



INFORMATION FOR ASYLUM SEEKERS

**About asylum procedures in the event of
state of war, a state of
emergency or extreme situation**

ENGLISH

You have applied for asylum in Lithuania, claiming that you cannot return to your country of origin because of the risk of persecution, war or violence. From the moment you apply for asylum, you are considered an asylum seeker. Being an asylum seeker gives you certain rights and obliges you to comply with the requirements set out in the Constitution of the Republic of Lithuania and other laws. Lithuania is currently in a state of emergency due to a dramatic increase in migration flows, so this guide provides you with important information on asylum procedures in the event of state of war, a state of emergency or extreme situation.



IMPORTANT: The information contained in this booklet has been prepared in accordance with applicable law. Laws and regulations may be amended or supplemented over time. If you have any questions, ask a member of the Migration Department's staff or a lawyer, who will be able to provide you with further information about the asylum procedure and your rights and obligations.

Where and how can I apply for asylum?

In the event of state of war, a state of emergency or extreme situation, you can apply for asylum:

- 1) At border checkpoints or transit zones – to the State Border Guard Service;
- 2) in the territory of the Republic of Lithuania, if you entered the Republic of Lithuania legally – to the Migration Department;
- 3) In a foreign country – to diplomatic missions or consular offices of the Republic of Lithuania (currently, you can only apply for asylum in the Republic of Lithuania at the Embassy of the Republic of Lithuania in Belarus).

If you do not apply for asylum in accordance with the conditions set out above, your asylum application will not be accepted under the applicable law, but the procedure for applying for asylum will be explained to you.

If you have crossed the border illegally, the State Border Guard Service will decide whether to accept your asylum application, taking into account the vulnerability or other individual circumstances.

The asylum application form is free and must be submitted in person, or an adult family member may submit an application on behalf of a minor family member. Your asylum application can be made orally or in writing, but it is important to state the main reasons for applying for asylum and your exact details: your name and date of birth, and any documentation you have.



Who is responsible for examining your asylum application?

Applying for asylum in Lithuania does not necessarily mean that your asylum application will be processed in Lithuania. If your family members – your spouse, your minor children, if you are a minor; your mother or father – live in another EU country, or if you have come to Lithuania from another EU country where you have applied for asylum, or if you have previously held a visa or residence permit issued by that country, that EU country may be responsible for examining your asylum application. In this case, the Migration Department may decide not to examine your asylum application and to transfer your asylum application to another EU country, which will be responsible for examining your asylum application. It is important that you provide all information about your family members living in other EU countries without delay, so that the procedure for identifying the responsible country can be completed before the first decision on your asylum application is taken.

If your family members reside in another European Union country, written consents for family reunification between you and your family members must be submitted to the Migration Department in order to determine the responsibility for examining your application for asylum in the European Union country.

If your asylum application is still found to be pending in Lithuania, the Migration Department will examine your asylum application.

When and how can I explain my reasons for applying for asylum in Lithuania?

When you apply for asylum, a specialist or officer will carry out an initial interview, collect any documents you have, take your photo and fingerprints. The purpose of this interview is to collect information about you and the members of your family who came with you, your route of arrival, the data needed to determine which country is responsible for examining your asylum application and your reasons for applying for asylum.



Before making an asylum decision, a specialist from the Migration Department conducts a basic interview to give you an opportunity to explain in detail why you have applied for asylum and to provide you with documents supporting your reasons that you did not provide earlier. **The interviews are confidential and the information will not be publicly disclosed or passed on to the authorities in your country of origin.** The Migration Department and other public authorities, lawyers, and interpreters involved in the asylum procedure are under an obligation not to disclose information in the asylum file. All the information you provide is necessary for the specialist examining your asylum application to establish the relevant circumstances and to make a decision on whether the grounds for your asylum claim are in line with the grounds for asylum. During the interview:

- Explain what risks you face in your country of origin and for what reasons you may face ill-treatment;
- Cooperate with the asylum case employee and disclose all the circumstances related to your case. The Migration Department can take a reasoned and lawful decision if you make a good-faith effort to substantiate your asylum claim;
- Please provide all available documents and other evidence (including in electronic format) to support your claims as soon as possible. If you are unable to provide your documentation, the Migration Department will

assess the circumstances you have presented and may decide to grant you asylum only if your story is detailed, complete, coherent and consistent with the information collected by the Migration Department;

- Take part in scheduled interview;
- If you have any questions, please clarify the circumstances you have indicated.

