation thereof (hereafter – the Order on Examination of Asylum Claims).⁷ It entered into force on 21 November 2004.**

- Q.3. Explain which level of government is competent to adopt the legal norms on reception conditions for asylum seekers (specify in particular in case of a federal or regional State, if it is the federal/central power or the components; in case, specify below when it is impossible for you to answer a question because it is about the competence of the components and it is impossible for you to gather reliable information about all of them)
- A.3. **Ministry of Social Security and Labour (MSSL) and Ministry of Interior (MOI) of the Republic of Lithuania are two institutions in the Government that are competent for reception related legislation (orders, circulars, etc.).**
- Q.4. Explain the legal technical choices done to transpose the directive (comment on the nature and level of the norms used to do the transposition: legislative, regulatory, administrative like instructions, etc). Add any other element about the technique of transposition of the directive which is interesting for the implementation of Community law.
- A.4. **The directive is transposed through the legislation mainly (Aliens' Law and Orders on accommodation of foreigners in reception centres).**
- Q.5. Mention if there is a general tendency to just copy the provisions of the directive into national legislation without redrafting or adaptation them to national circumstances? If yes, give some of the worst examples and explain if there is a risk that those provisions remain unapplied or will create difficulties of implementation in the future.
- A.5. **There is no general tendency to just copy the provisions of the directive according to the author of this Report.**
- Q.6. Have all the texts necessary to ensure the effective implementation of the new rules of transposition been adopted, prepared or at least foreseen in the future (for example a regulation completing a new law and the necessary instructions telling the administration how to apply the new rules)?
- A.6. **According to the Government plans, no further legislation is envisaged for the transposition of the Directive. However, certain articles of the directive still need transposition, in particular as concerns ensuring access to employment, treatment appropriate to the needs of vulnerable persons in the FRC and mechanisms for identification of these persons, access to reception conditions for persons staying outside the accommodation**

⁶ Published in Lithuanian at : « State News » No. 20-641, 11 February 2005.

⁷ Published in Lithuanian at : « State News » No. 168-6196, 20 February 2004.

centres, as well as establishment of a system for monitoring the implementation of the directive.

2. BIBLIOGRAPHY

- Q.7. Has an in-depth preparatory study been made public about the changes at the occasion of the transposition? If yes, thanks for trying to provide us a copy (*please contact to answer this question adequately the body and person who was responsible for the preparation of the transposition of the directive in the public administration*).
- A.7. **No in-depth preparatory study has been made public about the changes at the occasion of the transposition. The Ministry of Interior (Migration Department) has only carried out a short comparative analysis of Lithuanian legislation and provisions of the Directive. However the so called table of conformity is not publicly available.**
- Q.8. Quote any recent scientific book or article published about the directive, the transposition rules or the question of reception conditions for asylum seekers in general (answer even if this literature is only available in your language and provide the complete title in your language (without translation) with all references; indicate author, title, in case name of periodical, year and place of publication).
- A.8. **To the knowledge of the author of this Report, no such scientific book or article about the Directive or reception conditions for asylum seekers has been published recently. The author has written herself about the Directive in a very short manner in a recent monograph “Refugee Law” (Vysockienė, Lyra, Pabėgėlių teisė, Baltijos kopija, Vilnius, 2005), as well as in short within the research paper “Main Constrains in Implementing the EU Asylum Acquis in Lithuania” (Jurisprudencija, No. 4(82), Vilnius, 2006, pp. 32-39). Material of international conference that took place on 10 June 2005 in the Parliament of Lithuania (“Refugee Protection: International Standards and its Implementation in Lithuania”) are available at:
http://www3.lrs.lt/pls/inter/w5_show?p_r=158&p_d=43760&p_k=1**
- Q.9. Quote any interesting decision of jurisprudence based on the implementation of the new rules of transposition of the directive (indicate references of publication if any)?
- A.9. **No jurisprudence is yet available (as of 15 June 2006) on application of reception conditions in Lithuania. However, there has been one case in 2005 when refusal to provide reception conditions at the Foreigners’ Registration Centre to a Chechen asylum seeker were appealed to the Ombudsmen. No outcome of this complaint is available to the author of this Report.**

3. GENERAL INFORMATION ABOUT THE SYSTEM OF RECEPTION CONDITIONS

The purpose of the following two questions is to help the reader to understand easily and quickly the system of reception conditions in your Member State and also to avoid that you have to repeat general elements in other parts of the questionnaire. Please do not write more than one or maximum two pages and do not include large historical developments.

Q.10. Describe in general the system of reception conditions in your Member State (in particular which are the main actors in charge of reception conditions?)

A.10. There are two main bodies responsible for reception conditions of asylum seekers in Lithuania: the Ministry of Social Security and Labour and the Ministry of Interior of the Republic of Lithuania. These bodies supervise the institutional setup of reception and are responsible for adoption of legislative acts in this field. The institutional setup for reception of asylum seekers includes two reception centres, which are subordinate under different government institutions. Article 79 of the Aliens' Law regulates the functions of the both centres. Foreigners' Registration Centre, located some 50 kilometres away from the capital, belongs to the State Border Protection Service under the MOI. It is designed to accommodate asylum seekers from the moment of their arrival to Lithuania until departure. Also, it is used for accommodation and detention of foreigners, who arrive to Lithuania illegally. The maximum capacity of this centre is 200 asylum seekers and 300 illegal migrants. The Centre was established in 1996 and until 2001 was used as detention centre for illegal migrants. The Centre was reorganised in 2001 and since then two internal regimes are applied there:

a) detention regime (for foreigners who entered/stayed in the country illegally, rejected asylum seekers and asylum seekers detained on the basis of court decision);

b) open regime (for asylum seekers (except unaccompanied minors), whose applications are examined in substance (up to 3 months, but period could be extended for addition 3 months). Article 79(4) provides that "The Foreigners' Registration Centre is an agency intended for keeping the aliens detained on the grounds specified in this Law and for accommodating the asylum applicants, carrying out investigation as regards personal identity of aliens detained or accommodated at the Centre, the circumstances of their entry into the Republic of Lithuania, managing record-keeping of aliens, carrying out expulsion of aliens from the Republic of Lithuania. The Foreigners' Registration Centre shall be set up, re-organised and liquidated by the Minister of the Interior ». According to the authorities,⁸ the Centre does not meet the requirements for reception of refugees. In particular, this concerns persons with special needs (e.g. female and children). The following issues are mentioned as those in need of improvement in the Centre: development of social infrastructure, especially accommodation premises, services of a psychologist, professional staff who could work with persons with special

⁸ Multinational Programme for European Refugee Fund in Lithuania (2005), approved by the Order No. A1-110 of the Minister of Social Security and Labour of 14 April 2006, paragraph ii.

needs (children, female, and trauma victims), kindergartens, vocational training, and Lithuanian language courses.

Another body – Refugee Reception Centre under the MSSL, located some 120 kilometres from the capital, was previously used to accommodate asylum seekers for the second stage of the asylum procedure, when substantial examination of the claim was taking place. However since 2004 the Centre has been used for:

- accommodation of unaccompanied minors asylum seekers from their entry to Lithuania until departure or transfer to the municipality (should a legal status is granted in Lithuania);
- accommodation of persons granted asylum in order to implement social integration measures during the initial phase of the integration period.

The Centre was established in 1996 with the support of UNHCR and meets high standards of housing according to the author if this Report. The capacity of the Centre is 200 persons, but in emergency situations up to 300 persons could be housed there. Article 79(5) of the Aliens' Law provides that « The Refugee Reception Centre is a budgetary agency providing social services, intended for accommodating aliens who have been granted asylum in the Republic of Lithuania and unaccompanied minor aliens as well as for implementing social integration of the aliens who have been granted asylum. The Refugee Reception Centre shall be set up, re-organised and liquidated by the Minister of Social Security and Labour ».

The FRC is not a social establishment, thus social services are mainly provided by non-governmental organisations (hereafter - NGOs) operating in the centre under special projects (e.g. Caritas, Lithuanian Red Cross), funded by UNHCR. On the contrary, the RRC is a social establishment thus involves a number of social services provided by the centre itself, while the activities of NGOs are supplementary there.

Both centres mentioned above are government-run ones and there are no private reception centres for asylum seekers in the country. Most of the asylum seekers are accommodated in the reception centres during the asylum procedure; however the legislation envisages a possibility to stay in private (with relatives, friends, etc.) under certain conditions. The authorisation for that is granted by the Migration Department to the MOI (hereafter-Migration Department). In practice, a few asylum seekers stay outside the centres.

Asylum seekers enjoy reception conditions from the moment of arrival until a final decision on their asylum application is reached (however some reception conditions are also provided beyond final decision pending deportation from the country in case of a negative decision). Reception conditions do not differ depending on nature of asylum application (refugee status or complementary protection) and generally include: accommodation and food, primary health care (free of charge, guaranteed by the state), coverage of transportation costs related to examination of asylum claim, legal counselling and legal assistance (free of charge, guaranteed by the state), secondary education (for minors), interpretation services (free of charge, guaranteed by the state), notary services (free of charge, guaranteed by the state), monetary compensation for the use of

public transport and monthly allowance for minor expenses. The rights of asylum seekers, including those related to reception are stated in Article 71(1) of the Aliens' Law. It reads as follows:

“During the processing of an asylum applicant's application for asylum in the Republic of Lithuania the applicant shall have the following rights:

- 1) to be accommodated at the Foreigners' Registration Centre or Refugee Reception Centre and to use the services provided by them;
- 2) to manage and have notarised documents relating to the processing of the application for asylum;
- 3) to make use of legal assistance guaranteed by the state;
- 4) to receive compensation for the use of means of public transport where the use is linked to the processing of the application for asylum;
- 5) to make use of the interpreter's services free of charge;
- 6) to receive free immediate medical aid and social services at the Foreigners' Registration Centre or Refugee Reception Centre;
- 7) to receive a monthly monetary allowance in the manner laid down by the Minister of Social Security;
- 8) to apply to and meet representatives of the Office of the UNHCR;
- 9) other rights that are guaranteed under international treaties, laws and other legal acts of the Republic of Lithuania ».

It further provides that « asylum applicants who are minors shall have the right to study at schools of general education and vocational schools » (Art. 71(2)).

However, the Aliens' Law also states the obligations of asylum seekers pending status determination. The obligations include the duty to:

- 1) observe the requirements of the Constitution, laws and other legal acts of the Republic of Lithuania;
- 2) fulfil the duties prescribed for the asylum applicant by the decisions of the Migration Department and the court;
- 3) allow the performance of health screening;
- 4) during the processing of the asylum application submit all the available documents and realistic full explanation of the motives of the application for asylum, the asylum applicant's personality as well as the circumstances of his entry and stay in the Republic of Lithuania;
- 5) declare to the Foreigners' Registration Centre, Refugee Reception Centre or territorial police agency in writing in free format the resources and assets owned in the Republic of Lithuania within three days from the granting of temporary territorial asylum and the resources received pending the examination of the application for asylum in the Republic of Lithuania within one day from the receipt thereof.

- Q.11. A. Explain if you have different types and levels of reception conditions following the different stages of the asylum procedure (this implies that you have to give briefly the necessary explanations about the asylum procedure). Make if relevant for reception conditions a distinction between the following procedural stages: determination of the responsible Member State on the basis of the Dublin II regulation, special procedures at the border (including transit zones in airports), accelerated procedures, admissibility procedures, eligibility procedures and the different possibilities of appeals (suspense or not) against a refusal of the asylum request. Indicate what the main differences of reception

conditions are between the different stages (if necessary by detailing between the different elements of reception conditions, in particular housing) and explain what the evolution of reception conditions is following the different stages of the procedure.

