
The Lithuanian Red Cross is a non-governmental organization that provides social, humanitarian and legal assistance to refugees, asylum seekers, stateless persons and other migrants regardless of their legal status.

Adhering to the fundamental principles of the Red Cross and Red Crescent Movement, the Lithuanian Red Cross strives to protect life and health and to ensure respect for the human being, to relieve the suffering of individuals, being guided solely by their needs and without discrimination as to nationality, race, religious beliefs, class or political opinions, and does not engage in controversies of a political, racial, religious or ideological nature

This report summarizes the information collected in 2023 by the monitoring team of the Lithuanian Red Cross in the framework of the project funded by the United Nations Refugee Agency.

When evaluating the collected data, the monitors of the Lithuanian Red Cross rely on their professional expertise and long-term experience in the field of migration and asylum, as well as the case-law of international courts, legal and scientific literature. We are grateful to partners and colleagues for additional insights.

This thematic study report is for information purposes only and does not create/entail in itself rights or legal obligations in dealing with individual cases.

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LIST OF ABBREVIATIONS

INTRODUCTION

01

I. MONITORING IN 2023: NUMBERS AND FACTS

05

II. BORDER MONITORING

10

III. MONITORING OF FOREIGNERS' CENTRES

32

IV. OTHER OBSERVATIONS

45

V. MONITORING OF INITIAL INTERVIEWS

48

VI. THEMATIC MONITORING AND STUDIES

51

CONCLUSIONS AND SUMMARY

60

ANNEXES

65

LIST OF ABBREVIATIONS

- BCP** – Border crossing point
- CE** – the Council of Europe
- DAS** – Dormitory for asylum seekers
- DDF** – Dormitory for detained foreigners
- DDW** – Dormitory for women detainees
- DVP** – Dormitory for vulnerable persons
- EU** – the European Union
- EUAA** – European Union Agency for Asylum
- Eurostat** – European Union Statistics Office
- FD** – Frontier district
- FRB** – Foreigners' reception building
- FRC** – Foreigners' Registration Centre
- FRONTEX** – European Border and Coast Guard Agency
- FS** – Frontier station
- LLSF** – Law of the Republic of Lithuania on the Legal Status of Foreigners
- LRC** – Lithuanian Red Cross
- MD** – Migration Department under the Ministry of the Interior of the Republic of Lithuania
- MIGRIS** – Lithuanian Migration Information System
- MoH** – Ministry of Health of the Republic of Lithuania
- MoI** – Ministry of the Interior of the Republic of Lithuania
- MSSL** – Ministry of Social Security and Labour of the Republic of Lithuania
- NGO** – non-governmental organisation(s)
- OOCR** – the Office of the Ombudsperson for Child's rights
- RFL** – Restoring Family Links / a service provided by the Red Cross movement
- RL** – The Republic of Lithuania
- RRC** – Refugee Reception Centre
- SACL** – Supreme Administrative Court of Lithuania
- SBGS** – State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania
- SCRPAS** – State Child Rights Protection and Adoption Service
- SGLA** – state-guaranteed legal aid
- SHIF** – State Health Insurance Fund
- UN** – United Nations
- UNHCR** – United Nations High Commissioner for Refugees / UN Refugee Agency
- VRDC** – Vilnius Regional District Court

INTRODUCTION

In the context of migration in Lithuania in 2023, there were uneven stages with certain unique features characteristic of specific periods. At the beginning of the year, the number of foreigners in reception and detention centres continued to decrease, and the Foreigners' Registration Centre in Kybartai operated by the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania [1] (hereinafter referred to as the FRC) was closed. There were no arrivals of the projected second wave of refugees from Ukraine during the winter and spring [2].

However, 2023 cannot be described as a year of respite. As predicted, there was an increase in the number of foreigners transferred under the Dublin III Regulation [3]. This aspect was separately examined by monitors of the Lithuanian Red Cross (hereinafter referred to as LRC) throughout the year [4]. Furthermore, the situation at the border with Belarus intensified over the course of the year. However, in 2023, a new irregular migration route emerged from the direction of Latvia. A physical barrier consisting of a fence and 'concertina' barbed wire was installed along the border between Lithuania and Belarus, along with other applied measures, such as the so-called pushback policy, which led to the emergence of new migration routes, primarily through Latvia's border. Foreigners who crossed the border irregularly from Belarus into Latvia moved through Lithuania towards Poland. More than a thousand foreigners were detained on Lithuanian territory or transferred from Poland.

The state authorities sought to transfer foreigners who arrived via Latvia and were detained in Lithuania to a neighbouring country on the basis of readmission, but the transfer process took a long time. In the second half of the year, the only functioning SBGS FRC in Pabradė was filled, and some detained foreigners were held at SBGS border units. As in previous years, in 2023, LRC monitors did not have access to foreigners who were not asylum seekers. Therefore, information on the reception and protection conditions for foreigners with other legal status was only collected in cases where their asylum applications were later registered due to various reasons.

Exceptions in registering asylum applications for foreigners who arrived irregularly were applied to Belarusians and some citizens of the Russian Federation. Exceptions for citizens of other countries were applied for humanitarian reasons, such as critical health conditions or signs of vulnerability. Notably, the lessons from the winter of 2022 were not learned, as initially, due to the challenging weather conditions, some pushed-back foreigners suffered frostbite and later lost limbs. After the weather became chilly, foreigners stranded on the border with Belarus, who were not allowed to leave the forest on the other side of the border independently, were hospitalized again, requiring urgent medical assistance.

[1] It is noteworthy that the Kybartai Foreigners' Registration Centre (FRC) stopped accommodating/detaining foreigners from 2023-03-01, but the centre itself was not totally closed. Unlike Medininkai FRC, which was completely closed in 2022 due to the same reason (decreasing number of foreigners), Kybartai FRC is a reserve location, where renovation work continued.

[2] See War refugees from Ukraine, Official Statistics Portal. Accessed – 12 January 2024:
<https://osp.stat.gov.lt/ukraine-dashboards>

[3] See Migrants who fled to Western Europe are returned to Lithuania: enquiries continue to pour in, delfi.lt, 18 March 2023:
<https://www.delfi.lt/news/daily/lithuania/lietuvai-grazinti-i-vakaru-europa-pabege-migrantai-uzklauso-del-ju-plusta-toliau-92206149>

[4] See LRC thematic study 'Situation of foreigners transferred to Lithuania under the Dublin III Regulation':
<https://redcross.lt/wp-content/uploads/2022/09/DUBLIN-TRANSFEREES.pdf>

There was a significant drop in the number of asylum applications submitted by foreigners at the SBGS border crossing points (hereinafter referred to as BCPs) (in 2022, 130 asylum seekers arrived through the border with Belarus and the Russian Federation, while in 2023, there were 24, or about 5 times less than in 2022).

Additionally, the profile of asylum seekers arriving through the BCPs changed. If in 2022, more than half of the asylum seekers were citizens of the Russian Federation, in 2023, asylum applications at BCPs were accepted only from one Russian Federation citizen (female), and the majority, as well as those arriving irregularly, were citizens of Belarus [5].

If previously it was communicated in the public space that 'physically healthy young men migrate at the border' [6], the situation in 2023 at the border with Belarus, and especially the profile of foreigners arriving from Latvia, showed that vulnerable people, single women, as well as children, some of whom are unaccompanied, are also part of the irregular migration flow. Although at the beginning of the year there were indications that the best interests of children migrating in this way were not being ensured [7], later it was possible to see that a certain algorithm ensuring the best interests of unaccompanied children had formed. First, unaccompanied children were directed to the designated reception facility provided for by law – the Refugee Reception Centre under the Ministry of Social Security and Labour of the Republic of Lithuania (hereinafter referred to as RRC). Secondly, unaccompanied children were not detained. Thirdly, they had access to the asylum procedure.

As in recent years, the dominant group of asylum seekers arriving both irregularly and through BCPs were citizens of Belarus. The majority of them took advantage of the opportunity to live in their chosen place of residence. However, delays in decisions by the Migration Department under the Ministry of the Interior of the Republic of Lithuania (hereinafter referred to as MD) on granting asylum highlighted a new shortcoming in the Lithuanian migration system – inadequate attention and provision of social guarantees for independently living asylum seekers. The LRC initiated a thematic study on the challenges faced by independently living asylum seekers while awaiting decisions on their asylum cases [8].

In 2023, attention was also focused on the needs and access to services analysis of refugees from Ukraine with temporary protection status. At the beginning of the year, a comprehensive survey was

[5] See An addition to the LRC thematic study Access to asylum procedure at the diplomatic missions of the Republic of Lithuania abroad and at the border crossing points of the State Border Guard Service, 2023 update: <https://redcross.lt/wp-content/uploads/2022/09/ACCESS-TO-PROCEDURE-EN-2023.pdf>

[6] See A migrant stranded at the border with his family: help us, both Lithuania and Belarus are punishing us. delfi.lt, 2 September 2022: <https://www.delfi.lt/news/daily/lithuania/pasienyje-su-seima-istriges-migrantas-padekite-mus-baudzia-ir-lietuva-ir-baltarusija.d?id=91113377>

[7] See The Office of the Ombudsperson for Child's rights has made recommendations on ensuring the rights of unaccompanied foreign children travelling through Lithuania, the Office of the Ombudsperson for Child's rights, 8 August 2023: <http://vtaki.lt/lt/naujienos/vaiko-teisiu-apsaugos-kontroliere-pateike-rekomendacijas-del-nelydimu-nepilnameciu-uzsienieciu-keliaujanciu-per-lietuva-teisiu-uztikrinimo>

[8] See thematic study by the LRC titled 'Challenges faced by asylum seekers living in their chosen place while waiting for decisions on asylum' was conducted: <https://redcross.lt/wp-content/uploads/2022/09/ASYLUM-SEEKERS-LIVING-IN-THE-PLACE-OF-RESIDENCE-OF-THEIR-CHOICE.pdf>

conducted, reaching nearly 4,000 respondents [9]. Similarly, in the second half of the year, a continuous anonymous survey of refugees from Ukraine was conducted, coordinated with the United Nations Refugee Agency (hereinafter referred to as UNHCR), covering a wider region of Eastern and Central Europe directly affected by the movement of refugees from Ukraine [10].

In summarising the specifics and needs of all target groups of foreigners, another significant unifying aspect is evident – their mental health condition. Unknown and often unwelcoming environment, anxiety, uncertainty about one's status and future, long waiting times, challenges in integrating into society – these and other problem aspects affecting the mental health of many foreigners were recorded by LRC monitors as well as other independent researchers [11].

The annual monitoring report presents collected data in several sections. In order to ensure the fundamental principle of monitoring – objectivity – information collected by the LRC monitors is provided, supplemented by official data published and/or provided by SBGS, MD, and others. The monitoring was conducted in implementing Agreement No PFA-SWE-22221-011950-00 between the UNHCR and LRC.

The report is divided into three parts based on themes: (1) border monitoring, (2) monitoring of foreigners' centres, and (3) thematic monitoring / research aimed at in-depth analysis of specific areas. The aggregated data aims to provide an overview of the trends observed in 2023 and systematically recurring aspects.

The review text for 2023 is supplemented by separate annexes with detailed statistical and analytical information presented in tables, diagrams, and other visual elements. References to these annexes are provided from the main report text.

We wish you an interesting reading and encourage feedback, as critical assessment, discussion, dialogue with partners, and stakeholders are key to the main goal of monitoring – seeking positive changes by recording the current situation and exploring possible solutions.

[9] See Survey of Ukrainians living in Lithuania: lack of medical assistance, difficulty finding employment. www.15min.lt, 21 March 2023: <https://www.15min.lt/naujiena/aktualu/lietuva/lietuvoje-gyvenanciu-ukraineciu-apklausa-stinga-medicinines-pagalbos-sunku-isidarbinti-56-2026024>

[10] See Protection Risks and Needs of Refugees from Ukraine / Regional Protection Profiling & Monitoring, UNHCR Operational Data Protection, access – 2023-12-22: <https://data.unhcr.org/en/dataviz/293?sv=54&geo=0>

[11] See Analytical study: Situation of migrants and asylum seekers in Lithuania, 13 November 2023, Human Rights Monitoring Institute and NGO Perspectives of Mental Health: <https://hrmi.lt/analitine-studija-migrantu-ir-prieglobscio-prasytoju-situacija-lietuvoje/>

I. MONITORING IN 2023: NUMBERS AND FACTS

<u>1. LRC MONITORING STATISTICS</u>	07
<u>2. ASYLUM STATISTICS</u>	08
<u>2.1. NATIONAL STATISTICS</u>	08
<u>2.2. SBGS STATISTICS</u>	08
<u>2.3. LITHUANIA IN THE EU CONTEXT</u>	09

The monitoring in 2023 was conducted by two LRC monitors. Access to foreigners was granted on the basis of the agreement between the SBGS, UNHCR and the LRC of 2 June 2010 and the agreement of 27 February 2020 between the RRC and the LRC.

Monitoring objectives: **monitoring** (access to legally defined places of application, documents, asylum seekers, etc.), **collecting and evaluating** (objectively recording how procedures are carried out, whether reception and protection conditions comply with the standards and legislation, and analysing the material collected), **informing** (providing information and cooperating with the responsible authorities, who have the obligation to ensure adequate reception and protection conditions) and bringing about the change needed to ensure the fundamental rights of asylum seekers.

1. LRC MONITORING STATISTICS

In 2023, LRC monitors conducted a total of **54 visits** [12], all of them in person. Both LRC monitors participated in 10 visits due to the scope of the monitoring. Additionally, LRC monitors were accompanied by UNHCR representatives on some visits. Find out more about monitoring visits, dates, locations, nature, etc. – see Annex 1. *Monitoring statistics*.

In 2023, a total of **61 reports** were prepared, including 2 larger thematic monitoring reports and one supplement to the report submitted in 2022 for 2023 monitoring visits. The number of monitoring visits and reports prepared differs because some visits involved more than one monitoring, such as access to asylum procedures (initial interviews) and assessment of reception and protection conditions. Moreover, one of the thematic monitoring reports (challenges faced by asylum seekers living independently while awaiting asylum decisions) was prepared based not on the information collected during specific visits but through live interviews, phone calls, online surveys, and processing publicly available data and data provided by state institutions to LRC.

For comparison, in 2022, slightly more monitoring visits were conducted (62), with 58 conducted in person and 4 conducted remotely, but fewer reports (52) were prepared.

As in previous years, LRC monitors followed another indicator – feedback, meaning comments received from institutions after submitting the report, expressed needs for report supplements, etc. In 2023, 17 reports (almost a third of all reports) received feedback. In comparison, in 2022, feedback was received for only 8 reports, which is roughly 15% of all reports.

[12] This number does not include visits related to the survey of Ukrainian refugees. A summary of visits related to this activity, for which different methods were applied, is provided separately in Annex 5. *Survey of refugees from Ukraine*.

2. ASYLUM STATISTICS

2.1. National statistics

Based on publicly available data from MD, **575 asylum applications were registered in Lithuania in 2023** [13] (applications for asylum provided in MD statistics are not classified by nature and circumstances, i.e., first-time applications, subsequent ones, or those submitted after transfer from other European Union (EU) countries under the Dublin III Regulation).

The highest number of asylum applications was received in **July (74), October (69), March (62), and January (59)**, accounting for almost half of all applications. In other months, the number of applications did not exceed 50. More on the dynamics of asylum applications in 2023 – see Annex 2. *SBGS and national statistics*.

By comparison, in 2022, Lithuania received almost twice as many asylum applications (1 051), including first-time, subsequent and Dublin III transfers from other EU countries [14].

Asylum applications were submitted by citizens of 39 countries and one stateless person. Two countries stand out in terms of origin: Belarus (287 applications) and Russian Federation (55). Citizens of these countries accounted for 60% of all asylum seekers. Several other countries of origin are also worth mentioning: Syria (31 applications), Iraq (27), Afghanistan (26), Tajikistan (20). Citizens of other countries did not exceed 20 applications. More about the countries of origin of asylum seekers – see Annex 2. *SBGS and national statistics*.

2.2. SBGS statistics

Each month, the LRC monitors receive the SBGS Statistical Summary, which contains, inter alia, disaggregated statistics on asylum applications registered by the SBGS and the overall national asylum statistics, including asylum applications registered with the territorial units of the MD. Asylum statistics are broken down by SBGS into: (1) applications registered at the SBGS BCPs; (2) applications registered at SBGS frontier districts (hereinafter referred to as FD) and frontier stations (hereinafter referred to as FS), i.e., arrivals irregularly or foreigners identified within the territory of Lithuania, as well as resettled persons. The second category also includes foreigners accommodated/detained at SBGS FRC and foreigners transferred from other EU countries under the Dublin III Regulation (usually also registered at SBGS FRC), etc.

According to the SBGS data, 583 asylum applications were registered in Lithuania in 2023 (25 of them registered at SBGS BCPs, 73 at SBGS FDs or FSs, 94 at SBGS FRC, 325 in the territorial branches of MD, 5 persons were resettled, 61 transferred under the Dublin III Regulation).

[13] See Asylum statistics for 2023, Migration Department under the Ministry of the Interior of the Republic of Lithuania: <https://migracija.lrv.lt/lt/statistika/menesine-migracijos-statistika/prieglobscio-statistika/prieglobscio-statistika-2023-m/>

[14] See Migration Yearbook 2022, Migration Department under the Ministry of the Interior of the Republic of Lithuania: https://migracija.lrv.lt/uploads/migracija/documents/files/2022_Migracijos_metrastis.pdf

These figures, with minor discrepancies (up to 10), do not match the MD figures provided above, according to which 575 asylum applications were submitted in Lithuania in 2023.

More about the distribution of asylum seekers by month and registration location: – see Annex 2. *SBGS and national statistics*.

2.3. Lithuania in the EU context

In 2023, Lithuania, along with Hungary, Malta, and Slovakia, was among the EU countries registering the fewest asylum applications. According to data from the European Statistical Office (hereinafter referred to as Eurostat), **during the first ten months of 2023, the total number of first-time asylum seekers registered in the EU reached 862,925** (data from 27 EU member states). Germany is in the top five countries with the highest number of applications (269 520 applications), Spain (135 605), France (119 595), Italy (106 250) and Austria (51 040) [15]. These countries accounted for approximately 80% of all asylum applications submitted in the EU. More about asylum seekers in the EU by country – see Annex 3. *EU asylum statistics*.

Compared to 2022, the number of first-time asylum seekers in the EU is increasing. During the same period in 2022, there were over 20% fewer first-time asylum seekers than during the same period in 2023. The top five countries registering the highest number of asylum applications remained the same, with Spain moving up to second place in 2023, and Italy surpassing Austria. Overall, in 2022, a total of 881,220 persons sought asylum for the first time in EU countries, an increase of 64% compared to 2021 (537 400 applications) [16].

The list of the top five origin countries whose nationals most frequently submitted asylum applications during the first ten months of 2023 in the EU consisted of Syria (145,795 / 16.9% of all applications), Afghanistan (87,015 / 10.1%), Venezuela (45,775 / 5.3%), Turkey (43,470 / 5%), and Colombia (42,385 / 4.9%) [17]. More about the number of asylum seekers in the EU by countries of origin – see Annex 3. *EU asylum statistics*.

As seen from the data provided, the countries of origin dominating asylum seekers in Lithuania in 2023 do not occupy leading positions in the EU context. Among the top five countries of origin in Lithuania, only Syria (145,795 applications / 1st place in the EU) and Afghanistan (87,015 / 2nd place in the EU) accounted for a significant portion of the EU total. Meanwhile, the number of asylum applications from citizens of Belarus (4,310), the Russian Federation (15,955), or, for example, Tajikistan (610) in the overall EU context did not stand out or ranked in the middle of the table [18]. As mentioned, during the preparation of the report, Eurostat provides data covering the first ten months of 2023 for the entire EU, so the full annual figures are likely to be slightly higher.