If you do not cooperate with the Migration Department in the examining of your asylum application, do not attend the interviews, refuse to answer the interview questions, fail to disclose information or documents relevant for the examination of your asylum application, provide false documents, false information or if you in other ways obstruct the examination of your asylum case, the Migration Department may have reasonable doubts about your credibility and take a decision to refuse to grant you asylum.

Will the interpreter be present at my interview?

If necessary, an interpreter shall be present during all interviews. During the interview:

- Make sure you understand the interpreter well. If you do not understand the interpreter, be sure to tell the interviewer.
- The interpreter must only translate what you and the interviewer say, without adding his/her personal opinion.



Will a lawyer be present during my interview?

During the interviews, you have the right to request the presence of a lawyer providing free state-guaranteed legal aid. If you want a lawyer to be present during the interview, you must inform the interviewing officer or specialist. You can also request the participation of a lawyer in the interview by submitting a request in advance by e-mail to **teisines.paslaugos@migracija.gov.lt** (by e-mail to specify your ILTU code to help identify you) or by handing written form to the responsible official or employee at the centre where you are accommodated.

Free legal aid is also available from the Lithuanian Red Cross legal team (contacts are indicated at the end of the memo).

On your own initiative and at your own expense, you may invite a legal aid lawyer hired by you the interview. If you want your lawyer to be present at the interview, inform the Migration Department in advance.

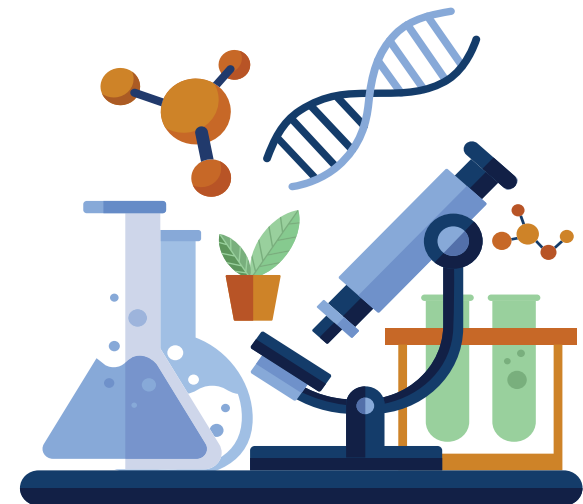
Your participation in the interview and the provision of full information to the Migration Department about the reasons for your asylum application is essential, even if a lawyer is present.



Can additional investigations be carried out when examining an asylum application?

The Migration Department may offer to carry out an age determination test or a DNA test if there are any doubts about your age or your family links with relatives who have come to live with you or are living in Lithuania. These tests are only carried out with your consent.

If your asylum application is motivated by the physical violence you have suffered, the Migration Department may propose a medical examination with your consent. This examination is important because it can confirm signs of past violence. If the Migration Department has not offered to carry out a medical examination, but you believe that the results of such an examination could corroborate your story, you have the right to arrange a medical examination on your own initiative and at your own expense and to submit the results to the Migration Department.



Who examines my asylum application and how?

The Migration Department examines asylum applications. A full, independent and impartial investigation is carried out before a decision is taken. During this process, the Migration Department will examine the information you have provided, as well as gather additional information about the circumstances you have indicated in your asylum application. After collecting all the necessary information, the Migration Department will assess whether the circumstances established meet the grounds for asylum, and issue a written decision. You will be notified of the Migration Department's written decision taken regarding you. The decision must state the factual and legal reasons of the assessment and provide information on how to appeal, if necessary.

Before, during and after the interview, you can provide documents and other evidence to support the facts stated in your asylum application. Evidence can be submitted to the Migration Department by email to **info@migracija.gov.lt** (when applying by e-mail, please indicate your ILTU code, which will help to identify you).