- A.11. A. There are no particular differences in applying reception conditions following different stages of the asylum procedure, except that in practice some reception conditions are difficult to guarantee in some places (e.g. at the border or local migration services). However, substantial problems exist for those asylum seekers who arrived to the country legally and are staying in private. According to the legislation, they are not eligible for reception conditions (e.g. monthly allowance) and in practice social authorities refuse access to reception conditions for such persons (e.g. in one case of an asylum seeker from Belarus in spring 2006 the payment of monthly allowance was refused with the motivation that it is paid only to asylum seekers in the reception centres).**

The stages of the asylum procedure as they relate to reception conditions are described below:

a) Dublin procedures

If a decision is taken that another EU Member State is responsible for examination of the asylum application, asylum seeker is granted temporary territorial asylum, accommodated in the FRC and issued a registration document. All reception conditions will apply to such a person. This situation lasts until the asylum seeker is transferred to another Member State (Art. 73(2) of the Aliens' Law). Temporary territorial asylum is also granted to an asylum seeker who is returned under the Dublin procedure from another Member State (Art. 76(2) of the Aliens' Law), thus the same regular reception conditions apply.

b) border procedures

Border procedures may be applied before granting of temporary territorial asylum in case of: application of a safe third country of safe country of origin notion or in case of manifestly unfounded claims. Such procedure may take place within 48 hours from submission of asylum application (it may be extended for additional 24 hours in case of a manifestly unfounded claim and application of a safe country of origin notion) (Art. 76(3) of the Aliens' Law). All reception conditions will apply except that in practice there are no proper conditions to accommodate asylum seekers at the border or keep them for a longer period of time and provide with adequate services.

c) accelerated procedures

In case of manifestly unfounded claims' procedure the application shall be examined within 48 hours from the moment of having determined that it is manifestly unfounded. The procedure may be extended to 7 days (Art. 81(3) of the Aliens' Law). During accelerated procedures the same reception conditions apply.

d) regular procedures

These procedures last up to three months and may be extended for the same period of time. Usually, the procedure takes approximately the time indicated in the laws and delays are rare due to a small number of asylum seekers.

e) appeals' procedures

During appeals' procedures reception conditions apply under the same rules as during the rest of asylum procedure.

B. Indicate precisely for which stage(s) of the asylum procedure the answers on reception conditions you give below are valid.

B. If not specifically indicated, the reception conditions explained below relate to the whole asylum procedure, i.e. from the moment of submission of the asylum application until the final decision is taken.

4. GENERAL RULES ON RECEPTION CONDITIONS

Q.12. A. Are material reception conditions provided in kind, in money or in vouchers or in a combination of these elements (see article 13, §5 which is an optional provision)? Distinguish between the different elements (housing, food, clothes, health, transportation, pocket money,...). **If reception conditions are provided in money (in general or in some cases, for instance when no places are anymore available in accommodation centres), indicate the precise amount given to the asylum seekers. Indicate in your answer what is provided in general and if there are exceptional cases.** Specify in your answer if reception conditions are different from the general system of social aid for nationals or aliens and if yes, if and when (which stage of the asylum procedure) can asylum seekers have access to the general system of social aid?

A.12. A. **Material reception conditions are provided in a combination of in kind and money assistance. In kind assistance covers housing, health care, clothes and food. Money is given to compensate for travel expenses that are directly related to the examination of asylum claim (e.g. visit to the migration authorities for interview, etc.), as well as some pocket money is being issued. Asylum seekers are provided with 25 Litass (approximately 7 Euro) as a monthly allowance for minor expenses. Combined assistance in money and in kind is provided with regard to food, which according to the Order on Accommodation of Foreigners at the RRC may be (paragraph 10.5):**

- **served centrally in the canteen of the reception centre or,**
- **paid as food allowance or,**
- **covered through provision of food stuff in the value corresponding to the amount assigned for nutrition.**

The inhabitants of the Centre shall be provided with conditions to make their own food individually in self-service kitchens established in the Centre (paragraph 10.6 of the Order). The asylum seekers in this Centre are also provided (depending on possibilities) with clothes and footwear, as well as bedding clothes and personal hygiene items (paragraphs 10.7-10.8 of the Order).

The Order on Accommodation of Foreigners in the FRC provides that adult persons are being provided with food three times per day and children – four times per day in accordance with the standard physiological norms established by the Government (paragraph 40). Also, whenever possibility exists, inhabitants of the Centre may be provided with footwear and clothes (paragraph 41). It happens sometimes in

practice that such possibilities do not exist, thus NGOs providing assistance (Lithuanian Red Cross and Caritas) have to complement, but their resources are very limited. There are conditions created in the Centre for various occupational activity, e.g. library, sports' competitions, cultural events, practicing religion and learn about healthy life (paragraph 42). Inhabitants of the Centre are responsible for the maintenance of the living space and the territory of the Centre (paragraph 43).

Reception conditions are different from those applicable to the nationals. Allowances paid to asylum seekers fall out of the general system of social aid, as there are specific rules established for asylum seekers (Para 7 of Art. 7(1) of the Aliens' Law specify that pending examination of their claim asylum seekers have the right to receive monthly financial allowance in accordance with the order determined by the Minister of Social Security and Labour). Asylum seekers can have access to the general system of social aid throughout the period of asylum procedure only as concerns the minimum health care system which is used equally for all.

- B. Can the reception conditions in kind, money or vouchers be considered as sufficient "to ensure a standard of living adequate for the health of applicants and capable of ensuring their subsistence" as requested by article 13, §2 of the directive (which is a mandatory provision but leaves a certain space to Member States)? In order to help to assess the respect of this rule when reception conditions are provided in money, include if necessary in your answer points of comparison with the minimum amount of social aid guaranteed for nationals in your Member State.

- A.12. B. The nutrition system is centralised in the Foreigners Registration Centre, it does not always secure religious or cultural dietary requirements. Very limited amount is assigned to nutrition – 4 Litass per day (1.2 Euro). The medical unit, located in the Foreigners Registration Centre, provides only necessary health care services, while access to the hospitals and services of specialists is available only in emergency cases. Neither psychological, nor mental health services are practically available in the Centre. The amount of 25 Litass (approx. 7 Euro) is really modest, thus asylum seekers sometimes are not able to satisfy their basic needs (e.g., proper food, health care, clothing, and school necessities). Minimum amount of social aid provided monthly to nationals in Lithuania is 90% of state supported income (which is 165 Lt/month (approx. 48 Euro). The average amount paid to an asylum seeker is 25 Lt/month ((approx. 7 Euro).

5. PROCEDURAL ASPECTS

- Q.13. A. Does the national legislation specifically provide that a request for international protection is presumed to be under the Geneva Convention unless explicitly requested otherwise? (see article 2, b which is a mandatory provision)
- A.13. A. National legislation (paragraph 2(9) of the Order on Examination of Asylum Claims) provides that the request for asylum shall be considered a

request in any form to grant refugee status or complementary protection. Thus it covers both forms of protection.

B. Explain if the scope of application of reception conditions is extended to other asylum seekers than refugees in the sense of the Geneva Convention, in particular to persons asking for subsidiary protection or to other forms of protection like humanitarian statuses (see article 3, § 4 which is an optional provision)? If not, explain briefly which the differences between these special regimes and the directive are.

A.13. B. No differences exist, because there is a single asylum procedure and the same reception rules apply to all asylum seekers.

C. Are there specific provisions in national law for reception conditions in case of diplomatic or territorial asylum requests submitted through a diplomatic or consular representation (see article 3, §2 which is an optional provision)?

A.13. C. There are no provisions in national legislation dealing with requests submitted through a diplomatic or consular representation. Lithuanian legislation does not envisage submission of asylum application at its diplomatic or consular representation.

Q.14. Are reception conditions available as from the moment once asylum application is introduced? How is article 13, §1 which is mandatory legally understood? Do asylum seekers have to satisfy any other condition in order to get reception conditions?

A.14. Reception conditions are available from the moment of submission of the asylum application. Asylum seekers do not have to satisfy any other condition in order to get reception conditions.

Q.15. Explain when reception conditions end, for instance after refusal of the asylum request (include in your answer the link with the right of appeal against a decision of refusal of the status, in particular the question of its suspense effect)

A.15. Asylum seekers' specific reception conditions end with the adoption of a final decision. However, some reception conditions end with expulsion or departure of the foreigner from the country (e.g. accommodation at the FRC, primary health care). There is a right of appeal against a negative decision on asylum, if adopted under regular procedure it has suspense effect. Reception conditions will apply to the same extent during the appeals' procedure.

Q.16. Are there special rules or practices regarding reception conditions in case of successive applications for asylum introduced by the same person?

A.16. No special rules exist for reception conditions in case of successive applications.

- Q.17⁹. Information of asylum seekers about their rights and obligations in terms of reception conditions, in particular about established benefits (see article 5 which is too large extend a mandatory provision; do not confuse this question with the information to be provided to asylum seekers about the asylum procedure):
- A. **Are asylum seekers informed, and if yes about what precisely?**
- A.17. A. **No standardised information is provided in written form to asylum seekers about reception conditions.**
- B. **Is the information provided in writing or, when appropriate, orally?**
- A.17. B. **No information is provided in writing, but only orally. Asylum seekers should sign upon the receipt of such information. The Order on Accommodation in the FRC provides that a person, who is being accommodated in the Centre, shall be informed (confirmed by the personal signature) in a language understood by him about the internal rules of the Centre, his rights and obligations (paragraph 16). Order on Accommodation in the RRC provides the same (paragraph 4). Asylum seekers have even to sign the agreement concerning use and maintenance of material goods that are entrusted to them.**
- C. **Is that information in general provided in a language understood by asylum seekers? Specify the list of languages in which it is available**
- A.17. C. **The rules require it to be provided in a language understood by the asylum seeker. But in practice unofficial interpreters from the asylum seekers themselves are being used in the FRC in order to communicate this information to an asylum seeker. According to the information provided by the administration of the FRC, information is provided in Russian, Chechen, English, French, Pashto, Dari and Arabic languages.**
- D. **Is the deadline of maximum 15 days respected?**
- A.17. D. **The deadline is respected, because an asylum seeker is informed upon arrival to either of the centres.**
- Q.18¹⁰. Information of asylum seekers about the existence of organisations or groups promoting their interest and defending their rights (see article 5 which is to a large extend a mandatory provision):
- A. **Is there a list of organisations dressed by the authorities and if yes is it comprehensive? Is this in particular the case about the possibilities to get legal assistance and health care?**

⁹ To be answered with the help of UNHCR local office competent for your Member State or to be completed on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

¹⁰ To be answered with the help of UNHCR local office competent for your Member State or to be completed on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

- A.18. A. The brochure prepared by the Migration Department in addition to state institutions provides addresses and telephones of Lithuanian Red Cross, UNHCR and IOM. No other lists are available.
- B. Is the information provided to the asylum seekers, and if yes, in writing or, when appropriate, orally?
- A.18. B. Leaflets issued by the Migration Department are available at the centres, but not clear if the officials regularly hand out these leaflets to asylum seekers. The lawyers of the LRC inform asylum seekers about this during the first meeting.
- C. Is that information in general provided in a language understood by asylum seekers? Specify if possible the list of languages in which it is available.
- A.18. C. The brochure prepared by the Migration Department is available in Lithuanian, English and Russian.
- D. How many organisations are active in that field in your Member State?
- A.18. D. Lithuanian Red Cross provides legal and social assistance, Caritas provides social assistance. No other organisations are active.
- Q.19. Documentation of asylum seekers (see article 6):
- A. What kind of document is delivered to the asylum seeker? Explain the legal value of this document (just a certification of the status as asylum seeker or also prove of identity?) (see §1 of article 6 which is a mandatory provision)
- A.19. A. The legislation provides (Art. 2(30) of the Aliens' Law) that an asylum seeker should be provided with a registration card (certificate), which means "a document certifying the status of the asylum applicant or, in the cases where the identity of the asylum applicant has been established in the manner laid down by the Minister of the Interior, his identity and his right to temporary refuge in the territory of the Republic of Lithuania». According to the Order on Examination of Asylum Applications such registration document shall be issued within 48 hours from the moment of granting temporary territorial asylum (paragraph 103). All documents of an asylum seeker are being deposited in the personal file pending the examination of asylum application. If the applicant is granted subsidiary protection, identity documents are returned to him. Thus this document replaces identity documents. The document should contain information on whether the identity of the person is established. The registration card is issued to asylum seekers irrespective of age. The validity of the document is 3 months from the moment of issuance of Migration Department decision on temporary territorial asylum. The data in the document are entered on the basis of data from the identity documents of the applicant and in the absence of

those, on the basis of data obtained during asylum interview (paragraph 106).