[15] See Eurostat, Data Browser, Asylum and first time asylum applicants – monthly data 2023, online access – 2024-01-23: <https://ec.europa.eu/eurostat/databrowser/view/tps00189/default/table?lang=en>

[16] See First-time asylum applicants up 64% in 2022, 23 March 2023, Eurostat, access – 2024-01-23: <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20230323-2>

[17] See Eurostat, Asylum applicants by type of applicant, citizenship, age and sex – monthly data 2023, access – 2024-01-23: https://ec.europa.eu/eurostat/databrowser/view/MIGR_ASYAPPCTZM_custom_9056506/default/table?lang=en

[18] Ibid.

II. BORDER MONITORING

<u>1. GENERAL STATISTICS</u>	12
<u>1.1. SBGS REPORTS ON ASYLUM SEEKERS</u>	12
<u>2. RECEPTION AND PROTECTION OF ASYLUM SEEKERS</u>	12
<u>2.1. ACCESS TO THE ASYLUM PROCEDURE</u>	13
<u>2.2. MATERIAL RECEPTION CONDITIONS</u>	18
<u>2.3. HOSPITALIZED ASYLUM SEEKERS</u>	20
<u>2.3.1. ADDITIONAL OBSERVATIONS</u>	26
<u>3. RECEPTION CONDITIONS FOR OTHER FOREIGNERS</u>	26
<u>3.1. ACCESS TO ASYLUM PROCEDURE</u>	27
<u>3.2. MATERIAL RECEPTION CONDITIONS</u>	28
<u>3.3. UNACCOMPANIED MINORS</u>	30

1. GENERAL STATISTICS

1.1. SBGS reports on asylum seekers

In 2023, LRC monitors were aware of 175 cases where asylum applications of one or a group of foreigners were registered by SBGS units, totalling 238 persons (191 of whom were men [19], 47 were women, including 19 children (10 male, 9 female), of whom 5 were unaccompanied or separated children) from 27 countries of origin (Afghanistan, Armenia, Azerbaijan, Bangladesh, Belarus, Egypt, Ethiopia, India, Iraq, Iran, Jordan, Yemen, Cameroon, Kazakhstan, Democratic Republic of Congo, Cuba, Moldova, Nigeria, Russian Federation, Syria, Somalia, Sri Lanka, Tajikistan, Togo, Turkey, Ukraine, Uzbekistan).

This statistic also includes cases about which LRC monitors did not receive official SBGS notifications, and the statistics were adjusted in the process based on summarised SBGS monthly data (in 2023, at least 9 cases of non-reporting were recorded, totalling about 10 persons).

LRC monitors collect data obtained from SBGS border units (FDs, FSs, and BCPs) as well as FRCs (one of which operated until 2023-03-01), so this statistic also includes information about subsequent asylum applications, as well as about foreigners transferred under the Dublin III Regulation, transferred from detention facilities in Lithuania, identified on the country's territory as not having the right to be there, etc.

According to the LRC data, SBGS registered at least 144 newly arrived asylum seekers (via SBGS BCPs and irregularly), of which 27 arrivals were via SBGS BCPs (24 through the external border with Belarus and the Russian Federation, 3 via international airports). According to the LRC data, in addition to the aforementioned newly arrived persons, at least 36 foreigners submitted subsequent asylum applications. **Compared to 2022, the number of newly arrived asylum seekers in 2023, both regularly and irregularly (counting arrivals crossing the border between Belarus and Lithuania), was about 80 % lower.**

For more information about the profile of asylum seekers, their distribution by country of origin according to the nature of arrival, as well as the SBGS border units that received the most reports sent by the LRC – see Annex 4. *Data collected by the LRC.*

2. RECEPTION AND PROTECTION OF ASYLUM SEEKERS

This section discusses observations made during border monitoring related to ensuring reception and protection conditions. The greatest attention is paid to access to the asylum procedure and material reception conditions. The section presents not only the standard cases monitored in SBGS border

[19] During the registration of an asylum application, one individual identified himself as male, although the biological sex stated in the travel document was female. SBGS (and likely MD as well) recorded the individual as a female in their statistics based on the data provided in the travel documents. Meanwhile, the data collected by the LRC, based on the good practices recommended by UNHCR (see Resettlement Assessment Tool: Lesbian, Gay, Bisexual, Transgender and Intersex Refugees: <https://www.unhcr.org/sites/default/files/legacy-pdf/51de6e5f9.pdf>), the person was recorded as a male.

units but also exceptional cases, such as hospital visits. In 2022, cases were already observed where asylum seekers were hospitalised due to critical health conditions. The situation repeated in 2023.

2.1. Access to asylum procedure

As stipulated in the Law on the Legal Status of Foreigners (hereinafter referred to as LLSF), in Lithuania, an asylum application can currently be submitted: 1) In BCP or transit zones – to SBGS; 2) Within the territory of Lithuania – to the MD or SBGS (until May 2023 only to the MD and only on condition that foreigner arrived in Lithuania legally [20]); 3) In a foreign country – through Lithuanian diplomatic missions or consular offices specified by the Minister of Foreign Affairs [21]. In 2022, the LRC conducted a study [22] on foreigners' access to asylum procedure at diplomatic missions and BCPs, and in 2023, it was updated [23]. The collected data confirmed the conclusion that a significant portion of foreigners arriving at Lithuania's borders cannot seek asylum in Lithuania through conventional means, hence it is natural that the last resort remains crossing the border irregularly.

As regards access to the asylum procedure for foreigners, notably, the pushback policy, which was introduced in August 2021, was enshrined in the law in 2023. On 25 April 2023, the Seimas of the Republic of Lithuania (hereinafter referred to as the RL) adopted amendments to the Law on the State Border and Its Protection and institutionalised the pushbacks of foreigners who cross the border irregularly [24]. The aforementioned law states that in the event of a declared state-level emergency due to a mass influx of foreigners and in order to ensure the national security and public order of the Republic of Lithuania, the Government, on the proposal of the National Security Commission, may adopt a decision that foreigners who intend to cross or have crossed the state border in places not designated for that purpose or in places designated for that purpose, but who have violated the procedure of crossing the state border, and who are in the border section, shall not be admitted to the territory of the Republic of Lithuania. Based on this provision, pushbacks can only be carried out with regard to foreigners in the border area, and the border area is a strip up to 5 km wide into the territory

[20] Having examined the request of the Supreme Administrative Court of Lithuania to make a preliminary ruling, by decision of June 30, 2022, in case M. A. (Case No C-72/22 PPU), the Court of Justice of the European Union clarified, *inter alia*, that under the current regulations, the legal norms of Member States are prohibited, which establish that in cases where a state of war or a state of emergency or an emergency situation due to a massive influx of foreigners is introduced or declared, illegally staying third-country nationals in that Member State effectively lose the possibility to use the procedure for examining international protection applications in that Member State's territory. As part of the implementation of the aforementioned decision, amendments to the Law on the Legal Status of Foreigners entered into force on 3 May 2023, eliminating the provision previously in force, according to which asylum applications in the Republic of Lithuania were registered only by MD and only on the condition that the foreigner arrived in Lithuania regularly.

[21] See Law of the Republic of Lithuania on the Legal Status of Aliens:

<https://www.e-tar.lt/portal/en/legalActEditions/TAR.42837E5A79DD>

[22] See Thematic research. Access to the asylum procedure at the diplomatic missions of the Republic of Lithuania abroad and at the border control points of the State Border Guard Service, LRC:

<https://redcross.lt/wp-content/uploads/2022/09/Access-to-the-asylum-procedure-at-the-diplomatic-missions-and-at-the-BCP-EN.pdf>

[23] See Access to the asylum procedure at the diplomatic missions of the Republic of Lithuania abroad and at the border control points of the State Border Guard Service. 2023 Supplement, LRC:

<https://redcross.lt/wp-content/uploads/2022/09/ACCESS-TO-PROCEDURE-EN-2023.pdf>

[24] See "Lithuanian Seimas enshrines the possibility of pushing back illegal migrants at the border zone", Seimas of the Republic of Lithuania, Press release of 25 April 2023:

https://www.lrs.lt/sip/portal.show?p_r=35435&p_k=2&p_t=284594&p_kade_id=9

of Lithuania from the state border. If a foreigner managed to enter deeper into the territory, they can no longer be pushed back to Belarus. The law also provides that the provision regarding the non-entry to Lithuania is applied individually to each person, and if it is determined that a person who crossed the border is withdrawing from armed conflicts specified in the Government's decision, as well as from persecution as defined in the Convention relating to the Status of Refugees, or seeks to enter the territory of the Republic of Lithuania for humanitarian purposes, such a person is not subject to the provision on non-entry to Lithuania [25].

Notably, the Law on the State Border and Its Protection does not regulate access to the asylum procedure itself, and the word 'asylum' is not mentioned in it at all. Nevertheless, the aforementioned law stipulates that the presence of foreigners who have crossed the border irregularly is not considered to be present on the territory of the Republic of Lithuania if they are in the border zone. As mentioned earlier, according to the Law on the Legal Status of Foreigners, an asylum application can be submitted to SBGS at BCPs or transit zones or on the territory of the Republic of Lithuania. Thus, reading these laws together, foreigners who have crossed the border irregularly and are in the border zone lose the opportunity to submit an asylum application to SBGS, as they are neither at "BCPs or transit zones" nor, by legal fiction, on the "territory of the Republic of Lithuania" [27]. Accordingly, access to the asylum procedure for such persons would be granted only if they are admitted to the territory and their presence in the border zone becomes presence on the territory of the Republic of Lithuania. Thus, the provided exceptions, related to individual assessment and specific situations, become highly important.

It is noteworthy that the Law on the State Border and Its Protection does not define who and how should carry out the mentioned "individual assessment", for example, whether SBGS officers are trained for this purpose or asylum experts are involved. Notably, in 2023 there were no reports of any cases where SBGS registered the asylum application of a foreigner who crossed the border irregularly (except for citizens of Belarus and partially the Russian Federation [28]), finding that the latter is fleeing from armed conflict or persecution. On the contrary, occasionally articles appear in the public domain where SBGS reports that persons who originate from countries experiencing armed conflicts, such as Yemeni citizens, have been pushed back at the border [29]. It is likely that in such and similar cases, the provision is followed that even if a person has fled their country of origin due to armed conflict or persecution, the threat to them does not arise in Belarus, so they are withdrawing from Belarus to

[25] See Law on the State Border and its Protection of the Republic of Lithuania. Article 4(13):

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.101063/asr>

[26] See Bilotaite on the exception to the migrant pushback: we have to defend ourselves, naming countries could be an additional attraction factor, www.lrt.lt, 3 May 2023: <https://www.lrt.lt/naujienos/lietuvoje/2/1976537/bilotaite-apie-isimti-del-migrantu%20apgrezimo-turime-gintis-saliu-isvardijimas-galetu-buti-papildomas-traukos-faktorius>

[27] See UNHCR observations on the Draft Amendments to the Law of the Republic of Lithuania on Legal Status of Foreigners (No XIVP-2385) and the Draft Amendments to the Law of the Republic of Lithuania on the State Border and its Protection (No XIVP- 2383), 20 March 2023: <https://www.refworld.org/legal/natlegcomments/unhcr/2023/en/124239>

[28] According to the observations of the LRC, in 2023, at least one citizen of the Russian Federation who arrived in Lithuania irregularly was pushed back. The foreigner repeatedly arrived irregularly and, avoiding initial contact with SBGS officers, went to Vilnius and sought to submit an asylum application at the Migration Department Vilnius unit, but was detained, and the application was eventually registered by SBGS Vilnius FD officers.

[29] See Border guards called for Belarusian officials to respond promptly to migrants who had experienced brutality, vsat.lrv.lt, 24 October 2023: <https://vsat.lrv.lt/lt/naujienos/pasienieciai-kviete-greitaja-baltarusijos-pareigunu-brutaluma-patyrusiems-migrantams-foto/>

Lithuania for other reasons. If this assumption is correct, then the exemptions provided for in the Law on the State Border and its Protection in relation to armed conflicts and persecution would only apply to nationals of neighbouring countries (Belarus and partly the Russian Federation) and would be meaningless in relation to other foreigners. However, precisely this assumption would explain why, as mentioned earlier, exceptions when registering asylum applications from foreigners who have crossed the border irregularly were applied only to citizens of Belarus and partially the Russian Federation. Taking into account the above and evaluating the collected statistical data, it is likely that despite the exceptions provided and regardless of the actual situation in the countries of origin of foreigners, all foreigners (except those mentioned citizens of Belarus and the Russian Federation) detained by SBGS at the border area, who crossed the border not through the BCP, are pushed back.

The LRC lacks sufficient empirical data to assess whether the established 5 km rule, when persons who have crossed the border irregularly manage to penetrate further into the territory, work in practice. From the day the amendment to the Law on the State Border and Its Protection was adopted until the end of 2023, the LRC observed a couple of cases where asylum applications were accepted from 6 Sri Lankan citizens and 1 Russian citizen who stated that they crossed the Lithuania-Belarus border and were detained within the country. There was also a case observed where access to the asylum procedure was granted to 2 Syrian citizens detained in Vilnius, who stated that they arrived in Lithuania hidden in a trailer of a truck via the so-called Balkan route (the exact route is unknown).

As mentioned earlier, the exception for pushbacks, as in 2022, was applied to Belarusian citizens, whose asylum applications in Lithuania are accepted regardless of how they arrived in Lithuania. In 2023, the LRC recorded 28 cases where 31 Belarusian citizens who crossed the border irregularly individually or in groups requested asylum in Lithuania and their asylum applications were accepted at the border area. In addition to Belarusian citizens, there was 1 case recorded where 2 Russian citizens (spouses) crossed the Lithuanian border irregularly, and their asylum applications were also accepted at the border area.

It was noted that Belarusian citizens do not submit asylum applications at the Belarus-Lithuania BCP (as provided for in the LLSF), but instead cross the border irregularly from Belarus to Lithuania or travel from Belarus to the Kaliningrad region of the Russian Federation and seek asylum at the Russian Federation-Lithuania BCP. In 2023, 1 case was recorded where a Belarusian citizen possibly encountered problems when applying for asylum at the Kybartai BCP. In other monitored cases, Belarusian citizens did not encounter problems when submitting asylum applications upon arriving at the BCP.

In 2023, there were 3 cases monitored where access to the asylum procedure was granted to citizens of other countries after crossing the Belarus-Lithuania border irregularly. On 2023-03-10, 2 asylum applications were registered for Iranian nationals (mother and minor son), 2023-10-24 for a Syrian national, and 2023-10-27 for 5 persons from different countries of origin (1 Somali, 2 Syrian, 1 Yemeni, 1 Sri Lankan national). In all cases, asylum applications were registered after persons were admitted to Lithuanian healthcare institutions due to severe health conditions (for more information, see "2.3. Hospitalised asylum seekers"), i.e. access to the asylum procedure was not determined by the factor of withdrawal from armed conflicts or persecution.

As regards access to the asylum procedure, attention should also be drawn to the influence of the physical barrier constructed along the Belarus-Lithuania border in 2022. A fence with 'concertina' barbed wire has been erected along more than 500 km of the border, hindering border crossing in unauthorized areas. Along more than 100 km of the border, no physical barrier has been erected because the border runs through rivers and lakes [30]. Although the physical barrier was erected in an attempt to halt the influx of irregularly arriving foreigners in 2021, it complicates access to Lithuania and access to the asylum procedure, including for the aforementioned Belarusian citizens whose asylum applications are accepted and who, according to the LRC information, are not pushed back to Belarus.

In 2023, there were 2 cases recorded where the physical barrier posed a threat to the health or even the lives of Belarusian citizens attempting to cross the border:

- *During the monitoring visit on **26 April 2023**, both the asylum seeker and SBGS FS [31] representative indicated that a Belarusian citizen could not submit an asylum application at the first point of arrival near the Lithuanian border. SBGS officers identified the individual attempting to enter Lithuania at a location where there was a physical barrier, so the person was directed to the nearest BCP. In this particular case, in order to reach the BCP, the individual had to run approximately 15 km along the border of his home country, where, according to his testimony, he faced persecution. The asylum seeker and the BCP representative confirmed that while the asylum seeker was on the Belarusian side, he was pursued by Belarusian officials with dogs, barely managing to escape and reach Lithuanian territory.*
- *During the monitoring visit on **27 November 2023**, the asylum seeker stated that he attempted to cross the border into Lithuania irregularly by using an inflatable mattress to cross the river. The river separating Lithuania and Belarus was partially frozen, so when attempting to reach the other shore, the asylum seeker got stuck among natural obstacles such as grass, rocks, branches, and ice. Realising that he could not rescue himself independently, the asylum seeker contacted a non-governmental organisation (hereinafter referred to as NGO) with which he had previously communicated and sent precise coordinates of his location. The NGO urgently informed the Lithuanian authorities about the situation at the border. A short time later, firefighters and other specialized services arrived at the asylum seeker's location. Since reaching the stranded person was not easy, according to the asylum seeker's calculations, he spent about an hour half in the water, half on the mattress, until rescuers with special ropes managed to pull him ashore and take him to a location where medical personnel were waiting to transport the asylum seeker to the hospital. During the rescue operation, he lost a backpack with some personal belongings. According to the asylum seeker, this was his second attempt to enter Lithuania. The first attempt, a little earlier in the fall, failed because he got lost and encountered a physical barrier at the border, which he couldn't overcome. So, he had to go back to the interior of Belarus and, despite its risks, plan another route.*

[30] See Installation of a physical barrier at the border with Belarus (2022), EPSO-G, epsog.lt: <https://www.epsog.lt/en/projects/installation-of-a-physical-barrier-on-the-border-with-belarus>

[31] Here and further, to protect foreigners moving at the border, in some quotations in the report, movement routes are not disclosed, precise locations and names of locations and SBGS border units are not specified. This information is known to interested parties, primarily to SBGS, as during the year LRC provides confidential monitoring reports.

To summarise the data collected, the following observations were made:

- Access to the asylum procedure at the SBGS BCPs and Lithuanian diplomatic missions as provided by law is not always ensured or operates inefficiently.
- Individual assessment at the border, when foreigners attempt to arrive irregularly, is not clearly regulated and likely does not ensure the identification of all persons to whom the *non-refoulement* principle applies.
- Exceptions for irregular arrivals are applied exclusively to Belarusian citizens and in rare cases to citizens of other countries, usually due to an imminent threat to health or life.
- The installation of a physical barrier at the border with Belarus has reduced the number of foreigners attempting to arrive irregularly and made it more difficult to submit asylum applications even in cases where persons seek it, for example, Belarusian citizens who are practically exempt.

2.2. Material reception conditions

Unlike previous years, this section of the report will not present all discrepancies recorded during the year against the European Union Agency for Asylum (hereinafter referred to as EUAA) guidance on reception conditions [32], which LRC monitors use to assess reception conditions and formulate conclusions and recommendations. This time, certain general observations regarding reception conditions are briefly discussed, with greater emphasis on changes in material reception conditions at SBGS border units monitored during the year, highlighting positive examples. This information presentation model was chosen considering that essentially during the 2023 monitoring, no significant discrepancies were observed in the reception conditions standards for asylum seekers at SBGS border units, or if they were noticed, they were taken into account during the year. More detailed information about reception conditions at the border: – see Annex 6. *Material reception conditions*.