How long will it take to process my asylum application?

Asylum applications can be processed on a general or an urgent basis.

Under the urgency procedure, asylum applications must be examined within 10 business days. Under the common procedure, asylum applications must be examined within 6 months from the date of submission of the asylum application. In the event of state of war, a state of emergency or extreme situation, the Migration Department aims to take an asylum decision as fast as possible.

In which circumstances can the examination of an asylum application be discontinued?

You must be in Lithuania at the time your asylum application is processed. If you leave Lithuania while your asylum application is being processed, or if the Migration Department is unable to contact you for 72 hours for other reasons, the examination of your application will be terminated.

If you decide not to wait for the decision of the Migration Department, leave Lithuania and apply for asylum in another European Union country,

that country, seeing the fact of your fingerprints taken in Lithuania, may return you to Lithuania in order to complete the examination of your application for asylum.

When and how can I withdraw my asylum application?

If you no longer wish to seek asylum in Lithuania, you may at any time withdraw your application for asylum by informing the Migration Department by writing to the following e-mail address: info@migracija.gov.lt. In this case, your application will not be processed and you will have to return to your country of origin.

What decisions can the Migration Department make after examining an asylum case?

Lithuania grants two types of asylum: refugee status and subsidiary protection.

- Refugee status shall be granted to an asylum seeker who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his or her nationality and is unable to, or fears to, avail himself or herself of the protection of country of origin, or who does not hold the nationality of the foreign country in question, or who is outside the country where he or she had his or her habitual residence and is unable to, or for the reasons set out above, fears to, return to it.
- Subsidiary protection is granted to an asylum seeker who is outside his or her country of origin and cannot return there because of a well-founded fear that:
 - 1) they will be subjected to torture, cruel, inhuman or degrading treatment or punishment;
 - 2) there is a risk of execution or death penalty;
 - 3) there is a serious and personal threat to his or her life, health, safety or freedom as a result of indiscriminate violence in an international or internal armed conflict.

The Migration Department may also decide not to grant you asylum in Lithuania. In such cases, you will have to return to your country of origin. However, in some cases, if asylum is not granted, the Migration Department may still decide to issue a temporary residence permit in Lithuania that is not related to the granting of asylum. Such a decision is taken when the asylum seeker does not meet the grounds for asylum, but the asylum seeker is an unaccompanied minor who cannot be returned to his home country, the asylum seeker is unable to leave the Republic of Lithuania for humanitarian reasons (e.g., the asylum seeker cannot be returned to a foreign country or expelled from Lithuania for humanitarian reasons (e.g. illness), or the asylum seeker cannot be returned to a foreign country or expelled from Lithuania because this would violate the principle of non-refoulement (e.g. where the Migration Department has established that the person's life or freedom is in danger or may be subjected to torture in his/her home country).

Once the decision to grant, or refuse, you asylum has been taken, you must be informed of the decision in a language you understand and be given a copy of it. The decision must state the factual and legal reasons for the decision and provide information on how to appeal, if necessary.

What can I do if I disagree with the Migration Department's decision regarding not to grant asylum?

If the Migration Department decides not to grant you asylum, you can appeal against the decision. When the official or employee informs you of the decision, if you disagree with the decision, please indicate this to the official or employee and state in the decision that you disagree with the decision, that you wish to appeal against it and that you wish to benefit from free state-guaranteed legal aid (i.e. the assistance of a lawyer, paid for by the state, in appealing against the decision). Free state-guaranteed assistance means that the lawyer assigned to you will prepare your complaint to the court and represent you at the hearing. You can also hire another lawyer of your choice at your own expense to represent you in appealing against the decision of the Migration Department. In this case, you will not receive state-guaranteed legal aid.

If a state of war, a state of emergency or an extreme situation regime has been declared in Lithuania, the decision of the Migration Department shall be appealed against to the Regional Administrative Court within 7

days from the date of service of the decision. As asylum cases are normally heard orally in court, you will have the opportunity to attend the hearing and make your views known. The court may decide to refer the asylum case back to the Migration Department for a fresh examination or not to uphold your appeal.