B. Are there situations or specific cases in which another equivalent document or even no document is issued? (in particular is there an exception for “procedures to decide on the right of the applicant legally to enter the territory” as made possible by §2 of article 6)?

A.19. B. Such procedures for deciding on the right of the applicant legally enter the territory exist. During this procedure that may take up to 48 hours (with a possibility of 24 hours extension) no document may be issued.

C. For how long is this document in principle valid and is it necessary to renew it after a certain period?

A.19. C. Up to 3 months from the date of Migration Department’s decision on temporary territorial asylum. May be renewed if (paragraph 108 of the Order on Examination of Asylum Claims):
a) not suitable for use;
b) has been lost;
c) expired.
Renewed document may be valid for up to 3 months from the Migration Department’s decision to extend temporary territorial asylum (paragraph 110).

D. What is the deadline for the delivery of that document? Is the mandatory deadline of 3 days set by article 6, §1 respected¹¹?

A.19. D. 48 hours. The deadline is usually respected.

E. Is it possible for an asylum seeker to get a travel document for serious humanitarian reasons (see §5 of article 6 which is an optional provision)?

A.19. E. Only Laisser-passer in case of transfer of an asylum seeker to another Member State under the Dublin procedure, which is meant for single travel to another EU MS (Art. 75(1) of the Aliens’ Law).

F. Is there a central system of registration of asylum seekers and is it or not separate from the registration of aliens? If yes, describe it briefly (content) and indicate in particular if it is an electronic database.

A.19. F. Yes, the central system of registration of asylum seekers exists. It is part of the Aliens’ Register, which is available electronically. The managing authority of the Register is the Ministry of Interior. The following data is included in the Register about the foreigner when it is related to asylum procedures: personal code (if the foreigner was assigned

¹¹ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

it), name, surname, citizenship, gender, date of birth and place of birth, place of residence, country of origin, family status, data of submission of asylum application, motives of asylum application, situation of asylum seeker in third countries, belonging to a particular clan (only with the consent of the person), religion (only with the consent of the person), place of residence in the country of origin, mother tongue and other languages known by the foreigner, education, profession, address of last place of residence, data about last workplace, available personal documents, date of crossing state border, date of departure from the country of origin, travel route, all decisions related to the asylum procedure, including court decisions and other information (paragraph 18 of the Statute of the Aliens' Register, approved by the Government Resolution No. 1049 of 4 September 2000).

Q.20. Residence of asylum seekers¹²:

A. Is in principle an asylum seeker free to move on the entire territory of your Member State or only to a limited part of it and in case, which part? (see article 7, §1 which is a mandatory provision)

A.20. A. According to Art. 112 of the Aliens' Law the freedom of movement of foreigners may be restricted on account of state security, public order, health of the population, prevention of criminality or protection of other persons' rights and freedoms. The asylum seeker is in principle free to move on the entire territory of the country, except the border areas where a special regime applies. Asylum seekers are either accommodated at the reception centres or detained there. In the later case asylum seekers' freedom of movement is restricted. Also, asylum seekers accommodated in the Foreigners' Registration Centre without the restrictions on the freedom of movement have to follow the order for leaving the centre and returning to it. This order may be considered as practically restricting the freedom of movement, because asylum seekers can leave the centre only for 24 hours. Leaving for longer period is not possible. Therefore if an asylum seeker wishes to visit his relatives staying in another part of the country, this becomes not possible due to the very short time limit for leaving the centre.

B. About the place of residence (see §2 of article 7): explain to which extend the person is free to choose her residence and if this depends of the stage of the asylum procedure (for instance before and after admissibility); if there are constraints limiting the choice, explain which ones and their reasons (for instance processing of application, attribution of reception conditions,...).

A.20. B. The person is not free to choose the place of residence irrespective of illegal or legal entry to the country. This is being decided by the Migration Department. Migration Department takes a decision on accommodation of asylum seeker in cases of legal entry after an asylum application has been submitted and after it has been ascertained that

¹² Nota bene: the case of detention is covered by other questions and should be ignored under this question.

Lithuania is the responsible country for the examination of asylum claim. Migration Department would not take a decision on accommodation, if an asylum seeker is detained or an alternative measure to detention is assigned by the court's decision (Art. 79(1) of the Aliens' Law). The Department also takes decision on accommodation, if a court does not find detention grounds in a particular case. In other words, all irregularly coming asylum seekers are first brought to the court, which has 3 options:

- 1) To issue detention order (accommodation in the FRC under detention regime);
- 2) To apply alternative measure to detention (accommodation in the FRC under open regime);

In fact, by taking one of the above decisions the court also solves the accommodation issue.

- 3) To reject the detention request if no detention grounds have been found. In the last case, the Migration Department takes the decision on accommodation. Return under Dublin is considered in practice as legal entry. Thus, Migration Department also takes the decision on accommodation as concerns this category of asylum seekers.

Furtjermore, if a person arrived to Lithuania legally, Migration Department may decide not to accommodate such a person in the FRC, but to allow him stay in the place of the person's choice, if the asylum seeker so requests (Art. 79(2) of the Aliens' Law). The constrain relating to stay in private may be lack of social services for asylum seekers that are concentrated in reception centres. Asylum seekers staying outside the reception centres do not have access to social services and in this respect their treatment is discriminatory.

- C. About the place of reception (meaning where the asylum seeker has to stay to benefit from reception conditions) (see § 4 of article 7): explain which are the general rules about the determination of this place (to which extend are the decisions determining the place taken individually and do they take into account the personal situation of the asylum seeker?) and to which extend the person is free to choose it and if it depends of the stage of the asylum procedure (for instance before and after admissibility); if there are constraints limiting the choice, explain which ones and their reasons (for instance attribution of reception conditions, processing of the application,...).

- A.20. C. The place of residence is the same with that of reception in case of stay in the reception centres. While taking the decision on accommodation the Migration Department does not deal with the issue of reception conditions. Decision to allow staying in the place of the asylum seekers' choice does not take into consideration whether reception conditions exist there or not, because it is based on the wish of an asylum seeker to stay there. In practice, there are serious constrains accessing almost all services, while some services are at all not available (e.g. monthly allowance) for those asylum seekers that stay outside the reception centres. Decisions on the place of stay of asylum seekers are taken individually.

D. If all asylum seekers are not placed in accommodation centres because of capacity limits, explain how the persons are distributed between accommodation centres and other accommodation facilities (which authority takes the decisions, on the basis of which elements, can that decision be appealed by the asylum seeker,...)¹³

A.20. D. There have been no situations in practice so far that the capacities of the reception centres have been exceeded, because the number of asylum seekers is rather small. The legislation does not also envisage the situations on how to deal with the number of asylum seekers who are in excess of the reception capacities.

E. How can an asylum seeker ask to leave temporarily the place of residence or of reception or an assigned area? How is the individual AND impartial character of the decision ensured? (see §5 of article 7 which is a mandatory provision)

A.20. E. There is an order established in the FRC, which requires that before leaving the centre the asylum seeker needs to inform the head of the centre or a person authorised by him (paragraph 22 of the Order on Accommodation of Foreigners' in the FRC). The person may leave the centre only for a very short period of time and needs to report every 24 hours (which means that they have to physically return to the centre and only after that they are allowed to leave the Centre for another 24 hours). Asylum seekers who are detained may leave the territory of the centre only accompanied by the staff of the centre (paragraph 23 of the Order on Accommodation of Foreigners' in the FRC).

Q.21. A. Do rules on reduction or withdrawal of reception conditions exist in internal legislation and if yes in which cases (mention in particular if there are cases not foreseen by article 16, § 1 and 2 which are optional provisions)? Distinguish in your answer between cases of reduction and withdrawal and explain which conditions can be reduced and if access to emergency health care is always ensured as requested by article 16, §4, last sentence.

A.21. A. The rules on reduction and withdrawal of reception conditions exist in internal legislation. It is regulated by the Aliens' Law and the Order on Accommodation of Asylum Seekers in the RRC. Art. 84(7) of the Aliens' Law provides that: "Suspension of examination of an asylum application shall entail suspension of provision of services and assistance for the asylum applicant in implementing the rights indicated in paragraphs 1 and 2 of Article 71 of this Law (reception conditions; authors' remark). Provision of services and assistance shall be resumed after the disappearance of circumstances on the grounds of which it was suspended ». The Law further provides that « Decisions to suspend and to

¹³ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

resume the provision of services and assistance to the asylum applicant in implementing the rights indicated in paragraphs 1 and 2 of Article 71 of this Law shall be taken according to the procedure established by the Minister of Social Security and Labour » (Art. 84(8)). The Order on Accommodation of Asylum Seekers in the RRC provides that the money allowance may be reduced up to 75% for a period of up to 3 months or terminated if the person constantly violates the internal rules of the centre and fails to comply with the duties (the duties include: complying with internal rules and laws, allowing the doctor to inspect the state of health, submit all documents and actively participate in the status determination procedure, manage household and clean the territory of the centre, do not interfere with the rights and lawful interests of other inhabitants of the centre), as well as for unauthorised leave from the centre without the permission of the administration for more than 3 days (paragraph 20 of the Order). Also, the Order on Implementation of the Right to Receive Monthly Subsistence Allowance provides in Paragraph 4 the same rule for reduction of monthly allowance up to 75% or its' withdrawal for a period of up to 3 months if an asylum seeker fails to comply with the duties that are imposed on him; as well as for the violation of internal rules of reception centres; unauthorised leave from the reception centres for a longer period than 3 days.

In addition, there is a possibility to request the asylum seeker to refund the related reception expenses of the state if it transpires that he had sufficient means for reception at the time when these basic needs were being covered for him (Art. 71(5) of the Aliens' Law).

Access to emergency health care is ensured despite the withdrawal of reception conditions.

B. Has article 16, §2 dealing with refusal of reception conditions for unreasonably late applications for asylum been transposed by your Member State (or was this case already applicable before transposition)? Are there cases in practice¹⁴?

A.21. B. Such provision does not exist in Lithuanian legislation.

C. How is it ensured that decisions of reduction or withdrawal are taken individually, objectively AND in particular impartially (for instance through and independent arbitrator) (see article 16, §4 which is a mandatory provision)?

A.21. C. The only guarantee for that the decisions of reduction or withdrawal are taken individually, objectively and impartially is the possibility to appeal against such a decision to the founder of the Refugee Reception Centre (in this case the MSSL). Decisions to suspend and renew provision of reception conditions are adopted in accordance with the order of the MSSL (Art. 84(8) of the Aliens' Law). The right of appeal is provided in Paragraph 22 of the Order on Accommodation in the RRC. No other guarantees exist because the decision is taken by the director of

¹⁴ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

the centre. The Foreigners' Registration Centre also applies sanctions on the basis of the decision by the director of the Centre. It may be appealed to the founded of the Centre (SBGS) or to the administrative court.

D. Is statement 14/03 adopted by the Council at the same moment as the directive respected (see the documentation pack you received at our meeting in Brussels in April)?

A.21. D. The statement is generally respected, but some concerns exists in relation to the treatment of vulnerable persons and their accommodation in the Foreigners' Registration Centre, which is not a social establishment and lacks the features or a reception centre as such. Refer to A.30(B) below for more details.

E. Are there already administrative appeal decisions or judgements on cases of reduction, withdrawal or refusal which have been taken, and if yes, what has been the outcome¹⁵?