In 2023, a positive trend was observed that asylum seekers do not stay for long periods in temporary accommodation facilities at SBGS border units, with primary procedures usually completed within 1-2 days. After that, asylum seekers are released for independent settlement or directed to temporary accommodation/detention at SBGS FRC. Under normal circumstances, asylum seekers who arrive in Lithuania and apply for asylum on Fridays spend the longest time at border units. These persons have to spend the weekend in temporary accommodation until the primary asylum procedures are conducted on Monday. The only exceptional case observed in 2023 was when an unaccompanied child asylum seeker spent more than a week in detention, described in detail in the section “2.3. Hospitalised asylum seekers”.

During only one monitoring visit in 2023, it was found that the reception conditions for a registered asylum seeker were not properly organized. 2023-03-06 at Kabeliai FS, the asylum seeker was temporarily accommodated in a detention room. During the visit, Kabeliai FS did not have facilities for accommodating asylum seekers. The detention room lacked basic furniture (there were only 2 beds and 2 benches in the room, no furniture as referred to in the EUAA Guidelines on reception conditions, Standard 7, indicators 7.1 and 7.3 [33], such as a table, a chair, a wardrobe), the lighting in the detention room was only operational in the corridor, which became inaccessible when the doors were closed. The room is monitored by a video camera, the asylum seeker has to use the toilet in the same room and cannot close the door of the room, otherwise it slams shut. Following this visit, the LRC concluded in its report that the detention facility did not meet the minimum standards for reception conditions for asylum seekers and was not suitable for the accommodation of asylum seekers.

It was recommended that asylum seekers should be accommodated in the officers' lounge, if possible. Another visit to Kabeliai FS was carried out in the same month, on 2023-03-15, when an unaccompanied child was temporarily accommodated in the FS. During monitoring visit, the LRC monitor noted that the staff of Kabelių FS had followed the recommendation of the LRC and that the asylum seeker had been accommodated in the officers' room with all the necessary furniture, a covered window, the necessary heating temperature, etc. A visit to the Kabeliai FS was also carried out

[32] See “EUAA Guidelines on reception conditions: operational standards and indicators”: https://euaa.europa.eu/sites/default/files/publications/EASO_Guidance_on_reception_conditions_-_operational_standards_and_indicators%5B3%5D.pdf

[33] Ibid, Standard 7, indicators 7.1 and 7.3.

on 2023-10-13, when the asylum seeker was accommodated with all the necessary material reception conditions and the room previously used as a lounge for officers was officially registered as an asylum seekers' accommodation room.

The monitoring reports submitted by the LRC during the course of the year 2023 stated that since the beginning of the year, all the basic conditions for reception, as specified in the EUAA Guidelines on reception conditions, have been ensured at the Kybartai Road and Railway BCPs, A. Barauskas FS, Tverečius BCP, Kena BCP and subsequently also at the Kabeliai FS (2023-10-13), the Lavoriškės BCP (2023-10-16) and the Švenčionys FS (2023-11-27).

It should also be noted that the construction works that had been underway at the Medininkai BCP for some time were completed in 2023. Previously, asylum seekers at Medininkai BCP used to be accommodated in a room located in the basement of the old building. Currently, the BCP operates in newly constructed buildings, one of which houses new accommodation facilities for asylum seekers. According to the representative of Padvarionys FS, which is in charge of the Medininkai BCP, there are 4 rooms for asylum seekers in this BCP: 3 standard rooms and 1 adapted for people with reduced mobility. In 2023, LRC monitors visited two asylum seeker rooms. Each of them has a small kitchenette connected to the main living area and a separate sanitary node with a toilet, a sink, and a shower. The kitchenette is equipped with food storage cabinets, a sink, refrigerator, and kettle. Hot water is available in the taps and shower. The rooms are furnished according to standards, and during the last visit to Medininkai BCP (2023-09-21), only blinds were missing. It was monitored that asylum seekers from Padvarionys FS, where foreigners are accommodated or detained in container houses, are transported to Medininkai BCP when their legal status changes to ensure proper reception conditions.

It is noteworthy that following a visit to Pūškos FS by LRC after 2022-08-23, it was found that the reception conditions at this SBGS unit were inadequate. The report recommended redirecting asylum seekers to other border units with the necessary infrastructure for accommodation. Representatives of Pūškos FS paid attention to the recommendation, and asylum seekers who arrived in the operating territory of Pūškos FS in Lithuania were redirected for accommodation to Tverečius BCP. At the end of the summer of 2023, after the closure of Tverečius BCP [34], asylum seekers were transported to Švenčionys FS. Therefore, in 2023, the commendable practice of transporting asylum seekers to suitable accommodation facilities ensuring places in SBGS Vilnius FD was continued. Only one case was monitored in 2023 when asylum seekers spent a night at Pūškos FS (where minimal reception conditions were not ensured again), but they were later transferred to Tverečius BCP. Positive practice was also monitored at SBGS Varėna FD, where, for example, asylum seekers arriving in the operating area of Purvėnai FS were redirected to more suitable premises at the neighbouring A. Barauskas FS.

To summarise the data collected, the following observations were made:

- **No significant recurring discrepancies were monitored in standards; isolated cases of non-compliance were recorded, and there was a sufficiently prompt response to the recommendations provided.**

[34] See It's official: on Fridays, the Šumskas and Tverečius border crossing points are closed, [www.lrt.lt](https://www.lrt.lt/naujienos/lietuvoje/2/2056699/oficialu-penktadieni-uzdaromi-sumsko-ir-tvereciaus-pasienio-kontroles-punktai), 16 August 2023: <https://www.lrt.lt/naujienos/lietuvoje/2/2056699/oficialu-penktadieni-uzdaromi-sumsko-ir-tvereciaus-pasienio-kontroles-punktai>

- **Asylum seekers do not stay in temporary accommodation facilities, and primary asylum procedures are usually completed within 1-2 days, except in cases where, for example, asylum seekers arrive before the weekend.**
- **Regardless of the arrival location and SBGS territorial division, asylum seekers are usually directed to adapted premises, and there is a decrease in the number of cases where detention-type premises are used for accommodation.**

2.3. Hospitalized asylum seekers

In 2023, LRC monitors documented 3 cases where foreigners who entered Lithuania irregularly ended up in healthcare facilities. In early spring, the LRC monitors visited a foreign woman hospitalised together with her minor son, who arrived in Lithuania, at the end of spring – another man hospitalised in another healthcare facility after a traffic accident on Lithuanian territory, and in mid-autumn – 6 persons who suffered from general exhaustion and frostbite due to prolonged exposure outdoors. All cases are unique and are therefore presented individually. It is important to note that this section does not focus on the material reception conditions, but rather on the circumstances surrounding the arrival of asylum seekers in Lithuania, the registration of asylum applications, and the conditions of protection. Testimonies [35] (presented in *italics*) regarding attempts to cross the EU border are provided to contextualize the situations in which asylum seekers find themselves, endangering their health and lives.

A foreign woman hospitalised due to pneumonia

At the beginning of spring, LRC monitors were informed that two foreigners – a mother and her son – applied for asylum in Lithuania. It was indicated that the mother is being treated in the hospital for pneumonia, while her son is temporarily accommodated in border unit. Due to the circumstances, i.e., separating the son from the hospitalised mother, the minor asylum seeker became unaccompanied [36]. According to LRC data, the mentioned asylum seekers were the first foreigners (excluding Belarusian citizens) in 2023 whose asylum applications were accepted and registered after crossing the state border at an unauthorized location. An LRC monitor visited the hospital and the SBGS FS where the child was temporarily accommodated.

The asylum seeker revealed that she had made several attempts to enter Lithuania from Belarus with her son. A few months ago, during warmer weather, they attempted to enter both Poland and Lithuania with a group of other persons. The woman could not say how many times they attempted this because it had been a long time, but each time they were pushed back. Several months ago, during one of the attempts to enter

[35] The LRC cannot confirm or deny these facts – they are people's testimonies. However, it is important information to understand the overall context of what is happening on the Polish, Lithuanian and Latvian border with Belarus. Given that people who arrive in Lithuania at different times and in different circumstances tell similar stories, it is likely that they reflect, at least to some extent, the real situation.

[36] Unaccompanied child is a foreign child who arrived in the Republic of Lithuania without parents or other legal representatives or who, upon arrival in the Republic of Lithuania, remained without such representatives until such persons began to care for him/her effectively. See Republic of Lithuania Law on the Legal Status of Foreigners, Key concepts: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>

Lithuania and Poland, they spent about 25 days in the forests. At first, they travelled with the group, then split up with his son because they couldn't keep up with the pace of the other men in the group. According to the woman, in the forests they encountered aggressive behaviour from Belarusian officials, who not only took away food parcels handed over by Lithuanian or Polish officials (she could not identify them), but also, for example, ripped her earrings from her ears and took the external battery used to charge mobile phones. The last time they arrived at the border was about a week ago (the asylum seeker could not give the exact number of days she spent in the forest, but she remembers spending at least one night in the open air). She said the weather was bad during the journey. While it was dark and she and her son were travelling through a marshy area, she fell in several times, got her feet wet and cold, and then had to sleep in the heavy rain. The last time she entered Lithuania, the woman was already feeling unwell, asked for help from the officials she met, said she could not walk and that she could not stay in the forest with her son. To add to his mother's story, her son added that during the whole time they were in the forest, when they were exhausted and tired, they asked the Belarusian officials they met to let them out of the forest, but they did not allow them to do so. They eventually managed to leave the forest and return to the residential area. The last time, after a break, they returned to the border, spending at least one night outside (sleeping on a sheet of plastic sheeting). Lithuanian officials who encountered them identified that the asylum seeker's mother had difficulty walking and was feeling unwell, so assistance was provided to her.

During the visits, it was monitored that upon arrival in Lithuania, asylum seekers' personal phones were confiscated for investigation purposes. After the mother was hospitalised, within 4 days (until the LRC visit), asylum seekers had opportunity twice to make phone calls, provided by the SBGS FS officers. The asylum seekers had not yet contacted any other relatives remaining in their home country.

Key observations:

- According to the LLSF, an unaccompanied child asylum seeker should, as a rule [37], be accommodated in a RRC by decision of the MD in accordance with the procedure laid down in the MD, unless the representative objects, and his/her age and maturity should be taken into account when deciding on the accommodation of an unaccompanied child [38]. In this regard, it is noteworthy that, according to information provided by the SBGS, the asylum seeker himself wished to remain in the reception centre until his mother was discharged from the hospital. Additionally, the LLSF stipulates that a legal representative should be appointed immediately for unaccompanied foreign children, regardless of the legality of their presence in the territory of Lithuania, in accordance with the procedure established by law during their stay in Lithuania [39]. In the case under consideration, **based on the information provided by the SBGS, when deciding on the accommodation of asylum seekers, the MD was aware that the unaccompanied child asylum seeker had been separated from his hospitalised mother, thus becoming an unaccompanied child. Nevertheless, special guarantees intended for unaccompanied children were not adapted to him.**

[37] Rules on the accommodation of unaccompanied children asylum seekers in the Refugee Reception Centre, approved by Order No V-31/A1-28 of the Minister of the Interior of the Republic of Lithuania and the Minister of Social Security and Labour of the Republic of Lithuania of 2 February 2005: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>

[38] See Article 79 para 4 of the Law of the Republic of Lithuania on the Legal Status of Foreigners: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.232378/asr>

[39] Ibid, Art. 32 para 1.

Asylum seekers after a traffic accident

At the end of spring, information emerged in the public domain that the driver transporting foreigners fled from police officers, lost control of the vehicle, crashed into an electric pole, and drove into a swamp. The driver and one passenger have died in the accident. Another 5 passengers were taken to medical institutions. On the same day, 3 passengers were discharged from hospital and transferred to temporary accommodation in SBGS FS. One of them stated that his nose and ribs were broken during the accident. The second person had a wound on his thigh that was stitched up; he reported experiencing general bruises. The third person also reported feeling pain from the bruises but did not experience fractures or other clearly identifiable injuries. The condition of one passenger was more severe (during the accident, he ingested water in the swamp (water in the lungs), and he was also diagnosed with pneumonia), so he was left in the hospital for longer hospitalisation. The minor son of the hospitalised foreigner, who was travelling with him, was taken to a medical facility in another Lithuanian city after the accident but did not suffer serious injuries and was hospitalised for general exhaustion.

On the day of the traffic accident, the LRC representatives visited the SBGS FS where 3 survivors were temporarily accommodated, and the next day – two hospitals where the father and son were hospitalised.

The foreigners interviewed stated that almost 2 months before the car accident, they arrived in Belarus and since then tried to enter the EU. At the border, the group spent about a month and a half, moving in a group of 6 people (all traveling in the same car). Most of the time, the group stayed at the Polish border and never attempted to cross the Lithuanian border. They say they managed to cross the Polish border once but were all detained by officials and spent several hours in a border checkpoint. While at the checkpoint, the foreigners requested asylum but were returned to Belarusian territory. According to them, Polish officials behaved rudely, unpleasantly, did not provide food, and did not allow them to charge their phones. One asylum seeker stated that Polish officials damaged his phone's charging port so that the phone could no longer be charged. Upon encountering Belarusian officials in Belarusian territory, the latter ordered them to return to Poland and not to come back. When they failed to cross the border and encountered Belarusian officials again, they took the fingerprints of the foreigners, recorded their personal data, and forced them to sign unclear documents, then pushed them into Russian territory, threatening that if they returned to Belarusian territory, they would face 5 years in prison. According to the foreigners, Belarusian officials also used physical violence against them. From Russian territory, the group managed to cross the Latvian border, and then they were picked up by a car that brought them to Lithuania. Speaking about the accident itself, the persons stated that they were initially chased by a police car. The driver began to drive very fast, the foreigners got scared and asked the driver to stop, but the driver continued to try to escape from the police. Eventually, the car crashed into an electric pole and then drove into a swamp. All 5 foreigners mentioned that when they were in the swamp, the water was electrified, and people were electrocuted.

As mentioned earlier, all passengers were taken to medical institutions after the accident.

Key observations:

- During a visit to the hospital, an asylum seeker (the father of a child) was found chained to his bed.

According to hospital staff, they did not know how to handle cases where a foreigner without the right to stay in Lithuania is in the hospital, and they decided to manage the risk of escape in this way. The restriction of patient mobility was not related to medical reasons, i.e., he did not pose a threat to himself or others, there were no court-ordered compulsory medical measures, etc. Accordingly, such restriction of freedom of movement in this situation should be considered arbitrary and without legitimate basis. Notably, after explaining the situation to the hospital staff, the patient was untied. According to the representatives of SBGS, when contacting the hospital staff, they did not indicate that the hospitalised asylum seeker was chained to the bed, nor did they consult on how to act in the current situation or whether similar measures should be taken.

- The father and son hospitalised in different hospitals were not informed about the condition and location of the others who travelled in the car together. All the information available to the father was provided by a doctor who primarily relied on information presented in the media. More detailed information was provided to the father only about the son hospitalised in another hospital. The son indicated that he did not even have information about his father's whereabouts. According to the representatives of SBGS, they constantly contacted the staff of both hospitals, requesting to inform the father and son about the condition and location of the others who travelled in the car together. They also requested to inform the father that upon discharge from the hospital, he would be accommodated together with his son. Similar information was requested to be conveyed to the child.
- The father and the minor son were hospitalised in different hospitals. When taking any actions regarding the child, the best interests of the child should always be considered. In this case, the condition of the child was stable. As indicated by the staff of the hospital where the child was hospitalised, the child did not suffer physical injuries; he was hospitalised due to general exhaustion until he recovers sufficiently. **The LRC does not know why the child was separated from his father when they were taken to different hospitals. It cannot be excluded that the persons were not identified as family members immediately after the accident. In these circumstances, it is likely that separating the child from his father was not in the best interests of the child.**
- 3 asylum seekers visited in FS stated that they had no shoes. According to the foreigners, from the hospital to the police station and later to the border, they travelled barefoot. In response to this observation, SBGS representatives stated that *"Syrian citizens accommodated in the FS were not barefoot – they were wearing socks. All 3 had shoes in their backpacks but chose not to wear them"*.

People hospitalised for general exhaustion and frostbite of the feet

In autumn, information appeared in the public domain that a group of 14 foreigners (12 males and 2 females) had been detained on the territory of Lithuania after entering Lithuania from Belarus by irregular means. It was reported that after assessing their health condition, emergency medical assistance was called for 5 of them, and they were taken to the nearest hospital. 2 women were discharged from the hospital on the same day, and the next day, a foreigner with foot injuries was discharged. Two men were left in the hospital for further treatment (one diagnosed with a strained foot tendon, the other with frostbitten feet). According to SBGS, the detained foreigners complained of

brutal behaviour by Belarusian officials, stating that they were beaten on the legs, causing bruises to several persons. One foreigner reported being doused with water by Belarusians, who then used a stun gun on his groin. Despite the fact that the SBGS did not question the foreigners' accounts of brutal treatment by Belarusian border guards, the majority of the group (11 persons) were pushed back to Belarus after (quote) “being assured” that they were “not in any danger”, followed by the pushing back of the foreigner who was released from the hospital with bruises on his legs. Both foreigners remaining in the hospital applied for asylum, with their applications being registered while they were in the medical facility. A few days later, another 4 foreigners from 3 different countries arrived at the same hospital. During the LRC team's visit to the hospital, it was clarified that all of them were from the group described above (all were adult males). All 4 hospitalised foreigners' asylum applications were registered.

The asylum seekers stated that before entering Lithuania, they were part of smaller or larger groups of foreigners moving along the Belarusian border with Lithuania and Latvia (the size of the groups varied from several to over 20 people, sometimes two or more smaller groups merged into one larger group). The asylum seekers claimed to have spent from 18 to 25 days in the border forests. Their movements were constantly monitored and coordinated by Belarusian officials, initially directing them to cross the border into Latvia and later into Lithuania. Officials did not allow people to leave the border zone, regardless of their health condition or expressed wishes. The asylum seekers reported attempting to cross the Belarus-Latvia border from 2 to 10 times and the border with Lithuania from 2 to 4 times (it is noteworthy that the asylum seeker with the worst health condition stated that he crossed the Lithuanian border only once and experienced all pushbacks only in Latvia). According to the interviewed men, Latvian and Lithuanian officials provided food and water before turning them back to Belarus. There were no complaints about the behaviour of Lithuanian officials. According to the asylum seekers, Lithuanian officials informed them that they could not let them in. Meanwhile, the behaviour of Latvian officials was rougher. One man testified that Latvian officials smashed his personal phone. Another claimed that the behaviour of Latvian officials changed when they did not follow instructions. In such cases, officials sometimes used physical force, including blows to the head. According to the asylum seekers, excess use of force by Latvian officials was allegedly not observed when following orders. The behaviour of Belarusian officials was described by the asylum seekers as extremely aggressive and inhumane. According to the asylum seekers, Belarusian officials used physical violence against them, including electronic restraint devices (called a stun gun / taser), and smashed the mobile phones of at least two interviewed asylum seekers. Belarusian officials ignored requests for water, forcing persons to drink water from the swamp, eat wild apples, and the like.

It is noteworthy that the 4 asylum seekers who were later hospitalised were discharged from the hospital after several days; they experienced general exhaustion or minor limb frostbite. The foreigner who experienced stretching of the leg tendons was hospitalised for a longer period because prolonged wearing of wet clothing and exposure to cold caused severe frostbite on the legs; however, his condition improved after hospitalisation. **The foreigner who suffered severe frostbite on his feet underwent partial amputation of both legs.** Unlike in 2022 [40], rehabilitation and prosthetics for asylum seekers who underwent amputations of lower limbs due to frostbite after crossing the border in 2023 are not covered by the Mandatory Health Insurance Fund budget.