If the court does not uphold your appeal and you disagree with the decision, you must tell the lawyer, who represents you and who communicates the decision, that you disagree with the decision and that you want to appeal decision and benefit from free state-guaranteed legal aid. You can also email teisines.paslaugos@migracija.gov.lt to notify your disagreement with the decision and that your wish to benefit from free state-guaranteed legal aid (use your ILTU code to help identify you in the e-mail). You can also use a lawyer you have hired at your own expense to appeal against the decision. The appeal shall be lodged with the Supreme Administrative Court of Lithuania within 14 days from the date of publication of the judgment. The Supreme Administrative Court of Lithuania may decide to refer the asylum case back to the Migration Department for re-examination or to reject your appeal. If your complaint is not satisfied, such decision shall be final and not subject to appeal. In this case, you will have to return to your country of origin.

The Regional Administrative Court must hear the appeal and issue a decision within 2 months from the date of receipt of the appeal, and the Supreme Administrative Court of Lithuania must hear the appeal and issue a decision within 1 month from the date of receipt of the appeal.

If you have been granted state-guaranteed legal aid, you do not have to pay the lawyer representing you. He will do everything free of charge and may not ask you for any extra payment. If the lawyer assigned to you by the state asks you any extra payment for his services, please contact the Migration Department at pranesk@migracija.gov.lt.



Why and on what grounds is my freedom of movement restricted?

If a state of war, a state of emergency or an extreme situation regime has been declared in Lithuania, it shall be deemed that the arrival of asylum seekers whose asylum applications are examined as a matter of urgency shall be deemed not to have been admitted to the territory of Lithuania and their freedom of movement shall be restricted. The restriction of freedom of movement is provided in Article 140⁸ of the Law on the Legal Status of Aliens. Freedom of movement can be restricted for 6 months from the date of registration in the Lithuanian Migration Information System. **Asylum seekers are accommodated at the State Border Guard Service's border crossing points, border inspection posts or centres, with restrictions on their right to free movement.**

After 6 months, the Migration Department or the State Border Guard Service assesses the circumstances to determine whether there are grounds to believe that you may abscond and may decide to place you in a centre without the right to free movement for a maximum period of 6 months from the date of the adoption of the decision to restrict freedom of movement.

The following circumstances are taken into consideration for determining whether there is a risk of absconding:

- 1) whether you have identity documents and whether you are cooperating for the identification purposes;
- 2) whether you are complying with an alternative measure to detention imposed by a court decision;
- 3) whether you have violated the temporary departure procedure after being accommodated at the Centre;
- 4) whether you have lodged an asylum application during the period of pre-trial investigation on irregular border crossings which has already begun, in order to avoid criminal liability for irregular border crossing;
- 5) whether your presence could be a threat to public order;
- 6) you do not cooperate with public officials or staff during the examination of your asylum application or when the matter of your return is being processed;
- 7) you illegally left or attempted to leave the Republic of Lithuania during the examination of your application for asylum.

If the Centres does not provide medical, social, educational, catering and/or other necessary services, or psychological support; you may be allowed to leave the Centre temporarily to receive these services or to buy food with the permission of the Centre administration.



What can I do if I disagree with the decision by the Migration Department or the State Border Guard Service to restrict my freedom of movement?

The decision by the Migration Department or the State Border Guard Service to place a person in a centre with restrictions on freedom of movement may be appealed against to a court within 14 days from the date of service of the decision. You have the right of free legal aid when you apply to the court for a review of a decision restricting your freedom of movement. The court's decision not to uphold your complaint can be appealed to the Supreme Administrative Court of Lithuania. The Supreme Administrative Court of Lithuania shall examine the appeal and issue a decision no later than within 10 days from the date of receipt of the appeal.

In what cases can I be detained?

You may be detained by court order:

- 1) in order to establish your identity and nationality;
- 2) if you have entered the Republic of Lithuania illegally by crossing the state border of the Republic of Lithuania;
- 3) in order to establish the grounds on which your asylum application is based (where information on the grounds could not be obtained without the asylum seeker being apprehended);

- 4) when your return to the country of origin is decided and you make a subsequent asylum application;
- 5) if it is needed, when transferring you to another EU country responsible for examining the asylum application;
- 6) when your presence in the Republic of Lithuania poses a threat to state security or public order.