A.21. E. No such administrative appeals have been submitted yet and thus judgements are also not available on reduction, withdrawal or refusal of reception conditions. On one occasion, petition against refusal to provide reception conditions to a Chechen national by the FRC was submitted to the Ombudsmen. The outcomes of the petition are not known to the author of this Report. If the examination of an appeal is suspended (e.g. due to absence from the centre), the services provided in relation to reception conditions, is also suspended. It is renewed when circumstances giving rise to suspension cease to exist (Art. 84(7) of the Aliens' Law). Decisions to suspend or renew provision of reception conditions are adopted in accordance with the order of the MSSL (Art. 84(8) of the Aliens' Law). However the mentioned order has not yet been adopted.

Q.22. A. Appeal against a negative decision relating to the granting of benefits or based on article 7 (see article 21 which is a mandatory provision): indicate against which decision an appeal can be introduced, describe the system of appeal in general and include in particular in your answer the information given to asylum seekers about possibilities of appealing, deadline for appealing, if the appeal has or not a suspense effect, if there are different steps (for instance first an administrative appeal and in particular if the guarantee of an appeal before a judicial body in the last instance is respected)?

A.22. A. The Aliens' Law envisages that all decisions taken under this Law may be appealed in accordance with the procedure determined by the laws of Lithuania, unless provided differently in the Law (Art. 136). There is a possibility to appeal to the administrative court against any decision taken on this basis of this Law, including as concerns reception conditions. Also, with regard to decisions taken by the Head of the RRC on reduction or withdrawal of monthly subsistence allowance, such decisions may be

¹⁵ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

appealed to the founder or the centre, the MSSL. The MSSL decision could further be appealed to the administrative court under the general procedure described in the laws.

Foreigners Registration Centre is in the sphere of authority of the State Border Guard Service under the Ministry of Interior. Thus generally asylum seekers might complain to the Head of the State Border Guard Service or to the Minister of Interior. The information on appeals is provided to asylum seekers usually through information leaflets that are available in the reception centres and also through the counselling by lawyers who regularly visit the centres.

B. Explain which are the possibilities for asylum seekers to benefit from legal assistance when they introduce such an appeal (see article 21, §2 which is a mandatory provision but leaves space to Member States)?

A.22. B. All asylum seekers have access to legal assistance, which is provided by the Lithuanian Red Cross lawyers and paid by the state. Legal counselling is regularly provided in the reception centres by the LRC lawyers, assistance in preparing and submitting the appeal may be provided, as well as representation in administrative institutions and the courts.

C. Are there already administrative appeal decisions or judgements which have been taken and if yes, which are the main important ones¹⁶?

A.22. C. No such administrative appeals decisions or judgements have been submitted or adopted so far.

D. Is a mechanism of complain for asylum seekers about quality of receptions conditions in general (even if they are not personally concerned) organised? If yes, before which authority? Is it linked to the system of guidance, control and monitoring of reception conditions (see below question n° 39)?

A.22. D. Asylum seekers can write complains to the management of the centres, to the founder institutions of the centres (e.g. MSSL for the RRC and the Head of SBGS for the FRC). However no special procedure for submitting complains exists. Asylum seekers can also complain through UNHCR, the representative of which can always take it up with the administration of the centres or higher authority. Appeals against decisions taken should be submitted within a period of 7 days from the adoption of the decision that is appealed (Art. 138 of the Aliens' Law). Suspension of decision once appeal is submitted is envisaged only by adoption of a separate court's decision (Art. 139(3) of the Aliens' Law).

6. RIGHTS AND OBLIGATIONS OF ASYLUM SEEKERS

¹⁶ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

- Q.23.** Family unity of asylum seekers: define how a family is defined in relation with article 2, (d) which is a mandatory provision and explain how housing is provided to a family (see articles 8 which is a mandatory provision but leaves space to member States and 14, §2, (a) which is a mandatory provision).
- A.23.** Family members of the asylum seeker are defined in Article 2(22) of the Aliens' Law, which reads as follows: "family members of an asylum applicant means the spouse of the asylum applicant or the person who has concluded with him partnership agreement or an agreement equivalent to it, the children of the couple or of one of them (adopted children irrespective of whether they have been adopted as defined under the laws of the Republic of Lithuania) below the age of 18 years, on condition that they are unmarried as well as the father, mother or guardian of the minor asylum applicant, in so far as the family already existed in the country of origin and during the examination of the asylum application the family members are present in the territory of the EU Member States.» In accordance with the Order on Accommodation of Foreigners in the FRC, the members of the same family are accommodated together in a separate premise (paragraph 4.4).
- Q.24.** A. How is housing of asylum seekers organised: describe the system in general and indicate in particular what is the most frequently system used (see article 14, §1 which is a mandatory provision but leaves space for Member States; distinguish between accommodation centres, private houses and apartments, hotels places or other premises).
- A.24.** A. Asylum seekers can be housed (accommodated) in the following places on the territory of Lithuania:
- Border control posts until decision authorising entry to the territory is being taken (within first 48 hours from the submission of asylum application). However, the border control posts are not equipped to house asylum seekers or provide any other reception conditions. The same situation is at local migration services. This situation is among the primary priorities of the Government, which established in the Multi-annual Programme for European Refugee Fund (ERF) that it needs to be urgently improved.
 - Foreigners' Registration Centre (not a social establishment, but the place where asylum seekers, illegal migrants are housed and also detained. Different regimes of housing are applied in this centre: within the territory of the centre asylum seekers are housed separately from all other foreigners, while detained asylum seekers are housed separately from other asylum seekers and also from other detained foreigners). This centre accommodates all asylum seekers (except unaccompanied minors) for the whole period of the asylum procedure. The capacity of the centre is 500 persons (this includes 200 asylum seekers), but not all of it is used to house the asylum seekers. However, according to the UNHCR assessment, the realistic figure is only 100 asylum seekers as a maximum number that can be appropriately accommodated in the FRC. At times,

when around 100 asylum seekers were accommodated in the FRC, the number of persons per room was reaching 10-12, families were separated and no space for separation of children with infectious diseases was available.

- **Refugee Reception Centre (it is a social establishment, which hosts only those asylum seekers who are unaccompanied minors). The maximum capacity of the centre is 200 persons (300 persons in emergency situations).**
- **Private accommodation (this housing is used if an asylum seeker has entered the country legally and is willing to stay in private, in this case he may be allowed to stay in private by the decision of the Migration Department on accommodation).**

B. What is the total number of available places for asylum seekers?¹⁷ Distinguish in your answer between accommodation centres, private houses and apartments, hotels or other premises.

A.24. B. The total number of available places in state run centres is about 400 persons in normal circumstances (500 in emergency situations). There are no privately owned reception centres, thus no other number can be provided.

C. Is this number of places for asylum seekers sufficient in general or frequently insufficient?¹⁸

A.24. C. Given the current numbers of asylum seekers arriving annually to Lithuania, the present reception capacities can be considered sufficient, as the maximum capacity of the centres is never filled.

D. Are there special measures foreseen in urgent cases of a high number of news arrivals of asylum seekers (outside the case of application of the directive on temporary protection)?

A.24. D. No such special measures are foreseen in urgent cases of a high number of new arrivals of asylum seekers.

Q.25. Accommodation centres (important note: all the following questions are about open and not closed centres where asylum seekers are detained which are covered by another question)

A. Are there different categories of accommodation centres, for instance depending of the stage of the procedure (admissibility and eligibility)?

A.25. A. No differentiation is made as concerns accommodation during the asylum procedure except the accommodation at border control posts in case of illegal arrival pending authorised admission to the territory (which

¹⁷ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

¹⁸ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

is to be taken within the 48 hours from the submission of an asylum application). All asylum seekers (except unaccompanied minors) are accommodated in the Foreigners' Registration Centre for the whole period of the asylum procedure. Different treatment is only for asylum seekers who arrived to the country legally – they are allowed to stay in private if they wish so.

B. Is there a legal time limit for accommodation in a centre after which the asylum seekers have access to private houses or apartments or is this limit linked to a stage of the asylum procedure?

A.25. B. No such time limit exists.

B. Is there a general regulation about the internal functioning of those centres and the rights and duties of the asylum seekers? If yes, is this general regulation applicable to public and private centres? If not, are the centres supposed to adopt an internal regulation and does a central authority have or not a kind of control about its content?

A.25. B. Regulation about internal functioning of both reception centres exists. It is regulated by the Statutes of the centres, as well as the Orders on accommodation of asylum seekers in these centres (refer to A.1-2 above). These regulations are applicable only to public centres, while private centres do not exist. The supervising authority or the government adopts the regulations. The Foreigners' Registration Centre in addition adopted the internal rules on order and conditions for temporary accommodation of foreigners in the FRC, approved by the Head of the Centre on 14 January 2004. The author of this Report did not have access to this document.

C. Do the regulations foresee the possibility of sanctions against asylum seekers in case of breach of the rules? (see article 16, §3) If yes, which sanctions for which rules? Which is the competent authority to decide? How is it ensured that decisions are taken individually, objectively and in particular *impartially* (for instance through an independent arbitrator) as requested by §4 of article 21 which is mandatory provision? Which are the possibilities of appealing against those decisions if the system is different from the general one under question n°22? Are there already administrative appeal decisions or judgements which have been taken and if yes, which are the main important ones?¹⁹

A.25. C. The regulations do foresee the possibility of sanctions against asylum seekers for breach of the rules. Apart from the financial sanctions (reducing or withdrawing reception conditions: monthly subsistence

¹⁹ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

allowance), mentioned above under A.21(A), other sanctions also exist. In accordance with the Order on Accommodation of Foreigners in the FRC, the following sanctions can be applied (paragraph 24):

- Sanctions for violation of laws of Lithuania in accordance with the procedure established by the laws (e.g. in case of commission of administrative offence or crime);
- Sanctions for violation of the internal order in the centre may include: assigning repeatedly as a person who maintains order to clean the living premises and the territory; removal from the centre – in case of constant violation of established requirements and persistent violation of internal order; isolation from other persons for a period of up to 48 hours or sending if needed to a special establishment, if the person becomes dangerous due to mental or infectious disease or intoxication with alcohol or narcotics/psychotropic substances.

A protocol is written on violation of the order and a decision on application of sanctions is taken on this basis. The protocol is written and decision on sanction is made up by the Head of the Centre or a person authorised by him. The protocol on violation along with the explanation by the staff of the centre is enclosed to the personal file of the applicant. All the sanctions are registered in the special journal of the centre. If there are grounds, the Head of the Centre or a person authorised by him may repeal or change the decision on sanctions, e.g. in case of illness and other cases unspecified in the Order (paragraphs 25-28 of the Order). The person may appeal the decision on sanctions to the head of State Border Guard Service (paragraph 17.15 of the Order). No appeals have been submitted yet, thus no administrative decisions or judgements exist.

In accordance with the Order on Accommodation of Asylum Seekers in the RRC, the following sanctions can be applied for violation of the laws of Lithuania and the internal order of the centre:

- Written warning;
- Reduction or withdrawal of monthly subsistence allowance (as described under A. 21(A) above).

In case of violation of an internal order in the centre, the responsible staff member of the centre writes up the protocol on violation familiarises the person with this protocol and he writes up his explanation. Sanctions are imposed on the basis of the protocol by the Director of the Centre. Decisions on sanctions are in written form and are registered in the centre (paragraph 21 of the Order). The person may appeal the decision on sanctions to the founder of the centre (MSSL) (paragraph 22 of the Order). No appeals have been submitted yet, thus no administrative decisions or judgements exist.

D. Are asylum seekers involved in the management of these centres? If yes, how (advisory board, appointment or election of representatives)? (see article 14, §6 which is an option provision)

A.25. D. Asylum seekers are not involved in the management of the centres.