[40] Considering that in 2022, partial leg amputations were performed on 4 asylum seekers due to frostbite suffered while attempting to cross the Lithuanian border, the Minister of the Interior adopted a decision on March 20, 2023, “On the

Key observations:

- Taking into account that foreigners in Belarus experienced inhuman and degrading treatment and were directly threatened with experiencing such treatment again if returned to Belarus (the press release also mentions the violence of Belarusian officials, according to SBGS), **we emphasise the importance of the *non-refoulement* principle in such situations.** The principle of *non-refoulement* arises from international human rights, refugee, humanitarian, and customary law, and is also enshrined in various international treaties, such as the United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment ratified by Lithuania [41]. The principle of *non-refoulement* is also referred to in the European Border and Coast Guard Agency's (EBA's) Practical Guide on the right to apply for asylum (FRONTEX) and the EUAA's Practical Guide on the right to apply the asylum procedure: "The principle of *non-refoulement* means the obligation of Member States not to send back or return any person (even if they came irregularly to states or their border territories where they would face persecution, as well as inhuman or degrading treatment or punishment, including torture. (...) The obligation to apply the *non-refoulement* principle applies to all state authorities, as well as to any person or entity acting on behalf of the state, including frontline officers." [42]. The principle of *non-refoulement* requires a prospective (future-oriented) risk assessment, i.e., a fair assessment of whether the person faces the risk of encountering improper treatment upon return. The obligation to apply the *non-refoulement* principle applies to all state institutions, as well as to any person or entity acting on behalf of the state, including frontline officers. In at least one case, **SBGS refiled pushback of 12 persons who had previously experienced physical violence from Belarusian officials.** This in itself is a sufficiently serious indication that people may be subjected to repeated ill-treatment if they return to Belarusian territory. An analysis of applicable legal regulations indicates that such risks must be assessed, and if there is a reasonable likelihood of irreparable harm, improper treatment, or other serious violations of human rights upon persons' return to Belarusian territory, foreigners cannot be refiled.

provision of healthcare services to foreigners":

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/7a254760c6e411ed9b3c9397e1236c2a?jfwid=-7dzcw5k10>

The decision states:

2. To delegate:

[...]

2.3. The State Health Insurance Fund under the Ministry of Health to organise the payment of these expenses from the budget of the Mandatory Health Insurance Fund (compensating them in accordance with the laws from the state budget funds allocated for liquidating and mitigating the consequences of emergency situations or other funds):

[...]

2.3.2. expenses for the production and (or) adaptation (hereinafter referred to as prosthetics) of lower limb prostheses for foreigners who illegally crossed the state border of the Republic of Lithuania during the period 1 October 2022 to 31 December 2022, and whose health condition during this period required prosthetic limb replacement, as well as expenses for the patient's preparation for primary prosthetics and ongoing prosthetic medical rehabilitation services – to cover the expenses of healthcare institutions for the services actually provided (including prosthetic services).

[41] See United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-torture-and-other-cruel-inhuman-or-degrading>

[42] See A practical guide. Access to the asylum procedure, FRONTEX and EUAA, Luxembourg: Publications Office of the European Union, 2017, ISBN 978-92-9243-815-9: <https://euaa.europa.eu/sites/default/files/publications/2023-08/practical-tools-first-contact-officials-practical-guide.pdf>

2.3.1. Additional observations

Notably, Lithuanian applicable legal regulations do not clearly specify which institution is responsible for ensuring reception conditions in the case of asylum seekers' hospitalisation. Certain functions (such as catering, sanitation, accommodation – i.e., providing beds, etc.) are naturally assumed by the healthcare institution, although healthcare institutions do not participate in the asylum procedure. However, it remains unclear who is responsible for issuing hygiene products, distributing clothes, and providing the opportunity to make phone calls to relatives. According to SBGS, based on current regulations, SBGS officials ensure necessary reception conditions only for asylum seekers accommodated in SBGS accommodation facilities.

In all monitored cases, hygiene products were brought to the asylum seekers by the LRC. In some cases, some of the clothing needed by asylum seekers was provided by the hospital staff on their own initiative and additionally by the LRC. In the case of the mother and her minor son, Restoring Family Links service (hereinafter referred to as RFL) was ensured by SBGS and LRC, while in the case of the father and his minor son, RFL was provided only by LRC. In the latter described case, the hospital staff provided the opportunity to make phone calls for some persons, one asylum seeker was assisted by a SBGS officer, and the rest were assisted by LRC. There are no established practices; each case is addressed individually. Notably, foreigners who are admitted to hospitals, who do not have asylum seeker status and who are not reported to the LRC or to other NGOs able to provide the necessary services and facilities, are particularly vulnerable. Theoretically, such persons would be left without assistance from SBGS and NGOs.

3. RECEPTION CONDITIONS FOR OTHER FOREIGNERS

In the context of previous years, 2023 stood out in that Lithuania experienced a large influx of foreigners arriving from neighbouring Latvia (in rare cases – from Estonia). Unlike Lithuania and Poland, Latvia's border with Belarus and the Russian Federation is not protected to the same extent by physical barriers and surveillance cameras, making it easier for foreigners crossing the border irregularly from Belarus and the Russian Federation to enter Latvia. After crossing the border, foreigners often use the services of smugglers and travel by car towards Poland. Cars transporting foreigners who have no right to be in the Schengen area are sometimes identified and stopped on Lithuanian territory [43]. According to publicly available data from SBGS, in 2023, a total of 1,193 foreigners arrived in Lithuania from Latvia and did not have the right to be in Lithuania. 937 foreigners arrived in Lithuania immediately after crossing the Latvian border, and 256 foreigners in Latvia had

[43] See press releases of the SBGS under the RL Mol:

(1) Kalvarija border guards found 17 migrants smuggled from Latvia in a minibus (photo), 9 November 2023: <https://vsat.lrv.lt/lt/naujienos/kalvarijos-pasienieciai-mikroautobuse-aptiko-17-is-latvijos-gabentu-migrantu-foto/>;

(2) Failed Ukrainian's math: 8 years in prison earned instead of 500 euro (photo), 27 October 2023: <https://vsat.lrv.lt/lt/naujienos/netikusi-ukrainiecio-matematika-vietoj-500-euru-uzdarbio-8-metai-kalejimo-foto/>;

(3) "They messed up: border guards destroyed the plans of illegal migrants and their smugglers to travel to Western Europe (photo), 25 October 2023: <https://vsat.lrv.lt/lt/naujienos/prisivazinejo-pasienieciai-sujauke-neteisetu-migrantu-ir-ju-vedlio-keliones-i-vakaru-europa-planus-foto/>

applied for asylum [44]. According to the 1995 Agreement between Lithuania, Latvia, and Estonia on the return of illegally residing persons, the majority of these foreigners were returned to Latvia under readmission agreement during the year [45].

Notably, neither the LRC nor other NGOs, nor representatives of international organisations (e.g., UNHCR), have access to foreigners (or information about them) who are detained on Lithuanian territory while transiting from Latvia and returned under the readmission agreement. Nobody knows exactly where and how many such persons were/are in Lithuania, except the state authorities. According to the agreement between SBGS, UNHCR, and the LRC, under which the LRC conducts monitoring, the LRC cannot conduct monitoring of the reception conditions of these persons because they are not registered as asylum seekers in Lithuania. During the course of the year, there have been cases where foreign nationals arriving irregularly through Latvia and detained in Lithuania applied for asylum, and their applications were registered. In these mentioned cases, monitors from the LRC met with persons who had already acquired asylum seeker status at that time, and who shared their experiences regarding the conditions and the amount of time spent in Lithuania without asylum seeker status. Taking this into account, the section included in the report describes the conditions for the reception of foreigners without asylum seeker status. The majority of the information provided in this section pertains to persons who arrived in Lithuania via Latvia, but not limited to such cases. Foreigners who irregularly cross the Lithuanian-Belarusian border, who for one reason or another have not been pushed back, and who find themselves in the border units of the SBGS, and who do not have the status of an asylum seeker, may also find themselves in the same situation.

It is worth noting that foreigners arriving through Latvia are temporarily housed in border units, with some of them being transferred to the FRC in Pabradė. It is unknown to the LRC whether an individual will end up in a border unit or the FRC, depending on various factors. Moreover, it is unclear how much time people typically spend in these locations.

3.1. Access to asylum procedure

As mentioned, the LRC does not have access to foreigners detained within Lithuanian territory while transiting from other EU member states. Therefore, there is also a lack of data allowing conclusions to be drawn regarding the possibility of seeking asylum. The LRC is unaware of whether these persons apply for asylum, whether their applications are responded to, or whether, in cases where there are indications that foreigners may wish to submit an asylum application, the obligation to explain the asylum application procedure is being fulfilled. In contrast to the situation at the Lithuania-Belarus border, where every pushback is recorded, and national legislation allows for the non-registration of asylum applications, there is no declared position regarding the registration of asylum applications for persons detained within Lithuanian territory while transiting from other EU member states.

[44] See SBGS under the RL MoI, Border guards apprehended asylum “seekers” supplied with Greek counterfeits seeking asylum in Latvia. (photo), 15 January 2024: <https://vsat.lrv.lt/lt/naujienos/pasienieciai-sulaike-graikiskomis-klastotemis-apsirupinusius-prieglobscio-latvijoje-prasytojus-foto/>

[45] See Agreement between the Government of the Republic of Lithuania, the Government of the Republic of Estonia and the Government of the Republic of Latvia on the return of illegally staying persons, 30 June 1995: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.19825>

According to LRC data, in 2023, at least 75 asylum applications were registered in Lithuania from foreigners arriving through Latvia or Estonia. The majority of these asylum applications were registered at the Pabradė FRC (53), with 20 applications registered at border units (3 involving Syrian nationals [46], 11 involving Sri Lankans, and 2 involving Bangladeshi nationals who were also involved in traffic accidents, as well as 3 unaccompanied children from Yemen, Iraq, and Iran, and 1 citizen of the Russian Federation). It was noted that the Pabradė FRC saw a significant increase in asylum applications from persons arriving from Latvia specifically in mid-July (2023-07-10 to 2023-07-14), coinciding with the NATO summit in Vilnius and the temporary reintroduction of border controls between Lithuania and other EU countries from 2023-07-07 to 2023-07-13 [47]. Out of the at least 53 asylum applications registered at the Pabradė FRC, 20 (i.e., almost 40 %) were processed during that week.

3.2. Material reception conditions

The LRC monitors communicated with three groups of foreigners who, lacking asylum seeker status, were held at border units: (1) 2023-06-01 – Padvarionys FS; (2) 2023-09-15 – Tribonys FS and (3) 2023-09-21 – Medininkai BCP. The assessment of the information gathered revealed that the non-status foreigners were *de facto* detained in incommunicado conditions, particularly at the Padvarionys FS, where basic reception conditions were not ensured (such as access to hygiene facilities, the ability to make phone calls to relatives, etc.). In monitored cases, persons were provided with only sleeping accommodations, a toilet with a sink, and a daily ration of dry food. People were unaware of neither the decision-maker for their detention nor the duration of their detention.

- On 2023-06-01, upon receiving notification of asylum application registrations, a monitor from the LRC visited the Padvarionys FS. During the visit, it was noted that the FS comprised 13 container houses designated for accommodating foreigners. Despite the agreement between the SBGS, UNHCR, and LRC regarding the monitoring of reception conditions for asylum seekers, the LRC monitors were not permitted to monitor the living conditions of asylum seekers. The LRC monitor was allowed to meet with 3 asylum seekers at the premises of the FS administration, so all the information gathered on reception conditions is based exclusively on the accounts of the asylum seekers and the FS representatives. Representatives of the Padvarionys FS indicated that material reception conditions cannot be evaluated because the foreigners were accommodated as "*irregular migrants*" and not as asylum seekers. Following the visit by the LRC monitor, asylum seekers were transferred to the Medininkai BCP on the evening of 2023-06-01, where new facilities for asylum seekers were arranged. According to the asylum seekers, they spent about 4 days in one of the container houses at the Padvarionys FS. During this time, they had no freedom of movement and could only go out to a small, enclosed area around the container houses. During this period, persons could use a portable toilet and sink [48] (without hot water), and they were not provided

[46] Additionally, asylum applications from two Syrian nationals (father and son) involved in the same traffic accident were likely registered with the Migration Department.

[47] See Due to the NATO summit, internal border controls were reinstated. www.lrt.lt, 7 July 2023:

<https://www.lrt.lt/naujienos/lietuvoje/2/2029499/del-nato-virsuniu-susitikimo-atnaujinama-vidaus-sienu-kontrolė>

[48] Foreign nationals stated that they were not provided with the opportunity to shower, and a representative from the Padvarionys FS inadequately informed the LRC monitor that on the second day, people were escorted to a shower in the main FS building.

with basic hygiene products. Therefore, for 4 days, persons had no opportunity to clean their teeth, etc. Phones were confiscated from the foreigners, and during this period, they were not allowed to contact their relatives. The FS representative explained these accommodation conditions by stating that the foreigners had not yet obtained asylum seeker status [49].

- On 2023-09-15, the LRC team visited the Tribonys FS, not for monitoring purposes, but for humanitarian reasons – to visit foreign nationals involved in a traffic accident in Lithuania. Considering that the purpose of the visit was not to monitor reception conditions and protection, the LRC did not provide any observations. However, it is commendable that the SBGS contacted the LRC for humanitarian assistance and the opportunity for foreigners to contact their relatives. No requests were made to the LRC in 2023 by the SBGS for more humanitarian assistance or RFL services. It is noted that the LRC always proactively offers to contribute to providing such assistance.
- On 2023-09-21, a monitoring visit was conducted at the Medininkai BCP, where 4 asylum applications from foreigners were registered. Upon speaking with asylum seekers and representatives from the Medininkai BCP, it was revealed that asylum seekers were brought to the BCP only on the morning of the visit day, after previously being held at the Padvarionys FS in one of the container houses following the traffic accident in Lithuania (the driver of the car had died in the traffic accident). The persons applied for asylum on 2023-09-19 and spent 6 days at the Padvarionys FS without asylum seeker status. Foreign nationals were effectively detained and accommodated in a container house at the Padvarionys FS for a total of 9 days. For 9 days, they were unable to brush their teeth and shower – they were denied basic hygiene products, a shower, only a toilet and a sink were accessible. A representative from the SBGS indicated that they *“have no information about the expressed desire of foreigners to shower, therefore access to a shower was not provided”*. While at the Padvarionys FS, foreigners were unable to use their phones; the opportunity to use a phone was not provided, so persons could not contact their relatives for at least 9 days following the accident. Upon further inquiry with SBGS representatives, it was revealed that *“SBGS has no information about the foreigners' expressed wish to contact their relatives”*.

To summarise the data collected, the following observations were made:

- **Non-asylum-seeking foreigners detained in transit in the territory of Lithuania were in monitored cases held in *de facto incommunicado* detention.**
- **In many cases, basic reception conditions, as prescribed by standards and international obligations, were not ensured.**

[49] Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals sets out what belongs to detained foreigners who have no right to stay in the EU pending a decision on their future status, e.g., “Detained third-country nationals shall be provided with the opportunity to contact legal representatives, family members, and competent consular authorities within a reasonable period”, for more details, see Art. 15 (Detention) and Art. 16 (Detention conditions): <https://eur-lex.europa.eu/eli/dir/2008/115/oj>

3.3. Unaccompanied minors

Unaccompanied children stood out in the broader context of irregularly staying children and those arriving from other EU countries to Lithuania. In the first half of the year, the Office of the Ombudsperson for Child's rights (hereinafter referred to as the OOCR) conducted an investigation and on 2023-08-08, issued a note on the situation of unaccompanied foreign children in Lithuania. The note stated that *"the SBGS does not comply with the legal provisions regulating the guarantees of rights for unaccompanied children, and the Territorial Department of the State Child Rights and Adoption Service, the Refugee Reception Centre, are not always informed about identified unaccompanied children. The Service pointed out that there have been cases where the Service learned about unaccompanied children from a non-governmental organisation, a lawyer, the Foreigners' Registration Centre, and the unaccompanied child himself, who contacted the Service's territorial department; Service representatives are not always invited to initial interviews with unaccompanied foreign children, and there are cases known where Service representatives were only invited to repeat interviews with unaccompanied children."* [50]. The failure to inform the State Child Rights Protection and Adoption Service (hereinafter referred to as SCRPAS) about unaccompanied children appearing in the country hindered the SCRPAS from making decisions regarding the accommodation and care of children, leading to unaccompanied children being *de facto* detained at SBGS facilities and, contrary to legal regulations, not being accommodated at the RRC.

The OOCR note also discusses one case known to the LRC, where in April 2023, foreigners, including an unaccompanied child, who had entered Lithuania via Latvia were detained in the Lavoriškės BCP. According to the note, in their explanations to the OOCR, the SBGS stated that *"if non-governmental and international organisations wish to contact foreigners, the SBGS facilitates such contact."* [51] It is noteworthy that in this case, the LRC requested SBGS representatives to visit foreigners at the BCP, assess and address their humanitarian needs, and ensure the RFL services, but permission to visit was not granted. The whole group of foreigners was handed over to Latvia on a readmission basis some time later. Accordingly, the OOCR note concluded that *a Syrian child was not provided with the opportunity to meet with non-governmental organisations <...> The State Child Rights and Adoption Service was not informed."* [52]

Following the publication of the OOCR report, the LRC has noted changes in the situation of unaccompanied children who have entered Lithuania via other EU countries. In 2023, there was an increase in the number of unaccompanied children identified in Lithuania, and changes in their accommodation procedure were reflected in the accommodation statistics of the Rukla RRC. According to the data of 2023-09-13, 5 unaccompanied children (Iranian nationals) were temporarily accommodated in the RRC, 3 unaccompanied children (2 Afghan and 1 Iranian) were accommodated in the RRC on 2023-09-27, 4 unaccompanied children (2 Syrian, 1 Iranian, 1 Gambian) were accommodated in the RRC on 2023-10-11, etc. According to publicly available statistics on RRC placements [53], before the publication of the OOCR note (i.e. from January 2023 to July 2023

[50] See Note of the Office of the Ombudsperson for Child's rights No. (6.7-2023-34) BGU-119 "The Ombudsperson for Child's Rights provided recommendations regarding the protection of rights of unaccompanied children foreign nationals traveling through Lithuania (2023)": <http://vtaki.lt/lt/teisine-informacija/vaiko-teisiu-padeties-vertinimas/atlikti-tyrimai-ir-apibendrinimai>

[51] Ibid.

[52] Ibid.

[53] Refugee Reception Centre. Statistics, 2023: <https://rppc.lt/apie-centra/atviri-duomenys/statistika/>

inclusive) 6 unaccompanied children were placed in RRCs, and after the publication of the note until the end of the year 25 unaccompanied children. It should also be noted that out of the 6 unaccompanied children, 3 were living in the Rukla RRC as early as 2022, followed by 2 boys from the Ukraine, and in mid-May (for a short period of time) by a boy from Syria, i.e. there was no permanent turnover of children. On the other hand, the number of unaccompanied children in the Rukla RRC has increased significantly since August and, judging by the countries of origin, has been constantly changing. It is likely that the SBGS took at least partly into account the recommendations of the OOCR and started to inform the SCRPAŠ about unaccompanied foreign children detained in Lithuania, and, accordingly, such unaccompanied children were referred to RRCs for temporary placement.

In 2023, LRC monitors visited the Rukla RRC twice to monitor unaccompanied children. After the visits, internal reports were prepared, which were provided only to UNHCR partners. During the visits, it was noted that all necessary reception and protection conditions are ensured at the RRC. It is worth mentioning that unaccompanied children accommodated at the RRC have access to the asylum procedure, although only some of them expressed a desire to seek asylum. It is also noteworthy that all unaccompanied foreign children accommodated at the RRC, regardless of their legal status, could avail themselves of legal consultations provided by the LRC. The access of LRC monitors to these children was also not restricted regardless of their legal status.