The following alternative measures to detention may be imposed by a court decision:

- 1) a periodic visit to a designated Migration Department or State Border Guard Service;
- 2) notifying the Migration Department or the State Border Guard Service, as appropriate, of your whereabouts by means of a communication at a specified time;
- 3) entrusting supervision to a citizen of the Republic of Lithuania or an alien legally residing in the Republic of Lithuania, if this person has undertaken to take care of him or her and to maintain him or her;
- 4) accommodation at the Centre without restrictions on freedom of movement;
- 5) accommodation at the Centre, with the right to move only within the area of the accommodation.

If you apply for an alternative to detention when you want to live on your own, you must provide documents proving that you will have a place to live and be able to maintain it and that you will comply with the established procedures and rules.

How long can I be detained?

The decision to detain or to impose an alternative measure to detention is taken by the court. The court's decision usually sets a time limit of up to 6 months for detention or an alternative measure to detention. At the end of this detention period, the court will review the grounds for your detention. The period of detention can be extended up to 6 months. If you are not granted asylum and a decision is taken to return you to your country of origin, you can be detained for up to 18 months.

Can I appeal against a court decision to detain me?

The court's decision to detain you or to impose an alternative measure to detention on you may be appealed to the Supreme Administrative Court of Lithuania. The Supreme Administrative Court of Lithuania shall examine the appeal and issue a decision no later than within 10 days from the date of receipt of the appeal.

If you have been detained and you think the reasons for your detention have ceased, you also have the right to ask the court to review the detention order. You are entitled to free legal aid from the state when you apply to the court for a review of your detention.

What rights do I have during the examination of an asylum application?

As an asylum-seeker, you have the following rights in the Republic of Lithuania:

- 1) to benefit from material reception conditions (housing, food and clothing) when residing in the accommodation places assigned by the institutions of the Republic of Lithuania, detention places as well as control points at the border and transit zones;
- 2) to receive information about your rights and duties free of charge as well as the consequences of non-compliance with them during the examination of an application to grant asylum, as well as information, related with the examination of an application to grant asylum;
- 3) to manage and formalise notarised documents relating to the examination of an application to grant asylum;
- 4) to make use of legal aid guaranteed by the state;
- 5) to receive compensation for the use of means of public transport where the use is linked to the examination of an application to grant asylum;
- 6) to make use of the interpreter's services free of charge;
- 7) to receive free necessary medical care, psychological aid and social services at the Foreigners' Registration Centre or Refugee Reception Centre;

- 8) to apply to the representatives of United Nations High Commissioner for Refugees and other organisations, which provide specialised legal aid or consultations for the asylum seekers and to meet them under conditions, which would ensure privacy (including border crossing points or transit zones);
- 9) after being assigned as vulnerable person, to benefit from reception conditions, which would meet their specialised needs;
- 10) minors are entitled to study at schools following the general education or vocational programme(s) without delay and not later than within 3 months from the day of submitting an application for asylum;
- 11) the right to work, if the Migration Department has not taken a decision on granting asylum in the Republic of Lithuania within 6 months from the date of submission of the application for asylum, not due to the fault of the asylum seeker.



If a state of war, a state of emergency or an extreme situation regime has been declared due to a mass influx of foreigners, the above rights of asylum seekers may be temporarily and proportionately restricted if they cannot be guaranteed for objective and justified reasons. Notwithstanding the limitations imposed, the right of the asylum seeker to material reception conditions, the provision of essential medical care and state-guaranteed legal aid must always be guaranteed, and, for vulnerable persons must also have access to reception conditions that meet their special needs.

What responsibilities do I have during the asylum application process?