- E. Do specific rules exist on work of asylum seekers inside the accommodation centres different from the general ones about employment (see below)? If yes, which ones? Can working inside accommodation centres be considered as a (mandatory) contribution of the asylum seekers to the management of the centres, is it or not paid and considered as implying access to the labour market and subject to the same rules?
- A.25. E. According to the rules of the Centres, asylum seekers have the obligation to maintain the living premises and the territory of the centre, but this is not considered a work, which would be paid for.
- Q.26. A. How can asylum seekers communicate with legal advisers, representatives of UNHCR and NGOs? (see article 14, §2, (b) which is a mandatory provision).
- A.26. A. According to legislation asylum seekers have a right to communicate with legal advisers and UNHCR. Lawyers of the Lithuanian Red Cross who provide legal counselling are regularly visiting the reception centres and meet with the asylum seekers. UNHCR representative also visits the centres and has unhindered access to all premises in the centre, thus also to asylum seekers. Asylum seekers may also communicate with the legal advisers and UNHCR by mail. No special provision of access by NGOs is provided by the laws, but in practice staff of the LRC and Caritas have access to asylum seekers (though such access is granted on ad hoc basis by the administration, except the implementation of social and legal projects that are going on).
- B. What are the rules about access of legal advisers, UNHCR and NGOs regarding access to accommodation centres and other housing facilities (see article 14, §7 which is a mandatory provision).
- A.26. B. No special rules exist except that it is provided by legislation that asylum seekers have such a right to meet with lawyers and UNHCR and that UNHCR should have unlimited access to asylum seekers, including those in places of detention and transit zones of airports and sea ports where asylum seekers are kept (the later provision in Art. 91(3) of the Aliens' Law). The RRC should provide access to NGOs, providing assistance to refugees, to contact the unaccompanied minor asylum seeker in the centre and implement social educational and assistance projects (paragraph 8 of the Order on Accommodation of Unaccompanied Minor Asylum Seekers).
- C. Can the access of legal advisers, UNHCR and NGOs be limited for security reasons or any other reason (see article 14, §7, last sentence)?
- A.26. C. No such restrictions are provided by the laws or applied in practice.

Q.27. A. Is a medical screening organised by the receiving State, is it mandatory or voluntary? Does it include HIV tests? (see article 9 which is an optional provision)

A.27. A. There is medical screening organised by the reception centres upon arrival of the person to the centre. It is the duty of the asylum seeker to allow the performance of health screening under the laws (paragraph 3 of Art. 71(3) of the Aliens' Law). Thus it is mandatory. The screening is performed by the doctor of the centres.

It includes screening from:

- **Open form of tuberculosis;**
- **Sexually transmitted diseases;**
- **Intestine infections;**
- **Carriers of infectious diseases.**

Paragraph 3 of the Order on Accommodation of Foreigners in the RRC provides that the foreigner upon arrival to the Centre shall submit a certificate from the medical file issued by the FRC. Persons who arrived on their own to the Centre shall allow the doctor to inspect their medical condition.

No HIV tests are envisaged in the legislation. However, as reported by the administration of the FRC, such tests are performed in practice.

B. Do the legal provisions on reception conditions ensure that asylum seekers receive at least emergency care and essential treatment of illness as requested by article 15 §1 which is a mandatory provision? Do they have a further access to health care?

A.27. B. A right to such emergency care and essential treatment is provided by the legislation. Paragraph 1(6) of Article 71 of the Aliens' Law states that an asylum seeker has a right to receive free immediate medical aid and social services at the Foreigners' Registration Centre or Refugee Reception Centre. Also, the Order on Accommodation of Foreigners at the FRC provides that «persons accommodated in the centre are ensured primary health care and immediate medical aid, including a possibility of immunisation in accordance with the National Immunisation Programme (paragraph 29). The Order of the Minister of Health Care No. V-836 on approval of hygiene norms and rules for the Foreigners' Registration Centre of 28 October 2005 regulates the health care services in the centre. According to the Order, health care specialists provide out-patient health care services and if it is not sufficient for treatment, the inhabitants of the Centre are transferred to health care institutions for consultations or in-patient treatment. For such a transfer prescription of the Head of Medical Unit of the Centre or his deputy is required (paragraph 43).

The Order on Accommodation of Asylum Seekers in the RRC also provides for the right of an asylum seeker to make use of health care services in accordance with the order determined by the Ministry of Health of Lithuania (paragraph 10.11.1). However, no such order of the MOH has been adopted, according to the information available to the author of this Report. Further access to health care is regulated by the

health care laws, which mention asylum seekers. For instance, the Law on Health Insurance No. I-1343 of 21 May 1996 (new version of the law of 3 December 2002) provides for access to health care services to asylum seekers (Art. 6(5)), but mentions that “the health care [of such persons] is covered from the state budget in accordance with the order established by the Government [...]”. However, such order has not been adopted yet, thus in practice there is significant access problems for asylum seekers to further health care beyond emergency health care.

C. What is the practice regarding access of asylum seekers to health care and how is it organised? In particular, what is the situation in accommodation centres (are doctors coming to the centres or do asylum seekers go to doctors outside)?²⁰

A.27. C. In practice, as long as there is no serious danger to the person, in the Centre he is provided with the very basic medicine only. Asylum seekers mostly rely on the doctors who are available in the centres.

According to the Order on Accommodation of Foreigners in the FRC, the health care in the centre is organised in the following way:

- primary health care is delivered by the doctor or nurses of the centre (paragraph 31);
- immediate medical aid is delivered by the health care bodies in accordance with the laws of Lithuania (paragraph 32);
- patients and persons with suspected dangerous or particularly dangerous infectious diseases are hospitalised or/and isolated, examined and treated in accordance with the laws regulating the treatment of these diseases (paragraph 33) ;
- persons, who arrived from the territories contaminated by particularly dangerous infectious diseases, may be taken under quarantine (paragraph 34);
- torture and violence victims, minors, single women and the elderly are entitled to the assistance of the psychologist (paragraph 35).

Similarly, the health care services are organised in the RRC.

Q.28. A. What is the length of the period determined by the concerned Member State during which asylum seekers have no access to the labour market? (see article 11 which is a mandatory provision)

A.28. A. No such period is provided by the legislation, because Lithuania does not allow asylum seekers to work during the period of the asylum procedure. In practice, procedure for a few asylum seekers takes longer than one year (e.g. in case of return of the case from appeal to the first instance), while no right of employment exists.

B. After that period, are asylum seekers or not obliged to obtain a work permit? In case is there a limit for the administration to deliver the permits and how quick are they delivered? What is their length?

²⁰ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

- A.28. B. Question not applicable, because no right to work is provided to asylum seekers in Lithuania.
- C. After that period, what are the conditions for access of the asylum seekers to the labour market? (in particular, are there rules concerning the maximum allowed of working hours or days per week, month or year, limits in terms of type of work or of professions authorised?)
- A.28. C. Question not applicable, because no right to work is provided to asylum seekers in Lithuania.
- D. What are the rules in terms of priorities between asylum seekers on the one hand and nationals, EU or EEE citizens and legally third-country nationals on the other?
- A.28. D. Question not applicable, because no right to work is provided to asylum seekers in Lithuania.
- E. Do asylum seekers have access to vocational training, does this or not depend of their right to access to the labour market, and in case at which conditions? (see article 12 which is optional regarding §1 and mandatory regarding § 2)
- A.28. E. Access to vocational training is not ensured as a rule. Also, it does not depend on their right to access to the labour market, but even if it would, asylum seekers are not allowed to work. The Order on Accommodation of Asylum Seekers in the RRC provides that the courses on professional orientation and re-qualification are organised for the inhabitants of the centre whenever possible (paragraph 17 of the Order). However, asylum seekers have a possibility to attend free of charge I category Lithuanian language courses – 96 hours (II category language courses are also available, but not free of charge) (paragraphs 16.1-16.2 of the Order). Given that RRC accommodates only asylum seeking unaccompanied minors, these services are not accessible for the absolute majority of asylum seekers (who stay in the FRC).
- F. Are the rules regarding access to the labour market adopted to transpose the directive more or less generous than the ones applicable previously?
- A.28. F. Question not applicable, because no right to work is provided to asylum seekers in Lithuania.
- Q.29. Are reception conditions subject to the fact that asylum seekers do not have sufficient resources? Are asylum seekers requested to contribute to reception conditions when they have personal resources (for instance if they work) or to refund the authorities if it appears that they have resources? (see article 13 §§ 3 and 4 which are optional provisions)

- A.29. Reception conditions in Lithuania are based on the presumption that an asylum seeker does not have sufficient resources. However, the asylum seeker is requested to declare to the FRC, RRC or territorial police authority in writing in free format the resources and assets owned in the Republic of Lithuania within three days from the granting of temporary territorial asylum and the resources received pending the examination of the application for asylum in the Republic of Lithuania within one day from the receipt thereof (Paragraph 3(5) of Article 71 of the Aliens' Law). If it is discovered that the asylum seeker had sufficient means for ensuring the implementation of his rights at the time when these basic needs were being covered for him, he must refund the related expenses of the state (Art. 71(5) of the Aliens' Law).**

7. SPECIAL NEEDS OF PARTICULAR CATEGORIES OF ASYLUM SEEKERS

- Q.30. A. Which of the different categories of persons with special needs considered in the directive are taken into account in the national legislation (see article 17, §1 which is a mandatory provision): disabled people, elderly people, pregnant women, single parents with minor children, persons who have been tortured, raped or victims of serious physical or psychological violence? Include in your answer all other categories envisaged in national law.**
- A.30. A. The legislation takes into consideration the following persons with special needs: torture and violence victims, minors, single women and the elderly. However, in practice their needs are not always met.**
- B. How is their specific situation taken into account (see articles 13, §2, second indent, 16 §4 second sentence and 17 which are mandatory provisions)?**
- A.30. B. Their situation is taken into account when examining the claim (e.g. specialised asylum personnel needs to be provided, interview should involve a doctor or psychiatrist, etc.). However when providing reception conditions serious concerns exist. Even though these persons are entitled to the assistance of the psychologist while they stay at the Foreigners' Registration Centre (paragraph 35 of the Order on Accommodation of Foreigners at the FRC), the Foreigners Registration Centre definitely lacks the character of a social institution, neither social nor psychological staff have been employed in the Centre. Once accommodated, asylum seekers with special needs particularly women, children, elderly, the traumatised and the disabled find themselves in a very poor social environment, which is rather traumatizing because they are surrounded by the uniformed border guards next to the detained irregular migrants. Furthermore, as concerns the requirement of second indent of Art. 14(2) of the Directive, no serious prevention measures are being taken against assault in the FRC. The living quarters of women are place in the third floor of the building where many single men are accommodated and no staff is available during the night. The situation is rather different in the**

RRC, where different living conditions (open centre) exist, as well as very competent psychologist is available.

C. How and when are the special needs of the concerned persons supposed to be legally identified (see article 17 § 2 which is a mandatory provision and clarify how it has been interpreted by transposition)?

A.30. C. Once an asylum seeker arrives to the FRC, he is directed for medical inspection. The doctor is questioning the asylum seeker about his health history. If there are special needs, it is being marked in the history of the person. Other special needs are usually identified during the first interview of the asylum seeker. The Order on Examination of Asylum Claims mentions that the staff working with an asylum seeker having identified any of the special needs should resort to assistance of the specialists (doctor, psychologist, etc.). However, it should be noted, that The Order on Examination of Asylum Claims mostly addresses the refugee status determination (RSD) issues. Thus, the above provision applies to the asylum officers for the RSD purposes only. In the area of material reception conditions or mental health, no real needs assessment mechanism exists.

D. Is the necessary medical and other assistance provided to persons with special needs as requested by article 15, §2 which is a mandatory provision and in particular to victims of torture and violence as requested by article 20 which is a mandatory provision?

A.30. D. Medical assistance to these persons is provided on the same basis as for all other asylum seekers, but in addition they are entitled to the assistance of the psychologist (paragraph 35 of the Order on Accommodation of Foreigners at the FRC). However in practice, no psychologist is employed within the structure of the FRC. According to UNHCR, detention-like environment in the FRC furthermore re-traumatizes vulnerable asylum seekers.