Observations made by the LRC on the reception conditions for foreigners without asylum seeker status:

- **Foreigners accommodated by the SBGS, regardless of their legal status, must be equally guaranteed accommodation conditions that do not violate human dignity.** In cases where persons are *de facto* detained and have no access to basic hygiene and/or foodstuffs, clothing, or the means to acquire them, the SBGS in charge of the persons should provide them with the aforementioned products or items. **In the case of *de facto* detention (regardless of whether they are asylum seekers), accommodation conditions must in all cases be ensured that meet at least the standards referred to in the UNHCR's Practical Manual "Monitoring Immigration Detention" [54], as well as the guarantees provided for in Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third country nationals.**
- **Everyone has the right to know what happened to a missing relative, everyone has the right to communicate with family members from whom they have been separated [55].** Detaining people *incommunicado*, cutting off contact with the outside world, does not meet basic immigration detention standards.
- In most cases, foreigners accommodated in the custody of the SBGS are unable to communicate with SBGS officers in languages they understand, and **it is not reasonable to expect that every basic human need will be expressed in a way that is understandable.** However, in accordance with the principle of good administration, **it is the duty of the detaining authority to ensure that basic needs are met, regardless of the person's ability to communicate in an intelligible manner.**

[54] See "Monitoring Immigration Detention. Practical manual" Association for the Prevention of Torture and UNHCR, 2014, 4.4.3 (Sanitation and Hygiene) and 4.4.4. (Clothing) sections: <https://idcoalition.org/wp-content/uploads/2015/06/Monitoring-Immigration-Detention-Practical-Manual.pdf>

[55] Ibid, see Section 4.5.1 (Visits and Communication with the Outside World).

III. MONITORING OF FOREIGNERS' CENTRES

<u>1. RECEPTION AND PROTECTION CONDITIONS FOR REFUGEES FROM UKRAINE</u>	34
<u>1.1. NAUJININKAI RRC</u>	34
<u>1.2. GIRIONYS RRC</u>	35
<u>1.3. RUKLA RRC</u>	36
<u>2. RECEPTION AND PROTECTION CONDITIONS FOR ASYLUM SEEKERS</u>	36
<u>2.1. QUARANTINE</u>	37
<u>2.2. ASYLUM SEEKERS WITH RESTRICTED FREEDOM OF MOVEMENT</u>	38
<u>2.3. ACCOMMODATION</u>	39
<u>2.4. ACCESS TO SERVICES</u>	40
<u>2.5. CATERING</u>	40
<u>2.6. EMPLOYMENT</u>	41
<u>2.7. AVAILABILITY OF INFORMATION</u>	42
<u>2.8. CHILDREN ASYLUM SEEKERS</u>	43
<u>2.9. PROVISION OF BASIC NECESSITIES</u>	43

1. RECEPTION AND PROTECTION CONDITIONS FOR REFUGEES FROM UKRAINE

The armed conflict in Ukraine that began on 24 February 2022, led to significant flows of refugees from Ukraine to European countries. According to official data, from spring 2022 to the end of 2023, more than 80,000 Ukrainian refugees arrived in Lithuania and were registered in the Lithuanian migration information system [56] (with the majority, 72,496, arriving in 2022) [57]). Initially, most of the arrivals temporarily settled in the homes of local residents, while some were directed to live in buildings administered by state institutions and municipalities (hostels, disused schools, dormitories of educational institutions, etc.), which were adapted by the individual institutions and claimed to be ready to accept refugees from Ukraine, and those with their own funds could rent accommodation, which resulted in the non- or minimal operation of collective accommodation centres [58]. At the end of 2022, the RRC also started to accommodate refugees from Ukraine, with a particular focus on vulnerability, initially in its branch in Naujininkai (Vilnius city) and later in Rukla. In addition to them, refugees from Ukraine and Venezuela, as well as foreigners who were denied asylum but whose return to the country of origin could not be executed, continue to reside in Rukla and Naujininkai RRCs. At the end of 2022, a new RRC branch was established in Girionys (Kaunas district), where only refugees from Ukraine and displaced people of Lithuanian origin from Venezuela live. For these reasons, in the first quarter of the year, LRC monitors visited three RRC branches accommodating refugees from Ukraine and assessed their reception and protection conditions.

1.1. Naujininkai RRC

During a visit to Naujininkai RRC on 2023-02-13, only 1 of the 2 buildings on the premises was used for accommodation purposes. During the visit, it was noted that the residential areas of the communal building at Naujininkai RRC (especially common areas such as sanitary facilities and kitchens) require renovation. There are numerous malfunctions in the sanitary facilities, affecting the number of functioning facilities, which likely [59] do not comply with the EUAA guidelines regarding the standard of reception conditions, where there should be at least 1 toilet for every 10 people and at least 1 shower for every 12 people [60]. For some time, hot water has not been available in the kitchen on the 4th floor, but all necessary cooking appliances was present, and essentially, the ability to fully use the kitchen was ensured. The RRC administration was aware of these issues, planning the renovation of the sanitary facilities, and the purchase of a new water heating boiler was already underway [61].

[56] See MD under the RL MoI, the number of registered war refugees from Ukraine (from 2022-02-24):

<https://migracija.lrv.lt/lt/statistika/>

[57] See Migration Yearbook 2022, MD under the RL MoI:

https://migracija.lrv.lt/uploads/migracija/documents/files/2022_Migracijos_metrastis.pdf

[58] See "Strong together": the residents' capacity to accommodate refugees from Ukraine has already been exhausted, www.15min.lt, 9 August 2022: https://www.15min.lt/naujiena/aktualu/lietuva/stiprus-kartu-gyventoju-galimybes-priimti-pabegelius-is-ukrainos-jau-yra-issemtos-56-1913690?utm_medium=copied

[59] The LRC monitors did not have information on the exact number of residents on each floor, however, considering that during the RRC visit, 100 people were living, all accommodated on two floors, it is likely that approximately 50 people lived on each floor. For example, there were 2 functioning showers on the third floor, indicating that only 24 people could live on the third floor with such a number of showers, etc.

[60] See "EUAA Guidance on reception conditions: operational standards and indicators", Standard 8, indicators 8.2 and 8.3:

<https://euaa.europa.eu/sites/default/files/Guidance-on-ReceptionConditions-LT.pdf>

[61] During a subsequent visit to the Naujininkai RRC (2023-05-12), it was observed that renovation of the mentioned building was underway, and the non-functioning water heating boiler had been repaired – noted deficiencies are being addressed.

The majority of inquiries addressed to refugees from Ukraine pertained to the sphere of protection rather than material reception conditions. No problematic cases were recorded in this area. People reported feeling safe and were informed where they should go if the situation changed. People reported having information on almost all key issues: legal/migration (regarding residence permit extension or obtaining information on it), child education (the majority successfully used these services), access to free psychological assistance (also used), material support for refugees from Ukraine, etc.

The main and almost sole identified problem was health insurance. People lacked precise and reliable information on how to register at healthcare institutions and receive necessary health services free of charge. It was noted that different polyclinics in different cities, including Vilnius, apply different practices regarding refugees from Ukraine. Considering this, it was found that precise and reliable information is lacking not only for the persons themselves but also for healthcare institutions.

1.2. Girionys RRC

LRC monitors visited the Girionys RRC only once – on 2023-02-23. This RRC unit is located in a multi-storey building in the Kaunas district, formerly a dormitory of the Kaunas Forestry and Environmental Engineering College. The Girionys RRC branch fully complies with all accommodation infrastructure standards. All premises have been newly renovated, furnished with necessary furniture, and equipped with appliances. The common areas are tidy and fully furnished as well. All household appliances (stoves, refrigerators, washing machines, dryers, microwave ovens) are new and operational. Sanitary facilities function properly, ensuring privacy and gender separation. Additionally, part of the dormitory premises is adapted to accommodate people with disabilities.

It is worth noting that, unlike the Rukla or Naujininkai RRCs, the Girionys RRC did not have permanent specialized staff [62]. When services were needed or according to a pre-arranged schedule, these specialists would come to the Girionys RRC from the Rukla RRC.

During the monitoring, no problematic cases or unresolved issues in the protection sphere were identified.

The main challenges identified during the visit were health insurance, registration with medical institutions, and the long processing times involved. While waiting for temporary residence permits in Lithuania, people faced challenges in obtaining services and other social guarantees. It is noteworthy that, according to information [63] published by the Lithuanian Ministry of Health and the State Health Insurance Fund Board, refugees from Ukraine only need a unique ESI code, indicated on their registration card (received during registration with the Migration Department before obtaining a residence permit), to access healthcare services. Considering this, it is likely that the refusal to provide healthcare services to Ukrainian citizens with an ESI code but who have not yet formalised their temporary residence permits is not compatible with the procedure established at the state level.

[62] Throughout the year, a social worker, a social worker assistant, and a psychologist were employed at the Girionys RRC.

[63] See Helping Ukrainian war refugees: Specialists publish a guide to health services in Lithuania, the State Health Insurance Fund Board under the Ministry of Health, 15 March 2022: <https://ligoniukasa.lrv.lt/lt/naujienos/i-pagalba-ukrainos-karo-pabegeliams-specialistai-skelbia-sveikatos-paslaugu-lietuvoje-atmintine/>

1.3. Rukla RRC

During the monitoring visit on 2023-02-23, it was found that people living in the Rukla RRC have sufficient freedom, an adequate number of sanitary facilities, and living space. Specialised staff working at the RRC, including social workers, family physicians, and psychologists, ensure services for the residents. No discrepancies with EUAA guidelines regarding reception conditions were noted during the visit.

One of the main issues observed during the visit was the inability of adult residents of the Rukla RRC who were unemployed to register at a medical institution in Rukla. Persons who registered in Jonava did not encounter the same problem. However, compared to the situation at the Naujininkai and Girionys RRCs, the situation of residents at the Rukla RRC was slightly better because on-site medical staff were available during working hours to provide assistance. Medical assistance at the RRC is available to all residents regardless of their legal status. It is noteworthy that all RRC residents can also access psychological services

2. RECEPTION AND PROTECTION CONDITIONS FOR ASYLUM SEEKERS

At the beginning of 2023, there were four centres in Lithuania for the accommodation or detention of asylum seekers: Rukla and Naujininkai RRCs are administered by the MSSL and Pabradė and Kybartai FRCs are administered by the SBGS under the Mol. With a significant decrease in the number of foreigners living or detained in the centres, the Kybartai FRC [64] was officially closed on 2023-03-01. Therefore, for most of the year, only three centres of this kind operated in Lithuania.

In 2023, the LRC monitors focused exclusively on the monitoring of reception conditions in Pabradė FRC [65]. However, in spring, additional monitoring of reception and protection conditions (in the case of the Kybartai FRC, readiness to respond to increased migration flows) was conducted in all four centres used for the accommodation or detention of asylum seekers in Lithuania (3 operational and 1 reserve). The information collected during the mentioned visits on accommodation and protection conditions at the Kybartai FRC, Rukla RRC, and Naujininkai RRC is provided in Annex 7. Two additional monitoring visits were carried out in Rukla RRC to monitor the situation of unaccompanied children.

This section of the report presents in more detail only the situation at the Pabradė FRC, where the LRC monitors conducted 9 monitoring visits on reception and protection conditions in 2023 (4

[64] See The SBGS Kybartai Foreigners' Registration Centre is closed, vrm.lrv.lt, 28 February 2023: <https://vrm.lrv.lt/lt/naujienos/uzdaromas-vsat-kybartu-uzsienieciu-registracijos-centras/>

[65] In contrast to 2022, in 2023, the LRC monitors did not carry out regular monitoring visits to all centres. With a significant decrease in the number of asylum seekers living in the centres, it was decided to discontinue regular visits to the RRCs and only continue regular visits to the Pabradė FRC, which is currently the only centre in Lithuania temporarily accommodating foreigners with restricted freedom of movement. Given the vulnerable situation of such foreigners, it has been decided to limit the regular (quarterly) monitoring visits in the first half of 2023 to the FRC buildings reserved for foreigners with restricted freedom of movement. In order to ensure the objectivity of the data collected, it has been decided to adjust the FRC visit plan in the autumn and to continue the practice of 2022, when the LRC monitors carried out regular monitoring of the full range of FRC (not only of persons whose freedom of movement is limited). Notably, some of the newly arrived foreigners were immediately placed in the FRC, where their asylum applications were registered, and therefore the FRC was also visited to monitor the cases of individual newly arrived foreigners. An additional visit was made to the FRC to assess the reception and protection conditions of the target group – families with children.

comprehensive, 1 for foreigners with restricted freedom of movement, 1 for families with children, and 3 for individual cases). A brief overview is provided of the general practice applied at the FRC regarding the quarantine of foreigners, as well as the situation of foreigners whose freedom of movement was restricted by a court decision. The results of the monitoring of accommodation and protection conditions in 2023 are also presented, with a focus on material reception conditions, nutrition, access to services, information, and leisure activities. Finally, the issue of accommodated / detained children at the FRC is discussed.

2.1. Quarantine

The Pabradė FRC consists of 5 buildings where foreigners are temporarily accommodated or detained: Dormitory for Asylum Seekers (DAS), Dormitory for Vulnerable Persons (DVP), Dormitory for Detained Women (DDW) [66], Dormitory for Detained Foreigners (DDF) and Foreigners' Reception Building (FRB) [67]. The purpose of the FRB building is to quarantine persons newly admitted to the FRC or those suffering from communicable diseases. The FRB is not large, with up to 10 persons normally present during the LRC's visits to the FRC. Notably, in 2023, LRC monitors did not visit the FRB. Access to foreigners in quarantine was not granted to LRC monitors on the grounds that it is unsafe, as the health of newly introduced persons to the FRC has not yet been assessed, and monitors might face a risk of infection. During the summer period, the RFL coordinator of the LRC visited persons in quarantine twice a month, providing them with the opportunity to use the telephone or other means to contact their relatives, but this service could not be provided freely from autumn onwards.

The situation regarding access to the FRC for quarantined persons changed in September 2023. During the visit conducted on 2023-09-26, it was observed that not only the FRB but also the DDF on the I and II floors and the DDW on the II floor were used for foreigner quarantine meaning the quarantine facilities expanded by at least 3 times. As usual, during the visit, the LRC monitors did not have access to persons in quarantine. The LRC did not have the opportunity to provide services to foreigners in quarantine or to assess the conditions under which they live or whether they have effective access to the asylum procedure [68]. The restriction of access to foreigners in quarantine is based on the recommendation of medical personnel not to visit quarantine zones for outsiders due to the increasingly common outbreaks of scabies.

Considering that the LRC did not have access to persons in quarantine, the results of the monitoring of accommodation and protection conditions in quarantine premises will not be discussed further, as they are not known to the LRC.

[66] Depending on circumstances and the load of the FRC, not only women but also, for example, families with children, spouses or partners, etc., are accommodated or detained in this building.

[67] On 2023-12-20, 2 more buildings – migrant multifunctional centres – will be officially opened to accommodate 462 people. These buildings have not yet been monitored by the LRC monitors. For more, see SBGS under the RL Mol "Presentation in Pabradė of the project for modernisation of the Foreigners Registration Centre of the SBGS (photo), 21 December 2023:

<https://vsat.lrv.lt/lt/naujienos/pabradeje-supazindinta-su-vsatzsienieciu-registracijos-centro-modernizavimo-projektu-foto/>

[68] Defending the rights of foreigners seeking asylum in the Republic of Lithuania is one of the main functions of the LRC, enshrined in Article 8(1)(6) of the Law on the Emblem and Name of the Lithuanian Red Cross Society, Red Cross, Red Crescent, and Red Crystal of the Republic of Lithuania:

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.111305/asr>

Limited information about persons in quarantine was collected based on the accounts of asylum seekers who had been in quarantine and information provided by the FRC administration:

- Until September 2023, people indicated that they spent between 2 and 10 days in the quarantine building. According to the FRC administration, the duration of quarantine depends on individual circumstances, the time required for tests, the evaluation of their results, monitoring of health status, or the need for re-examination. When questions were raised about the sufficiently long quarantine period of 7 days for specific persons, the FRC administration stated that it could not disclose to third parties information on the health status of the foreigners, and that it was up to the family physician to decide on the length of the period of quarantine, and that therefore it was not possible for the LRC to assess the validity of the length of the quarantine.
- Persons in quarantine cannot use their phones; they are confiscated. Upon request, a phone may be provided for a limited period (the exact practice of how long and for what period phones are returned is not known; During the visit on 2023-04-06, several persons indicated that while in the FRB, they could use the phone every 3 days for 5 minutes).
- Quarantined persons are subject to restrictions on their freedom of movement without a separate judicial (or administrative) decision, in accordance with the general procedure established by the FRC.

2.2. Asylum seekers with restricted freedom of movement

The freedom of movement of foreign nationals at Pabradė FRC is restricted in several cases:

- Upon the court's decision to detain a foreign national;
- If the court decides to impose an alternative measure to detention – accommodation in an FRC, with the right to move only within the territory of the center;
- Application of quarantine practices by FRC;
- Decision by the MD to consider an application for asylum in essence under an emergency procedure when a decision to admit the foreign national to the territory of the Republic of Lithuania is not made and the person is accommodated at the SBGS without the right to move freely within the territory of the Republic of Lithuania [69].

Foreigners detained by court order:

- Are accommodated in the DDF building.
- Their personal phones are taken from them, which they can use on request. Upon request, phones are provided every 2 days for 30 minutes (the frequency of phone use is not regulated in the conditions and procedures of temporary accommodation of foreigners at SBGS approved by the Minister of the Interior of the Republic of Lithuania and in the internal rules of the FRC). Wi-Fi stations are provided for foreign nationals using the phone – once they receive the phone, they can access the internet.
- They are allowed to go outside only during specified hours – twice a day for 1 hour each time. They are only permitted to go to the enclosed area around the residential building.

[69] This practice is not further examined in the monitoring report and focuses on the freedom of movement restricted by court decisions.

- Detention sectors have common rooms with household appliances (kettle, refrigerator, microwave oven), television, and certain leisure activities (e.g., puzzles, board games).

Foreign nationals subject to an alternative measure to detention by court decision – accommodation at SBGS (more precisely – the FRC), limiting the right to move only within the territory belonging to the place of accommodation:

- Are usually accommodated in DDF or DDW.
- Unlike foreign nationals detained by court decision, they can use their phones without restrictions. They also have access to Wi-Fi.
- The access of persons to the outdoors and the time spent outside is not restricted; however, the “right to move only within the territory belonging to the place of accommodation” does not apply to the entire FRC territory and is limited to the enclosed area around the residential building (as in the case of detained foreign nationals) [70].

All foreign nationals whose freedom of movement is restricted by court decision can:

- Use the service of an additional shopping store (using their personal funds). Shopping is conducted twice a week by the FRC social workers.
- Arrange in advance to meet with incoming persons at the FRC. Meetings take place in a special room located in the administrative building.

2.3. Accommodation

In the second half of 2022, the accommodation situation at Pabradė FRC improved. Although infrastructure changes were observed only in the DDF building, where renovation works were carried out, the reduced total number of people living in the FRC resulted in significant improvements in accommodation conditions across all buildings. In 2023, the FRC adhered to all the main accommodation standards outlined in the EUAA guidelines regarding reception conditions. No more than one family per room, ensuring a minimum of 4 square meters of living space for each applicant, with no more than 6 persons of the same gender accommodated in one room [71]. The FRC also ensures access to sanitary facilities and hot water that meets standard requirements, with no observed deficiencies in sanitary facilities infrastructure [72].