As an asylum seeker you have the following duties:

- 1) to uphold the Constitution, laws and other legal acts of the Republic of Lithuania;
- 2) to fulfil the duties prescribed for the asylum seeker by the decisions of the Migration Department and the court;
- 3) to allow the performance of health screening;
- 4) to submit all the available documents and a full and accurate explanation of the reasons for applying for asylum, the asylum applicant's identity as well as the circumstances of your entry and stay in the Republic of Lithuania and to cooperate with the public officials of the competent authorities during the examination of the asylum application;
- 5) during the interview by authorities, which received your asylum application, to declare in writing in free format the resources and assets owned in the Republic of Lithuania as well as to declare to the Migration Department in writing in free format the funds, which were received during the period when the right was given to stay in the Republic of Lithuania and to do it within three days after receiving them;
- 6) to immediately inform the Migration Department about the changes of the residential place, in case the Migration Department made a decision to allow you residing in the chosen place of residence;
- 7) not to leave the Republic of Lithuania without the permission from the Migration Department during the examination of the application for asylum.

IMPORTANT CONTACT INFORMATION:

Migration Department

L. Sapiegos str. 1, 10312 Vilnius,
Tel. 8 707 67000 or +370 527 17112
E-mail: info@migracija.gov.lt
www.migracija.lt

Pabradė Foreigners' Registration Center

Vilniaus str. 100, 18177 Pabradė,
Švenčionys district
Tel. +370 387 53 401
E-mail: urc.sekretore@vsat.vrm.lt

Medininkai Foreigners' Registration Center

Pasieniečių g. 11, Medininkų kaimas,
Vilniaus rajonas
Tel. +370 687 58406 or +370 646 64688
E-mail: v03358@vsat.vrm.lt

Kybartai Foreigners' Registration Center

J. Biliūno g. 14B, Kybartai,
Vilkaviškio rajonas
Tel. +370 695 60409 or +370 646 64621
E-mail: kybartu.urbudetojas@vsat.vrm.lt

Rukla Refugees' Reception Center

Karaliaus Mindaugo str. 18, 55283 Rukla,
Jonava district
Tel. +370 3 497 3377, +370 698 48776
E-mail: centras@rppc.lt
www.rppc.lt

Naujininkai Refugees' Reception Center

A. Jaroševičiaus str. 10B, Vilnius
Tel. +370 679 41315 or +370 672 14051
E-mail: naujininkai@rppc.lt

Legal aid guaranteed by the state

E-mail: teisines.paslaugos@migracija.gov.lt

Office of the United Nations High Commissioner for Refugees (UNHCR)

in the Republic of Lithuania

A. Jakšto str. 12, 01105 Vilnius
Tel. +370 5 210 7416
E-mail: swestprotection@unhcr.org
www.unhcr.se/lt/home.html
*UNHCR provides information and
advice concerning asylum procedures and
assistance available to asylum seekers and
refugees in Lithuania.*

International Organization for Migration (IOM) Vilnius Office

A. Jakšto str. 12, 01105 Vilnius
Tel. +370 5 261 0115
E-mail: iomvilnius@iom.lt
www.iom.lt
*IOM provides assistance in voluntary return,
which is exercised in conformity with the needs
of a person and guarantees safe journey back
home. IOM also provides reintegration assis-
tance to persons who need help settling down
in their countries of origin.*

Lithuanian Red Cross Society

A. Juozapavičiaus str. 10A, 09311 Vilnius,
Tel. +370 5 212 7322
E-mail: legal@redcross.lt
www.redcross.lt
*Lithuanian Red Cross Society provides legal
and humanitarian aid as well as assistance in
tracing family members and relatives.*

Caritas of Vilnius Archdiocese

Kalvarijų str. 39, Vilnius
Tel.: +370 673 24 225
E-mail: kulturunamai@vilnius.caritas.lt
www.vilnius.caritas.lt



This booklet contains summarised information about asylum procedures, main rights and duties of the asylum seekers as well as possible consequences for not complying with these duties. The sole purpose of this booklet is to provide information, as it does not create/entail any rights or legal obligations. If you need additional explanations of the information provided in this booklet or want to find out more about the assessment of your application, please contact the Migration Department. You may also approach the legal team of the Lithuanian Red Cross for additional advice and counselling at **legal@redcross.lt**, tel. no **+370 5 212 7322**.