Q.31. About minors:

A. Till which age are asylum seekers considered to be minor?

A.31. A. A minor in accordance with Lithuanian legislation is a person below the age of 18 years.

B. How is access of minor asylum seekers to the education system ensured? Is it at school or in case inside accommodation centres and can it be considered as similar to the conditions for nationals as requested by article 10, §1?

A.31. B. Access to education system is ensured for minors. For instance, Article 32 of the Aliens' Law that deals with unaccompanied minors provides that unaccompanied minor aliens, regardless of the lawfulness of their stay in the territory of the Republic of Lithuania, shall have the

rights to study at general education schools and vocational schools according to the procedure laid down by the Minister of Education and Science. A more general provision for all minors who are asylum seekers is in Article 71(2) of the Aliens' Law, ensuring the right to study at schools of general education and vocational schools.

Such access to education system may only be restricted in practice, if the family member to whom the minor belongs is detained and there is no easy leave from the FRC. Minors have access to local schools outside the centres. It can be considered similar to the conditions for nationals, except that it might be more difficult to study for children of asylum seekers as they do not know the local language.

C. Is access to education ensured not later than 3 months as requested by article 10, §2 (or after maximum one year if specific education for asylum seekers is provided) and till an expulsion decision is really enforced?

A.31. C. There is no time limit for access to education provided by the national law.

D. Is specific education (like language classes) available for asylum seekers, in particular to facilitate their effective access to the education system of the reception Member State (see article 10, §2 which is an optional provision)?

A.31. D. The Order on Accommodation of Asylum Seekers in the RRC provides that the courses on professional orientation and re-qualification are organised for the inhabitants of the centre whenever possible (paragraph 17 of the Order). In addition, asylum seekers have a possibility to attend free of charge I category Lithuanian language courses – 96 hours (II category language courses are also available, but not free of charge) (paragraphs 16.1-16.2 of the Order), organised in the centre. Given that RRC accommodates only asylum seeking unaccompanied minors, these services are not accessible for the absolute majority of other asylum seekers (who stay in the FRC).

E. Are minors in general accommodated with their parents or with the person responsible of them? (see article 14, § 3)

A.31. E. Minors in general are accommodated with their parents or with the person responsible for them in case of absence of parents. Unaccompanied minor asylum seekers are accommodated separately from adults (paragraph 4.5 of the Order on Accommodation of Foreigners in the FRC). Unaccompanied minors may be accommodated in the place indicated by the guardian or other legal representative (paragraph 3 of the Order on Accommodation of Unaccompanied Minor Asylum Seekers). Every minor is given access to social workers and, if needed, to a psychologist (paragraph 9 of the Order). 4). The problem exists because of definition of unaccompanied minor - representation by custom is not recognized in Lithuania.

F. Do minors with special needs enumerated by article 18, §2 which is a mandatory provision, have access to appropriate mental health care and qualified counselling?

A.31. F. Minors with special needs should have access only to the psychologist (paragraph 35 of the Order on Accommodation of Foreigners at the FRC), who is not available in practice. In accordance with the Order on Accommodation of Unaccompanied Minors, they should be provided with access to social worker and if needed – to services of the psychologist in the RRC. The RRC shall ensure the access of NGOs, providing assistance to refugees, to the minors in the Centre in order to implement social education and assistance projects (paragraph 8 of the Order on Accommodation of Unaccompanied minors).

G. How and when is organised the representation of unaccompanied minors (guardianship, special organisation) and regularly assessed? (see article 19, §1 which is a mandatory provision)

A.31. G. Unaccompanied minors regardless of the lawfulness of their stay in Lithuania shall be taken into temporary guardianship/curatorship for the period of the stay in Lithuania. Temporary guardianship shall be assigned to the minor immediately upon submission of the asylum application (Art. 67(3) of the Aliens' Law). The temporary guardian/curator of an unaccompanied minor alien shall represent the interests of the unaccompanied minor alien (Art. 32(1) of the Aliens' Law). Such representation is not being regularly assessed. If unaccompanied minor is accommodated in the RRC, the centre will be assigned as a temporary guardianship institution for the minor (paragraph 8 of the Order on Accommodation of Unaccompanied minors). In practice, problems exist in implementing these provisions to unaccompanied minors who have not yet formalised their asylum application, because responsible institutions refuse to take care of them if they are not asylum seekers. However, special assistance should be provided to them, because in practice the migration authorities have concerns that minors are not able to formulate their asylum applications.

H. How is placement of unaccompanied minors organised (with adult relatives, a foster family, in special accommodation centres or other suitable accommodation)? (see article 19, §2 which is mandatory provision)

A.31. H. Unaccompanied minors are accommodated in the Refugee Reception Centre and they do not need to stay in the FRC, unless for 48 hours of initial stay before they are transferred to the RRC. Also, they may be allowed to stay with the person who takes care for the child. If there are adult relatives, they would be allowed to stay together in the RRC. No special accommodation is provided to the unaccompanied minors in the Centre.

I. How is the tracing of the family members of the unaccompanied minors organised? Are measures taken to protect confidentiality of information when necessary? (see article 19, §3 which is a mandatory provision)

A.31. I. Having received information about an unaccompanied minor alien, the Migration Department must together with non-governmental organisations and the temporary guardian/curator of the minor alien immediately organise search for the minor's family members (Art. 32(3) of the Aliens' Law). Article 32(3) of the Aliens' Law envisages that the Migration Department having received information about unaccompanied minor, must together with the NGOs and international organisations and the temporary guardian of the minor organise family tracing without delay. Lithuanian Red Cross is the competent organisation for tracing of family members in and outside Lithuania. National rules on confidentiality apply also in tracing procedures.

8. EXCEPTIONAL MODALITIES OF RECEPTION CONDITIONS

Q.32. Apart from detention covered by the next question, are there exceptional modalities for reception conditions in the following cases and if yes, which ones and for how long are they applicable, knowing that they should be "as short as possible" (see article 14, §8)?

A. Persons with specific or special needs, regarding in particular the period of assessment of those needs?

A.32. A. There are no provisions concerning exceptional modalities for reception conditions.

B. Non availability of reception conditions in certain areas

A.32. B. Reception conditions are lacking at border control posts and local migration services, thus if an asylum seeker is not detained, efforts are taken to transfer him as soon as possible to the FRC.

C. Temporarily exhaustion of normal housing capacities

A.32. C. There are no provisions concerning exceptional modalities for reception conditions.

D. The asylum seeker is confined to a border post

A.32. D. Reception conditions are lacking at border control posts and local migration services, thus if an asylum seeker is not detained, efforts are taken to transfer him as soon as possible to the FRC.

E. All other cases not mentioned in the directive (for instance urgent situation in case of a sudden high number of applicants outside a case of application of the directive on temporary protection).

A.32. E. There are no provisions concerning exceptional modalities for reception conditions.

Q.33. **Detention of asylum seekers** (we do not cover the situation of rejected asylum seekers detained for the purpose of their return) (see articles 6 §2, 7 §3, 13, §2 2nd indent and 14 §8 which implies that the directive is in principle applicable in case of detention):

A. In which **cases or circumstances** and for which **reasons**²¹ (identity verification in particular if the persons have no or false documents, protection of public order or national security, refugee status determination, way of entry into the territory, etc) can an asylum seeker be detained during the asylum procedure till his request has been finally rejected. **Quote** precisely in English in your answer the **legal basis** for detention of asylum seekers in national law.

A.33. A. Lithuanian legislation does not distinguish between detention of asylum seekers and detention of all other foreigners (e.g. those arriving illegally). The Aliens' Law (Art. 113) states the following grounds on which foreigners (including asylum seekers) can be detained:

- in order to prevent the alien from entering into the Republic of Lithuania without a permit;
- if the alien has illegally entered into or stays in the Republic of Lithuania;
- when it is attempted to return the alien to the country from where he has come if the alien has been refused entry into the Republic of Lithuania;
- when the alien is suspected of using forged documents;
- if a decision on the expulsion of the alien from the Republic of Lithuania has been taken;
- in order to stop the spread of dangerous and especially dangerous communicable diseases;
- when the alien's stay in the Republic of Lithuania constitutes a threat to public security, public policy or public health.

The Law further stipulates that the foreigners are detained by court order (for more than 48 hours) at the Foreigners' Registration Centre (Art. 114(1-2)). As concerns minors, they may be detained only as a last resort, when the alien's best interests are the main consideration (Art. 114(3)). There is no provision in the laws stating that the asylum seeker should not be detained for the sole reason of being an applicant for asylum. In practice, the situation of detention differs depending on the courts in the regions. Some courts interpret the provision on detention narrowly, while some less experienced with asylum seekers authorise detention regularly. Particular concern exists also with initial detention for 48 hours, because in practice asylum seekers approaching local migration services having entered the country illegally are usually detained (including families with

²¹ Please specify it article 18 §1 of the directive on asylum procedures of 1 December 2005 which specifies that "Member States shall not hold a person in detention for the sole reason that he/she is an applicant for asylum" is or not respected (even if has not yet to be transposed).

children) and kept in regular police custodies with all other persons arrested for a variety of reasons.

B. Has your member State adopted measures to transpose §3 of article 7 which is an optional provision? If yes, how has this provision been legally understood (is it a case of detention or an obligation to stay in and not leave a certain place?) and for which reasons can an asylum seeker be “confined” in such a place?

A.33. B. According to the author of this Report, the provision is unlikely understood as detention, but as a restriction on the freedom of movement, which in accordance with Lithuanian legislation may be applied to asylum seekers on the same grounds as for other foreigners only in the interests of state security or public policy, or public health or morals, for crime prevention purposes or seeking to protect the rights and freedoms of other persons (Art. 112 of the Aliens’ Law). At the same time, it can be mentioned that no discussions have taken place in the country so far as concerns the application of this provision.

C. Are there legally alternatives to detention, like obligation to report to the authorities, obligation to stay in a place, provision of a guarantor or of a financial guarantee?

A.33. C. There are alternatives to detention provided in the Aliens’ Law. Alternatives are applied by the court when in view of the fact that the alien’s identity has been established, he constitutes no threat to public security and public policy, provides assistance to the court in determining the alien’s legal status in the Republic of Lithuania as well as other circumstances (Art. 115(1) of the Aliens’ Law). In the event of failure to implement the measures alternative to detention imposed by the order of the court the territorial police authority shall apply to the court with a motion to detain the alien (Art. 115(3)). When taking a decision to impose a measure alternative to detention, the deadline for its application must be set (Art. 115(4)). The following alternatives could be mentioned (Art. 115(2) of the Aliens’ Law):

- requiring that the alien regularly at the fixed time report at the appropriate territorial police authority;
- requiring that the alien communicate his whereabouts at the fixed time by communication means to the appropriate territorial police authority;
- entrusting the care of an unaccompanied minor alien to a relevant social agency;
- entrusting the care of the alien, pending the resolution of the issue of his detention, to a citizen of the Republic of Lithuania or an alien legally resident in the Republic of Lithuania who is related to the alien, provided that the person undertakes to take care of and to support the alien;
- accommodating the alien at the Foreigners’ Registration Centre without subjecting him to restriction of freedom of movement.

The Order on Examination of the Asylum Claims mentions that a person who is granted temporary territorial asylum and who has arrived to Lithuania legally, may be allowed by a decision of the Migration Department to stay in the place of his choice, if the asylum seeker so wishes, indicates the data about the place of living and the legal ground for residence in that particular place (paragraph 24).

D. Which is the competent authority to order the detention of an asylum seeker? Explain if different authorities are involved to first take and later confirm the decision.

A.33. D. The competent authority to order the detention of an asylum seeker is police or any other law enforcement institution, but only for the period of up to 48 hours. Ordering detention over 48 hours is an exclusive jurisdiction of the court (general competence court in the district).