Although during the majority of monitoring visits it was found that the accommodation conditions at the FRC essentially meet EUAA standards, several correctable aspects were noted:

- *2023-05-10 In some of the 3rd floor rooms of the DAS accommodating 3-4 persons, people reported insufficient wardrobes and lockers, leading them to store some of their belongings, such as in suitcases.*
- *2023-08-29 not all the lights were operational in some DDF rooms.*

[70] During visits to Pabradė FRC in 2023, several exceptional cases were observed where persons subject to an alternative measure to detention without freedom of movement were able to move throughout the entire FRC territory. Exceptions were applied in cases observed by the LRC to families with children.

[71] See “EUAA Standards on Accommodation Conditions: Operating Standards and Indicators” 2 Standard 2.4 Indicator, 5 Standard 5.1 Indicator, 6 Standard 6.1, 6.2 Indicators:

<https://euaa.europa.eu/sites/default/files/Guidance-on-ReceptionConditions-LT.pdf>

[72] Ibid, Standard 8, indicators 8.1 and 8.2.

- During the visit on 2023-08-09, it was noted that asylum seekers in the DDW building did not have the ability to lock their rooms [73]. A recommendation was made to consider the vulnerability and security of single women (as both single women and couples (i.e., men as well) reside in the building, providing the opportunity to lock their rooms). During the visit on 2023-09-26, it was observed that the FRC administration took into account the recommendation provided – locks with the possibility to lock the room from the inside were installed in DDW rooms.
- During the visits on 2023-08-09, 2023-09-26, and 2023-12-14, it was noted that some DDF rooms lack blinds or curtains – people do not have the opportunity to cover the windows during rest [74], so they cover them with garbage bags or blankets. The FRC administration stated that they are aware of the problem, but the FRC does not have allocated funds to rectify the deficiency.

2.4. Access to services

The family doctor's office operates at Pabradė FRC on weekdays, and there are also 2 psychologists working. In 2023, unlike in 2022, no cases were observed where services of the mentioned specialists were inaccessible to people living in or detained at the FRC. During monitoring visits, people are asked whether they have used the services of medical staff, psychologists, whether they are satisfied with the quality of services provided, or if they know how to register with specialists. During none of the visits did people indicate that the mentioned services or information were inaccessible to them.

Foreign nationals who used the services of psychologists during all visits also indicated that they were satisfied with the quality of services provided.

During the visit on 2023-04-06, several asylum seekers with serious health problems were interviewed. A man with HIV mentioned that he is regularly transported to the Vilnius Infectious Diseases Centre for procedures. A man with mobility impairment reported that he is regularly transported to Vilnius for intravenous procedures. There was a wheelchair and crutches in his room, and the man walks minimally; he regularly receives intravenous drips.

During 4 visits, the following complaints about medical services were recorded:

- 2023-04-06 Some interviewees mentioned that they are only offered painkillers, but their pain issues are not addressed.
- 2023-05-10 According to some interviewees, they have to wait long in line to see specialists.
- 2023-09-26 Individual complaints were observed about referrals to specialist doctors.
- 2023-12-14 Some interviewees reported long waits to access specialist doctors.

2.5. Catering

Centralized catering is provided at Pabradė FRC – prepared meals are served three times a day in a communal dining room for all residents. During visits, it was noted that there is regular dissatisfaction among the FRC residents regarding the taste, quality, quantity, and other aspects of the food provided. According to the FRC administration, the quality of food was supposed to improve in 2023 as the amount of money allocated per person per day for meals was increased. The LRC does not assess the

[73] Ibid, 6 Standard 6.2 Indicator.

[74] Ibid, 9 Standard 9.3 Indicator.

quality of food provided by the FRC, but the report includes feedback from residents recorded in 2023 regarding catering arrangements:

- *2023-05-10 Some interviewees mentioned that the portions of food they receive are insufficient.*
- *On 2023-07-10, 2023-08-29, and 2023-09-26, asylum seekers stated that supper is served too early (around 17:00), and people go to sleep late, so they feel hungry in the evenings.*
- *On 2023-09-26, an asylum seeker mentioned that they no longer receive bottled drinking water, so those who have no personal funds to buy water are forced to drink tap water, which raises doubts about its quality [75].*

It is noteworthy that every newly accommodated foreign national at the FRC can choose from 3 dining options: 1) Traditional (various foods, including pork dishes); 2) Alternative (all meat products except pork are included); 3) Vegetarian (plant-based, dairy, and fish products are provided). In this way, the dietary needs of people from various cultures and religions, as well as those with health conditions, are essentially accommodated.

It is worth noting that in some FRC buildings (DDW, DVP, DAS), communal kitchens are additionally equipped with basic household appliances and tools necessary for food preparation. Some people willingly take advantage of the opportunity to prepare culturally closer food, but not everyone can afford it. A large portion of persons living in the FRC have no right to work and have no income (only asylum seekers receive a monthly allowance of 15.70 euro), so those without savings or relatives who can send money cannot afford to buy food products. At the beginning of 2023, a commendable practice was observed – the FRC collaborated with the Food Bank, which regularly provided additional food products. During the visit to the FRC on 2023-07-27, residents indicated, and the FRC administration confirmed, that residents no longer receive additional Food Bank packages.

2.6. Employment

Various occupational activities are available to foreign nationals accommodated or detained at the FRC, depending on their residential building/freedom of movement restrictions:

- During the warm season, residents of each building can exercise at the stadium according to a schedule. Additional sports equipment is available in the courtyard of DDF.
- There is a gym in DDF, which residents of DDD and DDW can use according to a schedule.
- During the cold season, residents of DAS and DVP do not have the opportunity to exercise outdoors, and the gym is only available in the DDF, which residents of the mentioned buildings cannot use.
- Common rooms in all buildings are equipped with board games, puzzles, books, colouring books, etc. The widest selection of occupational inventory is available at PAB, where families with children are most often accommodated.
- The ADD and PPB buildings have libraries with more books (mostly books in English and Russian, with individual books available in Arabic, Farsi, and other languages, although there is a shortage of books in rarer languages).
- DAS and DVP residents can attend English language courses.
- Throughout the year, occupational activities varied, but group activities were always available.

[75] According to the FRC representatives, distributing bottled drinking water was a temporary solution.

- On 2023-09-26, it was observed that a child whose freedom of movement was restricted was provided with a PlayStation gaming console.

2.7. Availability of information

In 2023, one of the main accessibility issues was related to the constantly changing composition of the FRC residents. Unlike in 2021-2022 when the absolute majority of residents were Arabic, Kurdish, French, and English speakers, in 2023, the ethnic and linguistic groups of the FRC residents are not so easily defined. For example, during the visit on 2023-05-10, only 99 people lived in the FRC, but they were from 25 different countries. In 2023, there was an increased demand for information in Farsi (for Iranian and Afghan citizens). Also, in the FRC, there appeared people from linguistic groups not previously recorded, such as Sinhalese and Bengali, in 2022. Taking this into account, LRC monitors regularly observed a lack of information in rarer languages and an excess of information in less relevant languages. Another aspect that caught the monitors' attention was the monotony of information displayed on bulletin boards, as well as the lack of colours and images that could help draw residents' attention to relevant notices. It was often observed that people were unaware of the information even though it was available on bulletin boards. Considering the observed situation, the LRC monitors recommended that the FRC administration carefully review the information displayed on bulletin boards, remove outdated notices, and, depending on the linguistic needs of the residents, change the language of the notices.

In the 4 monitoring reports issued in 2023, the following information gaps were described:

- *On 2023-04-06, there was a lack of information in Farsi, Turkish/Azerbaijani, and Sinhala languages at DDW. Some asylum seekers who spoke rare languages did not have information about legal consultations provided by the LRC.*
- *On 2023-08-29, there was a lack of information in Hindi at DDF. Not all detained asylum seekers at DDF were aware of the legal consultations provided by the LRC and where to seek state-guaranteed legal aid (hereinafter – SGLA). People were unaware of this information despite it being available on bulletin boards in common areas. The information displayed on bulletin boards did not attract attention. A lack of information was noted when some asylum seekers reported not receiving the monthly allowance (15.70 EUR) or receiving a smaller amount than other asylum seekers. People indicated that they were unaware of the reasons for different practices and subjectively concluded that, for example, only Indian citizens did not receive the allowance, thus alleging discrimination against their ethnic group [76] (the lack of information about allowances was no longer observed during subsequent visits).*
- *On 2023-09-26, it was observed that there was still a lack of information in Hindi at DDF. During the visit, the FRC representatives indicated that translations of internal regulations into Hindi had been ordered. Not all interviewed asylum seekers were aware of the legal consultations provided by the LRC. Asylum seekers who had recently acquired the right to work stated that they did not know the further employment process. Repeatedly, it was observed that bulletin boards contained outdated or irrelevant information (e.g., in terms of language), with important information being overshadowed and difficult to notice.*

[76] During the conversation with the FRC administration, the LRC monitors were explained that asylum seekers who are not legally admitted to the territory of the Republic of Lithuania (was confirmed that this is specifically the group of Indian citizens) do not receive allowances, and the allowances may vary because they are paid for the current month. This means that when a person arrives during the month, they receive not the full allowance but only for the number of days calculated for the current month.

- On 2023-12-14, it was noted that bulletin boards at the FRC had been organised, and some outdated notices were removed. Asylum seekers who were newly accommodated at the FRC and had no contact with the LRC representatives indicated that they were unaware of the legal consultations provided by the LRC. People also lacked information about how SGLA operates and how to contact lawyers providing SGLA services.

2.8. Children asylum seekers

In 2023, the LRC monitors encountered 5 families at the FRC, raising children. It is not excluded that in 2023, there were more families with children at the FRC, but information about them was not collected during the monitoring. Of the mentioned 5 cases, in 2 cases, the freedom of movement of children was restricted (*de facto* detained) – they could only move within the territory of the FRC.

2023-07-27 Asylum seekers accommodated in the DVP stated that they had lived in the FRC for about 40 days and spent all that time living in a two-story building [77], from which they could only go out to the fenced area around the building but could not move freely even within the territory of the centre. Asylum seekers stated that they were transferred to the DVP only on the day of the LRC monitor's visit. Asylum seekers indicated that the transfer likely occurred due to a court hearing held the day before, where a decision was made to mitigate the detention regime imposed on them. During the hearing, detention was changed to an alternative detention measure – accommodation at the FRC with the right to move within the centre's territory.

4 out of 5 families were accommodated in the DVP building, 1 in the DAS. Throughout the year, different practices regarding the organisation of education for children were observed at the FRC:

- *2023-05-10 It was noted that children were not admitted to the Pabradė school, so education is provided at the FRC, where teachers from local school regularly visit.*
- *On 2023-09-26, it was observed that a child was allowed to attend school outside the FRC. It was noted that when a child started attending school at FRC, all necessary school supplies were provided, along with additional clothing. However, a complaint from a family was observed that a child without freedom of movement is not always taken to school in the town by social workers – sometimes he is driven to school by the SBGS officers in an official vehicle. The child indicated that when taken to school by the SBGS vehicle, he feels bad and embarrassed in front of his classmates. The SBGS, in turn, indicated that previously, representatives of the OOCR, who evaluated the conditions for children, positively assessed the practice of transportation to school.*

2.9. Provision of basic necessities

Among the essential items are personal items for everyday use, which, according to EUAA guidelines on reception conditions, must be provided to asylum seekers residing in the centre – hygiene products, clothing, footwear [78]. According to the general FRC procedure, hygiene products are issued to each

[77] Based on the asylum seekers' stories, it can be inferred that they were accommodated in the DDW.

[78] See “EUAA Guidance on Reception Conditions: Operational standards and indicators” standards 23, 24, and 25: <https://euaa.europa.eu/sites/default/files/Guidance-on-ReceptionConditions-LT.pdf>

newly accommodated person in the FRC according to the established norms [79]. During LRC monitoring visits, it was not observed that the FRC did not comply with the norms for the distribution of hygiene products established in the order. However, sometimes residents indicated that the hygiene products they receive are not sufficient. In contrast to hygiene products, there is no clear procedure for distributing clothes in the FRC. Sometimes, certain clothes and footwear are issued by the FRC administration, but more often, people and administration indicated that clothes and footwear are provided by Caritas according to the need.

In 5 reports, it was noted that some interviewed asylum seekers lacked certain items:

- *On 2023-04-06, some respondents indicated a lack of spare clothes.*
- *On 2023-05-10, individual complaints were observed that people did not have enough regularly issued hygiene products.*
- *On 2023-08-29, the majority of interviewed asylum seekers in DDF indicated a lack of clothes and footwear.*
- *On 2023-09-26, newly transferred asylum seekers to the FRC mentioned that they were issued slippers and T-shirts upon transfer, but they lack trousers, shoes, and blouses.*
- *On 2023-12-14, some interviewed asylum seekers lacked winter clothes, and some indicated that the hygiene products issued according to the norm were not sufficient.*

[79] See Order on the approval of the Lithuanian hygiene standards HN 61:2020 'Public health safety requirements for temporary accommodation of aliens in the FRC of the SBGS under the RL Mol': <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.265814/asr>

IV. OTHER OBSERVATIONS

Not all situations monitored by the LRC in 2023 can be classified as foreigner centres and border monitoring. Despite the fact that information is obtained at the mentioned locations during visits, conversations with people reveal relevant information about foreigners' experiences with other state institutions. One such case was observed during the visit to Pabradė FRC on 2023-01-12. A man and his wife were transferred to the FRC from detention facilities along with their temporarily fostered son. The mentioned case is discussed separately from the observation of foreigner centres because the collected information is largely unrelated to the accommodation and protection conditions of the FRC.

*The family crossed the Lithuania-Belarus border, managed to enter deep into Lithuanian territory, where they were detained for attempting to use forged identity documents. **The family stated that the husband and wife spent 44 days in detention facilities. Throughout this time, they had no opportunity to meet with their son, who was accommodated in foster care.** The woman stated that five days after her detention, she had the opportunity to talk to her son via video call, the conversation lasted about 10 minutes. The woman also mentioned that during the first 20 days of detention, she could only talk to her son once. After 20 days, their calls became regular, but she claims she couldn't meet her son in person for the entire 44 days. For a long time, the woman did not know where her husband was or if he was fine. The asylum seeker claimed that she constantly asked officials for the opportunity to call her son, husband, or at least find out their whereabouts, but her requests were ignored. The spouses stated that they could not contact each other during the entire detention period and had no knowledge of each other. According to them, once, after 1 month from their detention day, they had the opportunity to meet in person because they were undergoing interrogations. After that 1-month period, the husband could talk to his son for the first (and only) time.*

Based on Article 12(1) of the Law on the Fundamentals of Protection of the Rights of the Child [80], a child has the right to live with their parents. **The child has the right to communicate with separated parents** (one or the other), except when it contradicts the child's interests. Parents guarantee this right of the child. **If this right of the child is not ensured, state and municipal institutions and agencies take action in accordance with the laws and other legal acts to ensure this right of the child.** In the case under consideration, the child was separated from their parents for reasons unrelated to neglect, and communication with the parents did not contradict the best interests of the child; on the contrary, lack of communication with the parents likely had negative consequences for the child and amounted to disregarding the child's interests. The parents themselves in this case did not have the opportunity to contact their child (they were detained, unable to use the phone), therefore, the child's communication with the parents had to be ensured by state or municipal institutions. According to the 2018 recommendations of the Council of Europe (hereinafter the CE) [81] on children whose parents are detained [82], member states of the CE should **ensure the opportunity for children to see their incarcerated parents.** Paragraph 17 of the Recommendations states that children should be allowed to visit incarcerated parents once a week, and paragraph 19 states that **in cases where the child's guardian cannot accompany the child to the detention facility, alternative solutions should be found**, for example, a qualified person, a specialist working in the field of children's rights, could

[80] See Law on the Framework for the Protection of the Rights of the Child of the Republic of Lithuania:

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.26397/asr>

[81] See Recommendation CM/Rec(2018)5 of the Committee of Ministers to member States concerning children with imprisoned parents: <https://edoc.coe.int/en/children-s-rights/7802-recommendation-cmrec20185-of-the-committee-of-ministers-to-member-states-concerning-children-with-imprisoned-parents.html>

[82] "Imprisoned parents" in this context refers to parents detained in an institution for the detention of suspects or convicted persons.

accompany the child. Paragraph 25 of the recommendations states that **incarcerated parents should have their communication expenses with their children covered if their financial situation does not allow them to pay for the call themselves**. However, the mentioned article emphasises that **these communication measures should never be considered as an alternative replacing live contact between children and their incarcerated parents**.

In the opinion of the LRC, in the case under consideration, the best interests of the child and their right to communicate with their parents were disregarded. Both the separation from the parents, its duration, and the lack of proper and understandable explanation likely had negative consequences for the child in this case, which could have been avoided.

V. MONITORING OF INITIAL INTERVIEWS

In 2023, the LRC monitors monitored a total of 16 interviews: SBGS Vilnius FD (7 interviews), Pabradė FRC (6 interviews), Pagėgiai FD (2 interviews) and Varėna FD (1 interview). Interviews of adult women were monitored on 4 occasions, and 1 interview of an unaccompanied child. In the remaining cases, interviews of adult men were monitored. Total interviews of foreigners from 10 different countries of origin (Afghanistan, Belarus, Iraq, Iran, Yemen, Cuba, Russia, Syria, Ethiopia, Sri Lanka). 6 interviews were conducted in person, and 9 were conducted in a mixed manner (an official, asylum seeker, and monitor participated in the interview in person, while the interpreter or other participants joined remotely). Only 1 interview was conducted remotely by an official. The LRC monitors participated in all interviews in person.

The monitoring of initial interviews was carried out taking into account the practical guide on asylum application registration by EUAA [83] and EUAA practical recommendations when asylum application registration is conducted remotely [84].

Key aspects observed during the year:

- Technical difficulties were noted during 6 interviews. The most common technical issues arose from the Lithuanian Migration Information System (MIGRIS) platform, where all information collected during the initial interview is entered. During the interviews, MIGRIS would occasionally crash, causing data loss, and officials had to restart the interview from the beginning. In rare cases, technical difficulties were caused by poor internet connection, as well as dropped video calls.
- During 6 interviews, asylum seekers were not briefed on the information recorded during the interview. The LRC monitors always note that, in accordance with the EUAA Practical Guide on registration, in order to ensure the accuracy of the information recorded, it is recommended that at the end of the interview, asylum seekers are provided with the content/record of the interview, and are given the opportunity to comment on, i.e. to correct or add to, the record [85] i.e., to correct or supplement it (at least in those parts where unstructured, free-form information is recorded (circumstances of arrival and motives for seeking asylum)).
- During 5 interviews, it was not possible to assess whether the principle of confidentiality [86] was fully adhered to, as cameras of participants joining remotely to the interview were not always turned on or were not available [87]. During 1 interview, it was observed that confidentiality was not maintained – in the middle of the interview, the room where the interview was conducted had open doors.

[83] See EUAA Practical Guide on Registration. Lodging of applications for international protection, EUAA Practical Guide Series, 2021. Available at:

<https://euaa.europa.eu/sites/default/files/publications/Practical-guide-registration-lodging-applications.pdf>

[84] See EUAA Practical recommendations on conducting remote/online registration (lodging), EUAA Practical Guide Series, 2021. Available at:

<https://euaa.europa.eu/sites/default/files/easo-practical-recommendations-conducting-remote-online-registration-lodging-EN.pdf>

[85] See EUAA Practical Guide on Registration. Lodging of applications for international protection, EUAA Practical Guide Series, 2021, p. 28-29:

<https://euaa.europa.eu/sites/default/files/publications/Practical-guide-registration-lodging-applications.pdf>

[86] Ibid, p. 17.

[87] See EUAA Practical recommendations on conducting the personal interview remotely, p. 14.:

<https://euaa.europa.eu/sites/default/files/easo-practical-recommendations-conducting-personal-interview-remotely-EN.pdf>

- During 4 interviews, asylum seekers were not informed that the interview was confidential and what confidentiality means [88].
- During 4 interviews, asylum seekers were not briefed on the purpose and procedure of the initial interview [89].
- In 4 interviews, asylum seekers were not introduced to all the interviewees, the purpose of their participation in the interview and their duties [90].
- During 3 interviews, asylum seekers were not given the opportunity to freely narrate the reasons for leaving their country of origin, interrupting or rushing to finish the narrative [91].

[88] Ibid, p. 20.

[89] Ibid, p. 20, 27.

[90] See "EUAA Practical Guide: Personal Interview", Section 2.3.1:

<https://euaa.europa.eu/sites/default/files/public/EASO%20Practical%20Guide%20-%20Personal%20interview%20-%20LT.pdf>

[91] Ibid, section 2.4.2.

VI. THEMATIC MONITORING AND STUDIES

1. CHALLENGES OF ASYLUM SEEKERS LIVING IN THE PLACE OF RESIDENCE OF THEIR CHOICE WHILE WAITING FOR DECISIONS ON ASYLUM

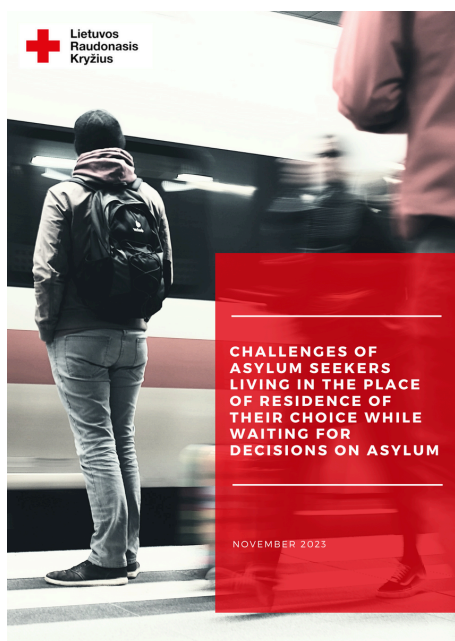
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2. THE SITUATION OF FOREIGNERS AFTER TRANSFER TO LITHUANIA UNDER THE DUBLIN III REGULATION

55

3. UKRAINIAN REFUGEES IN LITHUANIA: NEEDS ASSESSMENT SURVEY RESULTS

57



In 2023, LRC monitors conducted 3 thematic studies, which are reviewed in this section of the report: (1) Challenges of asylum seekers living in the place of residence of their choice while waiting for decisions on asylum; (2) Situation of foreigners transferred to Lithuania under the Dublin III Regulation; (3) Assessment of the needs of refugees from Ukraine living in Lithuania.

1. CHALLENGES OF ASYLUM SEEKERS LIVING IN THE PLACE OF RESIDENCE OF THEIR CHOICE WHILE WAITING FOR DECISIONS ON ASYLUM

Thematic monitoring was initiated to: (1) Determine how long, based on current practice, it takes for asylum seekers residing in their chosen place of residence to receive decisions on asylum granting. (2) assess, as appropriate, the legal and practical difficulties faced by independent living asylum seekers awaiting asylum decisions.

The interview was carried out: From March 27 to April 28, 2023.

Interviewed: 50 respondents (asylum seekers residing in their chosen place of residence) from 5 countries of origin (Belarus, Mali, Mongolia, Russian Federation, Tajikistan). 80% of respondents were Belarusian citizens.

Methodology: (1) Communication with asylum seekers residing in their chosen place of residence was conducted in person, by phone, as well as through electronic correspondence. Some respondents provided answers by independently filling out an online questionnaire. All respondents were presented with the same questionnaire, consisting of closed and open-ended questions. (2) During the study, publicly available statistical information was collected, and questions were submitted to state institutions responsible for processing asylum applications and ensuring the conditions for the reception of asylum seekers.

The findings of the study indicate that responsible state institutions do not always fully assess the circumstances that have arisen in practice, and there are not enough safeguards in place. Not all asylum seekers choose to live in accommodation centres designated by institutions during the asylum procedure. Many of them, for various reasons, decide to settle in their chosen place of residence. However, due to unforeseen circumstances and/or incompletely structured processes, as well as restrictive and inflexible legal regulations, the challenges faced while awaiting final decisions on asylum granting become complex and affect practically all essential areas of human life: employment, livelihoods, access to services, mobility, communication, orientation in an unfamiliar country, re-establishment of family ties, etc.

Although most of these problematic aspects are likely relevant to all asylum seekers, foreigners who settle in their chosen place of residence find themselves beyond the boundaries of the common system and established algorithms, making them the most vulnerable.

After analysing the data, the following **problem areas** were identified:

(1) Inadequate access for asylum seekers living in their chosen place of residence to vulnerability assessment procedures;

- (2) Insufficient information during the asylum application process;
- (3) Need for pre-assessment and prioritization of asylum applications;
- (4) Inadequate provision of social guarantees;
- (5) Limited opportunities to open a bank account and conduct banking operations;
- (6) Complicated employment opportunities;
- (7) Mental health challenges.

More information about the thematic study and its results can be found in the document [*Challenges of Asylum Seekers Living in the Place of Residence of Their Choice While Waiting for Decisions on Asylum*](#)

Recommendations provided by the LRC:

1. Access to vulnerability assessment procedures. (1) Ensure that asylum seekers residing in their chosen place of residence, like those living in institution-designated centres, have the opportunity to use a comprehensive vulnerability assessment procedure and the resulting guarantees provided for vulnerable asylum seekers with special needs. (2) Consolidate the functions of ensuring the reception conditions of asylum seekers in one institution, which would be responsible for the vulnerability assessment of all asylum seekers.

2. Quality information. Take into account the comments of asylum seekers regarding insufficient information and ensure that during the asylum application process: (1) communication is of high quality, clear, and regular; (2) asylum seekers have the opportunity to communicate directly with specialists responsible for processing their asylum applications; (3) clear and personalised information is provided in a timely manner regarding delays in making relevant decisions, their reasons, anticipated deadlines, etc.

3. Pre-assessment and prioritization of asylum applications. Evaluate international recommendations and good practices applied in other countries to conduct pre-assessment and prioritize asylum applications based on certain applicable criteria when the asylum system is under strain.

4. Strengthening social security. (1) Initiate changes to the legislative framework to strengthen social guarantees so that asylum seekers living in a place of their own choice have proportionately higher or at least not lower guarantees of material reception conditions than those living in accommodation centres designated by the authorities. (2) Assess the need to continue additional material support to asylum seekers from NGOs, funded by the EU Structural Funds.

5. Social vulnerability. Initiate appropriate legislative changes to ensure that asylum seekers have the right to open and use a payment account with the minimum characteristics.

6. Employment opportunities. (1) Shorten the current 6-month time limit, so that asylum seekers are entitled to work after 3 months, for example. In case of justified doubts about such a proposal, an alternative option should be to assess the possibility of introducing additional requirements, e.g. to provide that after the above mentioned 3 months only those asylum seekers whose identity has been

documented will be entitled to work, or to grant the right to work immediately to those asylum seekers whose identity has been confirmed and whose claims are being examined on their merits.

7. Impact on mental health. Point out that timely psychosocial support is a critical factor for a large number of foreigners who have decided to leave their country of origin, separated from their relatives, and are starting a new phase of life in an unfamiliar country. The provision of such support should become an integral part of the reception system, ensuring that it is available to all asylum seekers, including those residing in the place of their choice.

2. THE SITUATION OF FOREIGNERS AFTER TRANSFER TO LITHUANIA UNDER THE DUBLIN III REGULATION

The LRC carried out a thematic study to find out what reception and protection conditions are ensured and what practices of restriction of freedom of movement are applied to foreigners transferred to Lithuania under the Dublin III Regulation. In order to find out the above-mentioned information, the LRC monitors sent questionnaires to the Ministry of Interior and the administration of Pabradė FRC, conducted 17 interviews with foreigners included in the target group, analysed 10 decisions of the Vilnius Regional District Court (hereinafter referred to as – the VRDC) and 10 decisions of the Supreme Administrative Court of Lithuania (hereinafter referred to as– the SACL) in the cases of the foreigners included in the target group.

The interviews were conducted: from 12 July 2023 to 26 October 2023

Target group: asylum seekers and other foreigners who have been transferred to Lithuania under the Dublin III Regulation.

Interview methodology: confidential interviews were conducted with all foreigners, asking the same questions in a pre-designed questionnaire.

Methodology for analysing case law: Relevant Lithuanian court decisions were filtered in the Lithuanian Courts Information System (LITEKO) in a detailed search by specifying the date (from 1 January 2023 to 31 December 2023) and by specifying the word Dublin in the field text search. In order to narrow down the search parameters, while at the same time providing an overview of the case law of both instances, the search field court has been filtered by the decisions of the VRDC and the SACL respectively. Case numbers, case outcomes, or other precise information were not provided. During the analysis, specific factors that potentially could have influenced the decisions were assessed in each decision.

The following conclusions were drawn after analysing the information collected during the study:

- Not all persons transferred to Lithuania under the Dublin III Regulation end up in the FRC. Out of the 112 foreigners transferred to Lithuania in 2023, 77 persons were relocated to the Pabradė FRC

for temporary accommodation or detention. Those placed in FRC are provided with equal conditions, regardless of legal status, same as to all FRC residents [92].

- Compared to 2022, the number of foreigners transferred to Lithuania under the Dublin III Regulation almost doubled (2022 – 59 persons, 2023 – 112).
- The majority of foreigners transferred to Lithuania in 2023 were citizens of Iraq (about 34% of all transferred persons). Additionally, the majority of foreigners transferred to Lithuania came from Germany (about 46%). During interviews with foreigners included in the target group, it was found that the majority of persons transferred from Germany were from the North Rhine-Westphalia and Bavaria regions.
- The Mol did not provide precise information about what portion of the foreigners transferred to Lithuania in 2023 first arrived in Lithuania irregularly during the 2021 influx of foreigners. However, data from interviews and court analyses showed that the majority of persons arrived in Lithuania in the summer of 2021 – 11 out of 17 respondents and 16 out of 19 persons whose court decisions were analysed.
- Not a single case was observed where detention was imposed on persons included in the target group; in all cases, alternative measures to detention were applied, either restricting or not restricting freedom of movement. The information provided by Mol and analysed court practices indicate that the movement of freedom of the majority of persons transferred to Lithuania under the Dublin III Regulation is restricted in Lithuania by imposing an alternative measure to detention – accommodation in FRC with the right to move only within the territory belonging to the accommodation. Although formally these restrictions on the freedom of movement of these persons are not referred to as detention, persons are considered to be in *de facto* detention conditions.
- Combining the information gathered during interviews and the analysis of court decisions, no clear reasons were identified for the restriction of movement of freedom of asylum seekers included in the target group. Both the decisions of the VRDC and the SACL showed a certain consistency where freedom of movement was not restricted for those foreigners who cooperated with state institutions. However, the content analysis of court decisions does not support the assumption that non-cooperation is a basis for restricting freedom of movement, as the decisions do not mention whether persons cooperate with state institutions at all. The freedom of movement of asylum seekers may be restricted regardless of vulnerability, regardless of whether they pose a threat to state security and public order, or whether their identity is confirmed. Also, the way a person first arrived in Lithuania and the circumstances of their departure (whether a final decision was received or awaited from the Migration Department) do not influence court decisions. In certain cases, the VRDC and SACL make decisions to restrict the freedom of movement of foreigners in the target group solely on the grounds that the person had previously absconded from Lithuania without the right to do so.

[92] Pabradės URC užtikrinamos priėmimo ir apsaugos sąlygos detalai aprašomos 2023 m. LRK metinėje stebėsenos ataskaitoje: <https://redcross.lt/veiklos/prieglobscio-ir-migracijos-programa/stebesena-2/>

- Based on the analysis of court decisions and information gathered during interviews with foreigners, there is a trend that typically, foreigners included in the target group are subjected to restricted freedom of movement after repeated attempts to leave Lithuania.
- The VRDC's practice shows that the freedom of movement is not restricted for undocumented foreigners awaiting the execution of deportation decisions to their countries of origin when deportation to their home country is practically unfeasible. On the other hand, if Lithuania has agreements with the individual's country of origin and executes deportation to that country, the freedom of movement of the foreigner is restricted on the grounds that persons who have previously left Lithuania without the right to do so are likely to do so again. The SACL's practice regarding undocumented foreigners was not analysed due to lack of data.

It has been observed that in certain cases, courts base their conclusions on the mistaken assumption that foreigners lived unlawfully in other foreign countries before being transferred to Lithuania. Notably, on this matter that, like in Lithuania, in other countries applying the Dublin III Regulation, the presence of asylum seekers on their territory is not considered illegal residency.

No recommendations were provided to the institutions on this issue.

More about the thematic study and its results – see [The Situation of Foreigners After Transfer to Lithuania Under the Dublin III Regulation](#)

3. UKRAINIAN REFUGEES IN LITHUANIA: NEEDS ASSESSMENT SURVEY RESULTS

The LRC conducted an anonymous interview of refugees from Ukraine to assess their and their relatives' needs and to understand the challenges they face living in Lithuania. Responses from **nearly 4,000 respondents** allowed for an assessment of the current situation and needs in the areas of healthcare, psychological support, education, employment, as well as information.

Interviews were conducted: January 16 – February 1, 2023.

Target group: Refugees from Ukraine residing in Lithuania who arrived after 24 February 2022

Methodology: An anonymous structured online questionnaire consisting of closed and open-ended questions. The questionnaire is provided in Ukrainian and Russian languages.

Insights by theme were provided based on the collected data:

1. Healthcare

- More than 85% of respondents indicated that healthcare services were/are relevant to them.
- The majority of respondents (one-third) who needed healthcare services mentioned seeking treatment for health issues of their cohabiting children.

- Persons located in smaller towns are better informed about access to healthcare services.
- One-third of respondents who sought medical care indicated that their needs were not met or only partially met.
- Persons located in smaller towns generally rated the responsiveness of healthcare services better, but in certain cases, several smaller municipalities or districts also stood out with relatively poorer ratings.
- Accessibility of medical institutions is not the predominant issue, but for some people, especially those living in smaller or remote settlements, difficulties arise due to lack of public transportation, distance, etc.
- About 40% of respondents indicated that they need prescribed medications, but nearly 90% of them did not receive full or partial reimbursement for their medications, and about 60% of them would benefit from additional support related to medication reimbursement.
- One in five refugees from Ukraine living in Lithuania needed the services of a psychologist. Almost 60% of those who used psychological services said that their needs were not fully met or only partially met.
- Persons located in larger cities tended to rate the services of psychologists slightly higher.

2. Education

- Almost 70% of respondents indicated that they have registered or plan to register their children in Lithuanian educational institutions.
- More than 1,000 responses (multiple choices were possible) indicated that in about 300 cases, children continue their education in Ukraine remotely.
- Similarly, there were about as many cases where children were not registered due to age (up to 2 years old) or older preschool-age children stayed at home with parents, grandparents, etc.
- Education services were generally better rated by persons living in smaller towns. However, in some cases, poorer ratings were observed in smaller municipalities or districts.

3. Information

- The most common places to look for relevant information are social networks and community groups.
- More than a third of respondents say that the information they receive is not clear or understandable, or only partially so.
- The main challenges identified include the abundance of information sources, different content, and an excess of information itself.
- Clarity and comprehensibility of information were slightly better rated by persons living in smaller towns.

4. Lithuanian language courses

- More than 40% of respondents attended Lithuanian language courses. The majority of them chose free courses offered by the state.
- More frequently, persons living in smaller towns attended the courses.
- The main reason cited by those who did not attend the courses and did not express a desire to do so is the lack of perceived language barrier in Lithuania.

5. Employment and Income

- Almost every other respondent indicated having a job. About 20% do not have a job but expressed willingness to work.
- Persons located in larger cities have better employment opportunities.
- More than a third of respondents stated that their monthly household income does not exceed 500 euros. Another 10% claim to have no income and no savings.
- The majority of their income comes from wages and benefits from Lithuanian state institutions.

Recommendations provided by the LRC:

1. It is important to evaluate collectively how to more effectively manage the flow of information, review it, update it, communicate about it, and so on.
2. A comprehensive assessment is needed to understand why one municipality is perceived worse in the broader context.
3. Proper information about the reimbursement of medications and (for smaller target groups) specialized compensatory techniques should be a priority.
4. Psychological services are insufficient, so collaborative efforts should be made to strengthen both the quantitative and qualitative aspects of these services.
5. There are quite a few children not enrolled in educational institutions, so it is necessary to monitor whether this ensures the best interests of the child.
6. The demand for Lithuanian language courses is not being met, and it is necessary to expand their number and flexibility to accommodate, for example, working persons, those living remotely, i.e., through distance learning or other means.
7. Insufficient income levels and inability to work due to family situations or health conditions prompt attention to additional financial support mechanisms, especially for vulnerable persons, single mothers, persons with disabilities, or those with chronic illnesses.

More about the thematic research and its results – see [Ukrainian Refugees in Lithuania: Needs Assessment Survey Results](#)

CONCLUSIONS AND SUMMARY

In the concluding section, the most important observations recorded in this report are highlighted, suggesting the main directions that the LRC recommends focusing on in 2024. Addressing identified issues, we encourage interagency collaboration and invite dialogue with NGOs active in the field of migration.

Summarising 2023, it should be emphasised that the material reception conditions for asylum seekers at the SBGS units and foreigners' centres were essentially ensured. Throughout the year, there were no significant systemic discrepancies monitored against the standards. Upon gaining access to the asylum procedure and acquiring asylum seekers' status, the rights of foreigners were ensured and respected. Representatives of SBGS units and centre administrations quickly and in most cases benevolently resolved certain issues raised by the LRC.

The main concerning trends in 2023 became **(1) access to the asylum procedure** and **(2) reception conditions for foreigners without asylum seeker status**:

- The state of emergency due to the mass influx of foreigners is still declared in Lithuania. During the state of emergency, the right of foreigners to apply for asylum is restricted, and existing national legal regulations allow for the non-registration of asylum applications from foreigners who are pushed back. Independent monitors do not have the opportunity to directly monitor the processes taking place at the border with Belarus and access persons who gets pushed back. The limited availability of data prevents verification and confirmation of compliance with the individually required assessment of each person who gets pushed back as stipulated in the legislation. Due to the erected physical barrier, persons wishing to apply for asylum in Lithuania are forced to risk their health or even their lives. **The information collected by monitors and publicly available information raises concerns about the expected non-compliance with the principle of *non-refoulement*.** In some cases, foreigners who gets pushed back are returned to Belarus despite the real risk of experiencing physical violence from Belarusian officials or getting stranded at the border in unfavourable and health-threatening weather conditions.
- Independent monitors do not have access to information about foreigners detained on Lithuanian territory while transiting from other EU countries, where they arrived irregularly, as well as about their reception conditions and access to the asylum procedure. Unlike the case of foreigners detained at the border with Belarus, regular statistical information about foreigners detained during transit through Lithuania is not published. In certain observed cases, persons without asylum seeker status face *de facto incommunicado* detention, without ensuring minimal conditions that comply human dignity. In its reports and meetings with SBGS representatives, **the LRC consistently emphasizes the importance of ensuring minimal reception conditions for all foreigners known to the SBGS. The LRC actively encourages the SBGS to seek assistance from the LRC or other NGOs in ensuring minimal reception conditions for foreigners without asylum seeker status.** Concern is also raised about the specific quarantine practice applied at the Pabradė FRC, which expanded in the second half of 2023 and restricted not only monitors access to people but also other representatives who provide basic protection services, such as communication with relatives.