E. For how long and till which stage of the asylum procedure can an asylum seeker be detained?

A.33. D. There is no time limit and differentiation depending on the stage of the asylum procedure that would be stated in the law. The time limit is set by the court in each individual case. There is also a possibility to reconsider the decision to detain an asylum seeker. Article 118(1) of the Aliens' Law provides that upon the disappearance of the grounds for the alien's detention the alien shall be entitled to, whereas the institution which initiated the alien's detention shall immediately apply to the regional court of the locality of his residence with a request for reconsideration of the decision to detain the alien. The court shall within 10 days from the date of acceptance of the application reconsider the decision concerning detention and shall pass one of the following decisions:

- to uphold the decision to detain;
- to reverse the decision to detain;
- to quash the decision to detain.

Also, detention may be terminated upon the disappearance of the grounds for detention. Asylum seeker shall then be immediately released based on the effective court's decision. The same applies if the alien's detention period expires - he must be immediately released from the place of detention (Art. 119 of the Aliens' Law).

F. In which places (can we call them "closed centres"?) are asylum seekers detained (places in a special closed centres reserved only to asylum seekers, together with returnees like illegal aliens or even in a normal prison, in case within separated areas or with the other detainees)? Indicate if a difference has to be made following the location of the "closed centres" at the border or on the territory? Which is the authority managing those places and is it the same as the one in charge of reception conditions?

A.33. F. Asylum seekers are detained in the Foreigners' Registration Centre, which is a closed centre under the State Border Guard Service supervision and which also serves as a reception centre with the less restricted area for asylum seekers who are not detained. Detained asylum seekers are separated from other asylum seekers and also other detained foreigners. There are no other special detention centres at the border areas or elsewhere. But if there is a need to detain an asylum seeker temporarily (mainly within first 48 hours) once apprehended at the border or on the territory of the state, police custodies may be used for this purpose, before he is transferred to the FRC. In practice, because of lack of accommodation facilities at the border, the border authorities take effort to perform such transfer at earliest time possible.

G. Does UNHCR and NGOs have access to the places of detention and under which conditions?

A.33. G. UNHCR has access to all places of detention, including also regular prisons (e.g. in case the asylum seeker whose application is being examined has committed a crime and is isolated in pre-trial detention), transit zones of airports and sea ports. This right of UNHCR flows from Article 91(3) of the Aliens' Law. It reads as follows: "Representatives of the Office of the UNHCR shall be allowed to immediately contact the asylum applicants. The Office of the UNHCR shall be entitled to receive information connected with the asylum applications » (paragraph 2). Further on, it reads that « Representatives of the Office of the UNHCR shall be granted access to places of detention and transit zones of airports and sea ports where asylum applicants are kept » (paragraph 3 of Art. 91 of the Aliens' Law). Also, Order of the Head of State Border Guard Service to the MOI on Approval of the Statute of the FRC envisages in paragraph 7.19 that the centre ensures the conditions for detained and accommodated foreigners to make use of legal assistance guaranteed by the state and for asylum seekers possibility to contact and meet with the representatives of UNHCR in Lithuania. NGOs do not as a rule have access to detained asylum seekers, unless they provide legal assistance/legally represent the person (in case of the Lithuanian Red Cross) or provide social assistance under the agreement with the body running the place.

H. What appeal(s) can asylum seekers introduce against the fact he is detained? Is article 18 of the directive on asylum procedures of 1 December 2005 following which "*Where an applicant for asylum is held in detention, Member States shall ensure that there is a possibility of speedy judicial review*" respected (even if it has not yet to be transposed)?

A.33. H. Appeal against detention of an asylum seeker may be submitted to the Supreme Administrative Court of Lithuania, according to the procedure established by the Law on Administrative Proceedings (Art. 117(1) of the Aliens' Law) against the district court's decision to detain him or to extend the detention period or to apply measures alternative to

detention. The appeal may be submitted through the Foreigners' Registration Centre. The FRC shall transfer the appeal to the Supreme Administrative Court of Lithuania. Decision shall be taken within 10 days from the date of acceptance of the appeal by the court. This time limit may be considered to comply with the requirement for a speedy judicial review. However in practice, the process sometimes takes even up to 3 months. Therefore, another procedure is usually resorted to by the lawyers representing asylum seekers to ensure speedy review of detention. This procedure is provided in Article 118 of the Aliens' Law (review of detention decision) and works very well in practice, as reported by the lawyers.

I. Is the directive on reception conditions considered to be in principle applicable to the places where asylum seekers are detained? In particular which information do they receive about their rights, which access do they have to legal advice and health care?

A.33. I. The directive is applicable in places of detention of asylum seekers (specially designed for that, not in case of regular prisons where asylum seeker may be detained in case of commission of a crime in the asylum country). Detained asylum seekers receive information about their rights and obligations, as well as internal rules of the centre upon the placement in the centre and have to sign upon receiving such information (Paragraph 16 of the Order on Accommodation of Aliens in the FRC). They have access to legal advice and health care on the same conditions as all other asylum seekers who are staying in the FRC and are not detained. However, some constraints may exist as concerns access to this right when asylum seekers are temporary (for 48 hours) placed in the police custody, where legal assistance may not be available, as well as information on the asylum procedures and contacts of lawyers.

J. Apart from freedom of movement, what are the main differences between normal reception conditions and exceptional modalities for reception conditions in case of detention, knowing that they should be "as short as possible" (see article 14, §8)? If it is about closed centres, are the regulations of those places in line with the requirements of the directive (is article 13, §2, second indent of the directive following which "*Member States shall ensure that standards of living is met (...) in relation to the situation of persons who are in detention*" respected?).

A.33. J. Apart from the freedom of movement there are not many differences in the situation of detained asylum seekers in comparison with those who are not detained. They may have limited chances of education (in case of minors to go to regular school), access to lawyers and social workers, etc. However, the same standards of treatment as concerns reception conditions are provided to them. In case of detention at the

border control post, there might be limited possibilities to provide food, legal and social counselling, services of an interpreter, because these places are not specifically equipped to accommodate asylum seekers who are detained. In police custodies, there might be limited possibilities of separating detained asylum seekers from other persons suspected in having committed a crime. If detained at the border or at police custodies, asylum seekers are kept not in places specially arranged for asylum seekers, but in common wards where people suspected of crimes are being kept temporarily.

K. Are measures taken to avoid detention of asylum seekers with special needs (if yes, which ones?) or are special measures taken because of their needs?

A.33. K. Article 114(3) of the Aliens' Law provides that minors may be detained only as a last resort. However, no provisions or special guarantees/measures exist in the legislation as concerns other vulnerable asylum seekers with special needs. The court may assign an alternative to detention in their case.

L. Can minor asylum seekers be detained together with relatives? Can unaccompanied minor asylum seekers be detained? If yes, are there special measures which take into account that children are concerned?

A.33. L. Minor asylum seekers may be detained together with relatives, but in this case the best interest of the child principle would be applied to determine what is better for the minor. In practice, the authorities avoid separating the minors from their parents who are detained. Unaccompanied minors may be detained only as a last resort, when no other (alternative) measures may be taken. However, the practice of courts differs and a few minors were ordered detention.

M. In particular is article 10 regarding access to education of minors respected in those places?

A.33. M. Access to education for minors who are detained is constrained, even if they enjoy the right to education as a general rule under legislation. They are not allowed to leave the centre while detained. Some schooling possibilities are available within the accommodation centre.

N. How many asylum seekers are for the moment detained in your Member State? Which proportion does this represent in comparison of the total number of asylum seekers at the same moment?

A.33. N. In 2005 less than 10% of asylum seekers were kept in detention (6 of them were detained in the FRC) out of a total of 146 asylum seekers accommodated in the Centre during the year.

9. ORGANISATION OF THE SYSTEM OF RECEPTION CONDITIONS

- Q.34. Explain if the system of providing reception conditions is centralised or decentralised (which levels of government do provide practically reception conditions?) (do not confuse this question with question number 3 about the competence to make rules about reception conditions).
- A.34. The system of reception is centralised. The central government and not municipal government is responsible for provision of reception conditions.**
- Q.35. In case, are accommodation centres public or/and private (managed by NGOs? If yes, are the NGOs financially supported by the State?)²²
- A.35. There are no private reception centres in Lithuania, as well as public reception centres that would be run by NGOs.**
- Q.36. In case, how many accommodation centres are there in your Member State (distinguish in your answer between public and private centres)?²³
- A.36. Two accommodation centres exist in Lithuania, both of them are public centres. But only one centre (the FRC) is used to accommodate all asylum seekers pending the final decision on asylum claim. While another centre (RRC) is used for accommodation of unaccompanied minors' asylum seekers only.**
- Q.37. Is there in the legislation a plan or are there rules in order to spread the asylum seekers all over the territory of your Member State to avoid their concentration in some areas like big cities or to share the costs of their reception between central, regional and local authorities?
- A.37. There are no such plans, because the current number of asylum seekers is not big and the capacities of the existing reception centres are hardly filled. Thus dispersal of asylum seekers in various places would have security and economical implications, therefore unlikely to be pursued by the authorities.**
- Q.38. Does a central body representing all the actors (like NGOs) involved in reception conditions exist? Does it play a consultative role for the State authorities, a coordination role for the actors or any other role?²⁴
- A.38. There is no central body representing all the actors.**
- Q.39. **A. Which is the body in charge of guidance, monitoring and controlling the system of reception conditions as requested by article 23**

²² To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

²³ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

²⁴ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

which is mandatory provision? Include in your answer which is the competent ministry (Interior, Social affairs, etc) for reception conditions?

- A.39. A. There is no single body responsible for supervision, as two ministries: the Ministry of Interior and the Ministry of Social Security and Labour carry out the responsibility for supervision of the system of reception conditions. The Department of Supervision of Social Services to the MSSL is directly responsible for supervision of the reception conditions in the Refugee Reception Centre. However there is no special monitoring system in place.**
- B. Has your Member State (like the Czech Republic did recently) approved quality standards (not necessary legally binding) for housing services (for instance about the number of persons per bedroom on the basis of its size, number of accessible toilets, bathrooms, showers and washing machines per number of persons, existence of common rooms with radio, television, newspapers, books, computers, accessibility of telephone, existence of recreative rooms for children,...) to be respected in particular in accommodation centres?²⁵**
- A.39. B. Such normatives exist in both reception centres. For instance, on 28 October 2005 the Minister of Health Care approved the normatives for hygiene in the FRC, which regulate all quality standards mentioned above. There is also a Government Resolution on approval of physiologic nutrition norms for persons accommodated in the Foreigners Registration Centre.²⁶ This Resolution was implemented by the Order of the Minister of Interior No. 1V-229 of 24 June 2003 on approval of the average norms of nutrition for persons accommodated in the FRC.**
- C. How is this system of guidance, control and monitoring of reception conditions organised?²⁷**
- A.39. C. No such system exists in practice. There is a regular supervision/guidance system that is usually applied between the Ministry/another government institution and the body that it is attached to it (in this case – reception centres). This relationship is realised through the Ministry approving essential by-laws for the operation of the centre, as well as planning budgets, performing audits, as necessary and general guidance. But this is not something established particularly for reception conditions' monitoring.**

²⁵ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

²⁶ Resolution of the Government of the Republic of Lithuania No. 418 of 8 April 2003 on Approval of physiologic nutrition norms for persons accommodated in the Foreigners Registration Centre, published in "State News" No. 35-1473, 11 04 2003.

²⁷ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

D. Does the body in charge of guidance, control and monitoring produce reports about the level of reception conditions? If yes, how frequently and are they public?²⁸

A.39. D. No such analytical reporting system exists in practice. Only statistics is collected and available to the public through internet.

Q.40. A. What is the total number of asylum seekers covered by reception conditions for the last year for which figures are available (see article 22 obliging Member States to calculate those statistics about which we also asked the Commission to require them from Member States for mid June)?

A.40. A. The total number of asylum seekers covered by reception conditions in the centres for 2005 was 154. By 1 May 2006, 26 of these persons were staying in the Foreigners' Registration Centre, including 1 of them in detention. During the year, a total of 146 asylum seekers were accommodated in the FRC (6 of them in detention regime). The breakdown of this number according to country of origin, gender and age is provided in the Table 1. below:

Table 1. Asylum seekers accommodated in the FRC during 2005

Country of origin	Male	Female	Children	Total number
Afghanistan	7	-	1	8
Algeria	1	-	-	1
Azerbaijan	1	-	-	1
Belarus	4	-	-	4
Egypt	1	-	-	1
Georgia	3	-	2	5
Iraq	-	1	2	3
Cameroon	2	-	-	2
Kyrgyzstan	2	1	-	3
Lebanon	1	-	-	1
Liberia	2	-	-	2
Nigeria	6	3	-	9
Pakistan	6	-	-	6
Russia	41	24	32	97
Syria	1	-	-	1
Somalia	1	-	-	1
Togo	1	-	-	1
TOTAL	80	29	37	146

6 asylum seekers (minors) stayed in the Refugee Reception Centre in 2005. The following Table 2. provides a breakdown of numbers according to country of origin of asylum seekers.

²⁸ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

Table 2. Asylum seekers accommodated in the RRC during 2005

Country of origin	Children
Afghanistan	1
Nigeria	1
Pakistan	1
Russia	1
Stateless	2
TOTAL	6

According to the information of the Migration Department, no asylum seekers were allowed to stay in private during 2005.

B. What is the total budget of reception conditions in euro for the last year for which figures are available?²⁹

A.40. B. There are no numbers available as to the total budget specifically for reception conditions, thus only the data on expenses for accommodation of asylum seekers in the reception centres could be presented. Furthermore, the financial data was only available for 2004 for the FRC. Total budget for reception of foreigners in the Foreigners' Registration Centre in 2004 was 850,295 Euro, fully covered from the state budget. Asylum seekers' reception constituted 323,538 Euro. It covered health care, nutrition, heating and electricity costs, monthly allowances, etc. The budget for reception at the Refugee Reception Centre in 2004 (also fully funded from the state budget) was 469,156 Euro. In 2005, the budget of the RRC was approximately 481,159 Euro.

C. What is the average cost of reception conditions in euro per asylum seeker for the last year for which figures are available?³⁰

A.40. C. No such calculations are available.

D Are the costs of reception conditions of asylum seekers supported by the central/federal or federated government or are they shared with regional and/or local authorities?

A.40. D. The costs of reception conditions of asylum seekers are supported by the central government.

E. **Is article 24 § 2 of the directive following which "*Member States shall allocate the necessary resources in connection with the nationals provisions enacted to implement this directive*" respected?**³¹

²⁹ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

³⁰ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

³¹ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

- A.40. E. Yes, this article is implemented in practice.
- Q.41. A. What is the total number of persons working for reception conditions?³²
- A.41. A. **The total number of persons in both reception centres working on reception conditions is not clear. As the FRC accommodates and serves also illegal migrants and no special social staff is at all available, it is difficult to distinguish the exact number of those related to reception. 29 persons work in the RRC, which also serves persons who were granted asylum. 2 lawyers of the Lithuanian Red Cross are providing legal assistance and 2 social workers from LRC and Caritas are providing social assistance.**
- B. **How is the training of persons working in accommodation centres organised? Does it take into account specific needs of unaccompanied minors when relevant as well as the gender dimension? (see article 14 §5, 19 § 4 and also 24 §1 which are mandatory provisions)?**³³
- A.41. B. **The national legislation requires the persons dealing with unaccompanied minors to have knowledge about their special needs. A few years ago, all relevant asylum and border guard officials, as well as reception staff received substantial training on treatment of unaccompanied minors. Trainers of training have been prepared within institutions.**
- C. Are there rules about the deontology of persons working in accommodation centres, in particular on confidentiality?³⁴
- A.41. C. **In accordance with the laws, the file of an asylum seeker is made secret. The principle of confidentiality is stated in Article 68(2) of the Aliens' Law and is binding upon all institutions and officials involved in the asylum procedure.**

10. IMPACT OF THE DIRECTIVE

Legal impact of the transposition of the directive:

- Q.42. Specify if there are or not big problems with the translation of the directive in the official language of your Member State and give in case a list of the worst examples of provisions which have been badly translated? (please note that this question has in particular been added to the questionnaire concerning the new Member States)

³² To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

³³ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

³⁴ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

- A.42. There are no particularly serious translation problems of the directive.**
- Q.43. Where there precise legal rules on reception conditions for asylum seekers before the adoption of the norms of transposition of the directive (if yes, specify what the nature of those rules was (legislation, regulation, administrative instructions,...))?
- A.43. The reception conditions have been regulated previously by the Law on Refugee Status (2002 version) and orders on accommodation of asylum seekers in the reception centres. Also, the provisions of the directive have been taken into account by the drafters of new national legislation (e.g. when revising the Aliens' Law in 2004) as part of Lithuania's accession to the EU obligations to align its' national legislation, institutions and administrative practice with the EU *acquis* on asylum. Thus a number of reception standards were already incorporated in the legislation before the official transposition.**
- Q.44. Did the legal rules applicable to reception conditions become more clear, precise, coherent or detailed with the adoption of the transposition norms (for instance do you now have after the transposition one basic text dealing with reception conditions instead of numerous different texts in the past?)
- A.44. The legal rules did not change much and there is no one basic text dealing with transposition of reception conditions.**
- Q.45. Did the transposition of the directive imply important changes in national law or were the changes of minor importance? In case, list the most important changes that have been introduced.
- A.45. The reception norms had a significant influence for introduction of free legal aid for asylum seekers paid by the state. At the moment, it reflects more favourable conditions than those stated in the directive. It also impacted on introduction of good access to education and facilitated better access to health care system.**

Political impact of the transposition of the directive:

- Q.46. Explain briefly if there has been an important debate about the transposition of the directive (in particular in the Parliament, but possibly also in the government, between political parties, including in medias, etc; underline in case the main points which have been discussed or have created difficulties)
- A.46. According to the information available to the author of this Report, no important debate about the transposition of the directive has taken place in Lithuania.**
- Q.47. **Did the transposition of the directive contribute to make the internal rules stricter or more generous? In particular, did your Member State use the occasion of the transposition to abolish more favourable provisions of national law? Does your Member State still have rules more favourable**

than the provisions of the directive (if yes, try to give the more important examples).

- A.47. More favourable rules exist as concerns free legal aid for asylum seekers. The rules were made stricter due to transposition as concerns asylum seekers' contribution to their reception conditions.

11. ANY OTHER INTERESTING ELEMENT

- Q.48. What are in your view the weaknesses and strengths of the system of reception conditions in your Member State?³⁵

- A.48. The strengths of the system of reception conditions in Lithuania according to the opinion of the author of this Report is that the system allows a combination of both central accommodation of the asylum seekers and also staying in private; also that proper legal assistance and counselling is provided during all stages of the asylum procedure, etc.

Also, several aspects are considered as strengths of the system by the NGOs (Lithuanian Red Cross), including:

- 28 October 2005 Minister of Health Security Order on Hygiene Provisions and Rules in the Foreigners Registration Centre³⁶ might be regarded as a positive development, because it establishes detailed hygiene requirements for the premises, the distribution of hygiene items to foreigners, the nutrition and the health assistance systems in the Centre.
- The flexibility of the authorities who allow NGOs to fill in the social gaps in the system. For instance, in 2005 the Lithuanian Red Cross implemented the social assistance project to asylum seekers in the Foreigners Registration Centre funded by the European Refugee Fund and the Ministry of Internal Affairs, which aimed to fill the gap of social assistance and help to satisfy basic social, medical and psychological needs of asylum seekers.³⁷

As concerns weaknesses, little integration of social services into the general system exists, as well as access problems to the health care beyond emergency health care; non-availability of reception conditions at the border and local migration services; discrimination of asylum seekers, who entered legally and stay in private (basically no access to reception conditions); extensive decision making powers vested to the administration of the reception centres and little independent control; treatment of vulnerable individuals is problematic; hosting of asylum seekers in the FRC for the whole period of the procedure (except unaccompanied minors), which is not a social establishment (previous reception system, which existed until 2004, whereby asylum seekers stayed in the FRC only for the first stage of the asylum procedure and were then transferred to

³⁵ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

³⁶ 28 October 2005 Minister of Health Security Order No. V-836 on Hygiene Provisions and Rules in the Foreigners Registration Center, published in State News No. 135-4863, 2005.

³⁷ Description of the Project at www.redcross.lt

the RRC, which is a social establishment, was much better in view of the author of this Report).

In addition, the main aspect considered as weaknesses of the system by the NGOs (Lithuanian Red Cross) is that the Foreigners Registration Centre is granted with a status of the only accommodation facility for all asylum seekers except for unaccompanied minors. This, in view of the Red Cross, is problematic in view of the requirements of the Directive due to the following reasons:

1. The FRC definitely lacks the character of a social institution; neither social nor psychological staff has been employed in the Centre.
2. Once accommodated in the Centre, asylum seekers with special needs particularly women, children, elderly, the traumatised and the disabled find themselves in a very poor social environment surrounded by the uniformed border guards next to the detained irregular migrants.
3. The nutrition system is centralised in the FRC, it does not always secure religious or cultural dietary requirements.
4. The medical unit, located in the FRC, provides only necessary health care services, while access to the hospitals and services of specialists is available only in emergency cases. Neither psychological, nor mental health services are available in the Centre.
5. The amount of 25 Litas (approx. 7 Euro) is really modest, thus asylum seekers sometimes are not able to satisfy their basic needs (e.g., proper food, health care, clothing, and school necessities).

Also, the existing system is not encouraging housing in private, as a result of which asylum seekers are frequently forced to live in the FRC because of financial reasons (7 Euro pocket money is clearly not sufficient to survive outside the Centre).

Q.49. Mention any good practice in your Member State which could be promoted in other Member States³⁸

A.49. **Provision of legal assistance during all stages of the asylum procedure; housing of unaccompanied minors.**

Q.50. Please add here any other interesting element about reception conditions in your Member State which you did not had the occasion to mention in your previous answers.

A.50. **Four issues could be mentioned here:**

1) DNA Testing for family reunification purposes.

Article 122 of the Aliens' Law provides in paragraph 3 that the expenses related to the performance of the DNA test (in connection with the issuance of residence permit on family reunification grounds to confirm

³⁸ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

kinship) shall be covered by the alien except for the asylum applicants whose DNA test expenses shall be covered by the Republic of Lithuania.

2) Age Determination Test.

Article 123(1) of the Aliens' Law provides that if there are reasonable grounds to doubt the alien's age, the Migration Department may oblige the alien who is applying for the issue of a residence permit or for the granting of asylum to undergo an age determination test. Paragraph 5 of the Article provides that the expenses related to the performance of the age determination test shall be covered by the alien except for the asylum applicants whose test expenses shall be covered by the Republic of Lithuania.

3) Asylum statistics.

The number of asylum applications submitted in 2005 was 410 (in comparison, 458 asylum applications submitted in 2004). 9 unaccompanied minors submitted applications during 2005 (11 in 2004). 15 persons were granted refugee status in 2005 (this constitutes 4% of all decisions) and 328 persons were granted subsidiary protection (85% of all decisions).

4) Reception at the Foreigner Registration Centre.

According to UNHCR, the MOI, including the Border Guards Service, (to which the FRC (in fact, the only real reception facility) belongs) lacks ownership of the reception function, while the Social Ministry is reluctant to consider asylum seekers as clients of social assistance system. The staff of the FRC is not properly trained to deal with special needs of asylum seekers, in particular as concerns vulnerable groups. Social infrastructure of the FRC is extremely poor and potentially productive for SGBV attacks. With this background, trained staff, social infrastructure and expertise of the RRC are not used to address the clear gaps in the reception process.