The current situation and the above summarising statements are illustrated best not by anything else but numbers. Therefore, in substantiating these statements, we will rely precisely on the numbers that reveal the overall picture and allow for comparisons of Lithuania in a regional and broader context. In 2023, the number of registered asylum applications in Lithuania continued to decrease consistently. Compared to 2022, this number dropped by half, and compared to 2021, it dropped by as much as eight times. The decrease in asylum applications directly reflects in the LRC's monitored access to the asylum procedure, primarily at the BCPs. If in 2022, 130 foreigners who submitted asylum applications arrived regularly through BCPs at the Lithuanian border with Belarus and the Russian Federation, in 2023, there were only 24 such persons, which is five times fewer. The decrease in the number of asylum applications registered in the BCPs was only recorded during the crisis of 2021 when, according to LRC calculations, only 14 such applications were registered (7 Tajik nationals, 6 Russian Federation nationals, and 1 Myanmar national) [93]. LRC's research indicates that there were cases where the statutory access to the asylum procedure did not always function and was not necessarily effective.

In 2023, there was a decrease in the physical availability to arrive via BCP. Throughout the year, two BCPs were temporarily closed at the border with Belarus. Periodically, in public communication of state institutions, there are plans to reinforce or even completely close the external EU border following the example of neighbouring countries.

The numbers of registered asylum applications resonate significantly when evaluating Lithuania in the EU context. Unlike Lithuania, the overall number of asylum seekers in the EU has significantly increased over the past two years. In 2022 alone, the number of asylum seekers applying for asylum for the first time in the EU increased by 64% compared to 2021. There was also growth observed in 2023, reaching over 20% compared to 2022.

Returning to the realities of Lithuania, fewer asylum applications were accepted in 2023 from foreigners arriving irregularly. If there were nearly 200 such cases in 2022, in 2023 there were just over 40. However, at the same time, more than 70 asylum applications were accepted from persons arriving in Lithuania from Latvian territory or transferred from Poland.

According to the available information, in 2023, northern neighbours of Lithuania experienced a significantly higher burden. During the first three quarters of 2023, Latvia registered twice as many asylum applications as Lithuania did throughout the entire year (1 065). Estonia recorded historically high numbers of asylum applications during the same period – reaching as high as 3,420, with Finland not lagging far behind (2 480). Both of these countries have a sufficiently long external EU border with the Russian Federation [94]. Latvia and Estonia saw the highest increase in asylum seekers across the entire EU, exceeding 100% [95].

[93] It is worth noting that, according to statistics provided by SBGS, in 2021, 276 asylum applications were registered at the BCP. However, the majority of these applications consisted of people evacuated from Afghanistan, as well as persons relocated from Ethiopia, Malta, Greece, and Italy or transferred under the Dublin III Regulation.

[94] See Finland says Russian guards likely 'heavily involved' in migrant surge at border, Reuters, 21 November 2023: <https://www.reuters.com/world/europe/finland-says-russian-guards-likely-heavily-involved-migrant-surge-border-2023-11-21/>

[95] See Europe 2023 asylum applications expected to be highest since 2016, infomigrants.net, online access – 2024-01-02: <https://www.infomigrants.net/fr/post/52458/europe-2023-asylum-applications-expected-to-be-highest-since-2016>

In 2023, Lithuania experienced the flow of foreigners arriving from Latvian territory. Through our country, many people travelled in various ways, with some ending up in risky situations, traffic incidents, and the like. Some of these persons in transit were detained in Lithuania. LRC and other independent monitors do not have data on the conditions under which these detained foreigners were held. It is only known that the majority of them (more than 1,000) were eventually transferred to Latvia after their arrival route was identified.

Since August 2021, with the introduction of the pushback measure, SBGS officials have pushed back nearly 22,000 foreigners attempting to cross the border from Belarus in unauthorized locations, including more than 2,600 foreigners in 2023. [96] (These numbers likely do not represent unique persons but rather attempts to irregularly enter, meaning the same persons may attempt to enter on different days in different border areas). The legal regulation applicable when carrying out such pushbacks requires taking into account humanitarian reasons and vulnerability. For example, in Latvia in 2023, 13,863 foreigners were pushed back, while a considerable number – 428 (3%) – were admitted for humanitarian reasons [97]. Meanwhile, during the same period, Lithuania admitted fewer than 10 foreigners (0.3%) for humanitarian reasons, according to LRC data. This observed difference, especially assuming that the profile of foreigners and the circumstances of arrival in Lithuania and Latvia are similar, suggests that the assessment processes of the same factual circumstances (vulnerability, humanitarian reasons), which are inherently subjective and require adequate preparation, may differ in different countries and lead to different outcomes.

In 2023, questions also arose about ensuring the conditions for the accommodation of asylum seekers and other foreigners requiring hospitalisation. Legislation does not regulate who should ensure standards-compliant accommodation conditions in such cases. As people are physically within medical institutions' purview, the SBGS does not assume responsibility for the accommodation conditions of asylum seekers requiring hospitalisation. Meanwhile, medical institutions, which are not formally part of the asylum seeker reception system, also do not have corresponding obligations. The LRC and other NGOs, in turn, have no access to all hospitalised foreigners, thus cannot provide assistance to all those in need.

In 2023, the number of refugees from Ukraine in Lithuania increased gradually, albeit not as rapidly as predicted. According to the State Data Agency, the number of registered refugees from Ukraine in Lithuania has exceeded 80,000 [98]. LRC's research indicates that the steadily growing number posed additional challenges in meeting refugees' needs in healthcare, education, employment, social benefits, and other areas.

The year 2024 may bring positive changes. Firstly, the concept of a so-called reception agency is currently being finalized. Among other things, under the new model, every newly arrived foreigner seeking international protection would come under the purview of the institution. It is expected that

[96] See Statistics on irregular migrants not admitted, vsat.lrv.lt, online access – 2 January 2024:

<https://vsat.lrv.lt/lt/naujienos/neileistu-neteisetu-migrantu-statistika/>

[97] See The Latvian government authorises the army to detain illegal immigrants, BNS, 9 January 2024

<https://www.lrt.lt/naujienos/pasaulyje/6/2167290/latvijos-vyriausybe-leido-kariuomenei-sulaikyti-neteisetus-imigrantus>

[98] See War refugees from Ukraine, Official Statistics Portal. Online access – 2 January 2024:

<https://osp.stat.gov.lt/ukraine-dashboards>

restructuring the reception system will at least partially address the problems identified during the LRC's monitoring in 2023, related to inadequate social guarantees for both asylum seekers (especially those living independently) and other foreigners present in Lithuania's institutions. Despite the evident improvement and ongoing expansion of the existing reception infrastructure (both SBGS FRC and RRC), it is necessary to standardise and improve other aspects, such as vulnerability assessment, providing relevant information, accessibility of translators/interpreters, SGLA, psychosocial support, and Lithuanian language courses.

ANNEXES

<u>ANNEX 1: MONITORING STATISTICS</u>	67
<u>ANNEX 2: SBGS AND NATIONAL STATISTICS</u>	69
<u>ANNEX 3: EU ASYLUM STATISTICS</u>	71
<u>ANNEX 4: DATA COLLECTED BY THE LRC</u>	72
<u>ANNEX 5: INTERVIEWS OF REFUGEES FROM UKRAINE</u>	74
<u>ANNEX 6: MATERIAL RECEPTION CONDITIONS</u>	75
<u>ANNEX 7: VISITS</u>	77

ANNEX 1: Monitoring statistics

Fig. 1. LRC monitoring visits in 2023: Date, location, access method, purpose.

LRC monitoring visits in 2023:				
No.	Date of visit	Place of visit	Access	Purpose of monitoring
1	2023-01-02	Kybartai road BCP	On-site	Reception/protection conditions + initial interview
2	2023-01-04	Pabradė FRC	On-site	Reception/protection conditions
3	2023-01-11	Pabradė FRC	On-site	Initial interview
4	2023-01-12	Pabradė FRC	On-site	Reception/protection conditions
5	2023-01-30	Lavoriškės BCP	On-site	Reception/protection conditions
6	2023-02-13	Naujininkai RRC	On-site	Reception/protection conditions
7	2023-02-22	A. Barauskas FS	On-site	Reception/protection conditions
8	2023-02-23	Rukla RRC	On-site	Reception/protection conditions
9	2023-02-23	Girionys RRC	On-site	Reception/protection conditions
10	2023-03-06	Kabeliai FS	On-site	Reception/protection conditions
11	2023-03-15	Kabeliai FS	On-site	Reception/protection conditions
12	2023-03-15	Varėna Hospital	On-site	Reception/protection conditions
13	2023-03-17	Pabradė FRC	On-site	Initial interview
14	2023-03-20	Kybartai railway BCP	On-site	Reception/protection conditions
15	2023-04-03	Kena BCP	On-site	Reception/protection conditions + initial interview
16	2023-04-06	Pabradė FRC	On-site	Reception/protection conditions
17	2023-04-26	Druskininkai FS	On-site	Reception/protection conditions
18	2023-05-04	Kybartai FRC	On-site	Reception/protection conditions
19	2023-05-04	Rukla RRC	On-site	Reception/protection conditions
20	2023-05-10	Pabradė FRC	On-site	Reception/protection conditions
21	2023-05-12	Naujininkai RRC	On-site	Reception/protection conditions
22	2023-05-16	Pabradė FRC	On-site	Initial interview
23	2023-05-18	A. Barauskas FS	On-site	Reception/protection conditions
24	2023-05-19	Marijampolė Hospital	On-site	Reception/protection conditions
25	2023-06-01	Lavoriškės BCP	On-site	Reception/protection conditions + initial interview
26	2023-06-01	Padvarionys FS	On-site	Reception/protection conditions
27	2023-06-02	Medininkai BCP	On-site	Initial interview
28	2023-06-12	Vilnius Airport FS	On-site	Reception/protection conditions
29	2023-06-19	Tverečius BCP	On-site	Reception/protection conditions + Initial interview
30	2023-07-10	Pabradė FRC	On-site	Reception/protection conditions
31	2023-07-12	Pabradė FRC	On-site	Thematic monitoring
32	2023-07-13	Pabradė FRC	On-site	Initial interview
33	2023-07-17	Kybartai road BCP	On-site	Protection of UASC (<i>internal report</i>)
34	2023-07-27	Pabradė FRC	On-site	Reception/protection conditions
35	2023-08-10	Mickūnai (Vilnius FD)	On-site	Initial interview
36	2023-08-11	Kybartai railway BCP	On-site	Reception/protection conditions + Initial interview
37	2023-08-16	Pabradė FRC	On-site	Initial interview
38	2023-08-29	Pabradė FRC	On-site	Reception/protection conditions (<i>internal report</i>)
39	2023-09-04	Švenčionys FS	On-site	Reception/protection conditions + Initial interview
40	2023-09-06	Rukla RRC	On-site	Protection of UASC (<i>internal report</i>)
41	2023-09-15	Tribonys FS	On-site	Reception/protection conditions (<i>internal report</i>)
42	2023-09-21	Medininkai BCP	On-site	Reception/protection conditions
43	2023-09-21	A. Barauskas FS	On-site	Reception/protection conditions
44	2023-09-26	Pabradė FRC	On-site	Reception/protection conditions
45	2023-10-04	Kybartai road BCP	On-site	Reception/protection conditions
46	2023-10-13	Kabeliai FS	On-site	Reception/protection conditions + Initial interview
47	2023-10-16	Lavoriškės BCP	On-site	Reception/protection conditions
48	2023-10-25	Visaginas Hospital	On-site	Reception/protection conditions
49	2023-10-26	Pabradė FRC	On-site	Thematic monitoring
50	2023-10-30	Visaginas Hospital	On-site	Reception/protection conditions + Initial interview
51	2023-10-31	Rukla RRC	On-site	Protection of UASC (<i>internal report</i>)
52	2023-11-08	Pabradė FRC	On-site	Initial interview
53	2023-11-27	Švenčionys FS	On-site	Reception/protection conditions
54	2023-12-14	Pabradė FRC	On-site	Reception/protection conditions

25 visits were conducted in the foreigners' reception and detention centres, 25 visits were also carried out in SBGS FSs and BCPs [99], 4 visits were carried out in medical institutions where asylum seekers were admitted due to health problems.

Among the centres, the Pabradė FRC stands out, where monitoring was carried out 17 times. Rukla RRC was visited 4 times.

Regarding visits to SBGS border units (FSs and BCPs), in 2023, LRC monitors visited all three SBGS frontier districts [100]: Vilnius FD (12 visits), Varėna FD (8 visits), and Pagėgiai FD (5 visits). The most frequent visits (3) were made to Kabeliai FS, A. Barauskas FS, Kybartai Road BCP and Lavoriškės BCP.

In 43 cases, reception and protection conditions were monitored in centres, SBGS border units, and healthcare facilities, 16 cases involved initial interviews with asylum seekers, and 2 visits were conducted to collect information within the framework of thematic monitoring. The number of visits and prepared reports differs because in some cases, different types of monitoring were conducted during one visit (e.g., reception/protection conditions and initial interviews).

[99] A monitoring visit to SBGS Vilnius FD in Mickūnai (Vilnius district) on 2023-08-10 is also included in visits to SBGS border units.

[100] As of 1 January 2024, a fourth FD will be added to the structure of the SBGS – the re-established Coast Guard FD: <https://vsat.lrv.lt/lt/naujienos/atkuriamai-vsata-pakranciu-apsaugos-rinktinei-vadovaus-j-rinkevicius/>

ANNEX 2: SBGS and national statistics

Fig. 1. Asylum applications in Lithuania for 2023 by month.

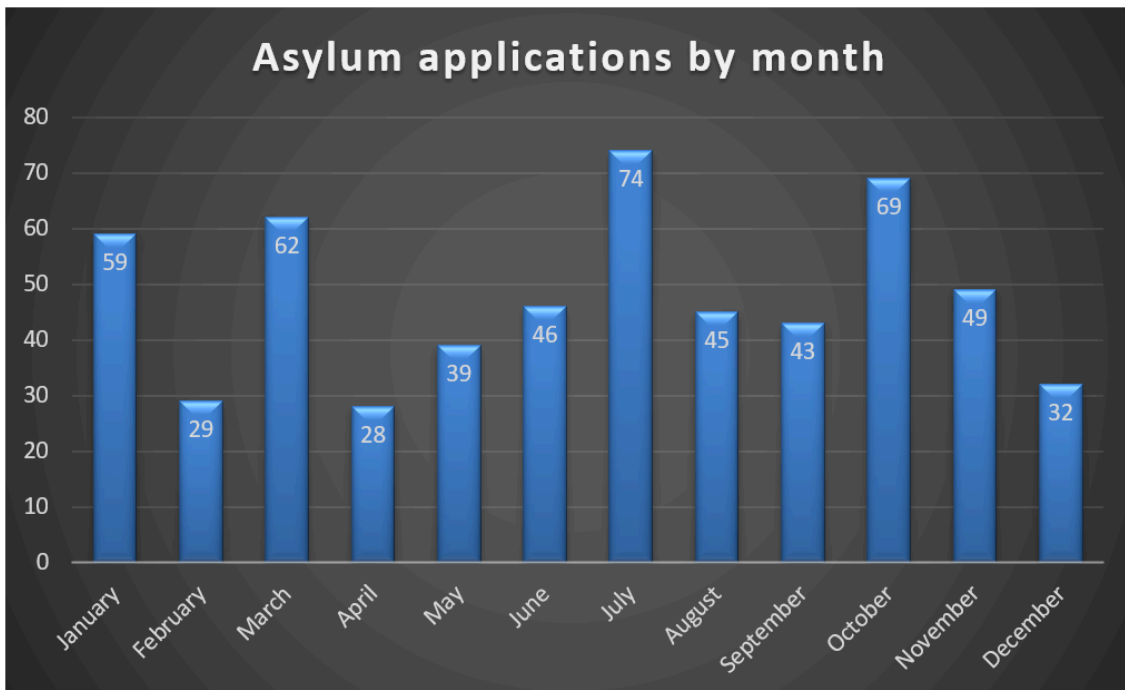
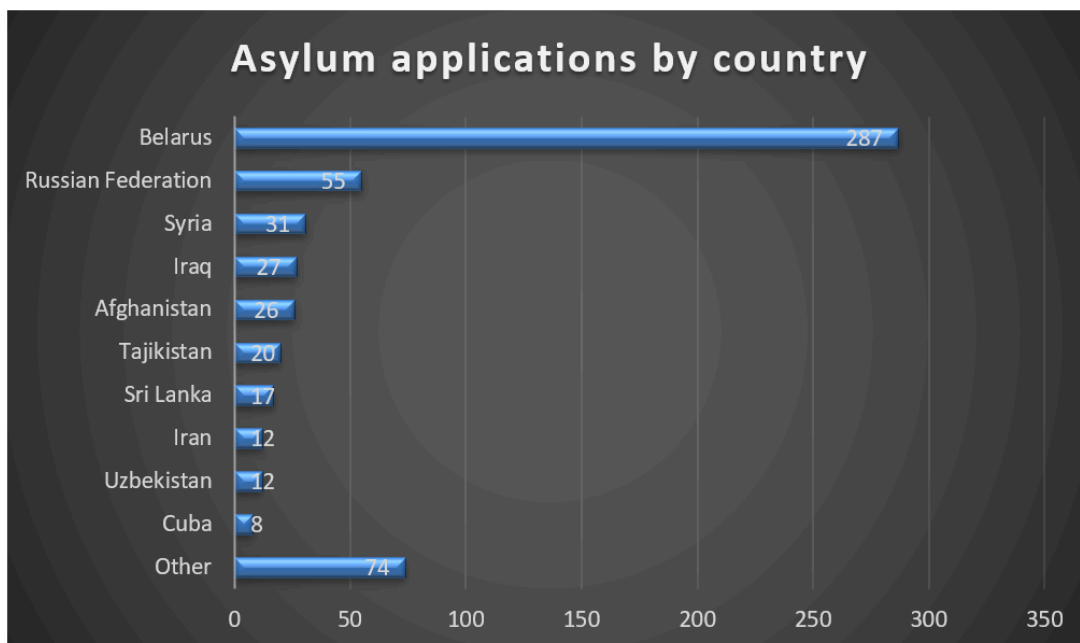


Fig. 2. Asylum applications in Lithuania for 2023 by country of origin.



Other countries of origin: India, Azerbaijan (6 each), Nigeria, Moldova, Turkey (5 each), Cameroon, Armenia, Democratic Republic of Congo, Egypt, Ukraine (4 each), Pakistan, South Sudan, Kazakhstan (3 each), Togo, Eritrea, Bangladesh, Yemen, Somalia, Mali, Ethiopia (2 each), Algeria, Guinea, Congo, Israel, Morocco, Turkmenistan, Gambia, Sudan, Jordan (1 each), as well as one stateless person.

Fig. 3. 2023 asylum statistics provided by the SBGS.

2023	Applications at the SBGS BCP	Applications at the border (arriving irregularly) and within the country					Total
		SBGS FD/FS	SBGS FRC	At the MD units	Relocated and resettled persons	Transfers under the Dublin III Regulation	
January	7	4	9	36	0	3	59
February	0	2	3	22	0	2	29
March	2	6	5	41	0	8	62
April	1	2	2	20	0	3	28
May	3	8	2	22	0	4	39
June	0	17	4	17	0	6	44
July	0	1	43	30	0	10	84
August	3	4	7	29	0	2	45
September	1	10	5	17	0	10	43
October	8	14	5	40	0	2	69
November	0	5	6	24	5	9	49
December	0	0	3	27	0	2	32
TOTAL	25	73	94	325	5	61	583
		558					

ANNEX 3: EU asylum statistics

Fig. 1. EU countries with the highest number of asylum applications (until 2023-11-01).

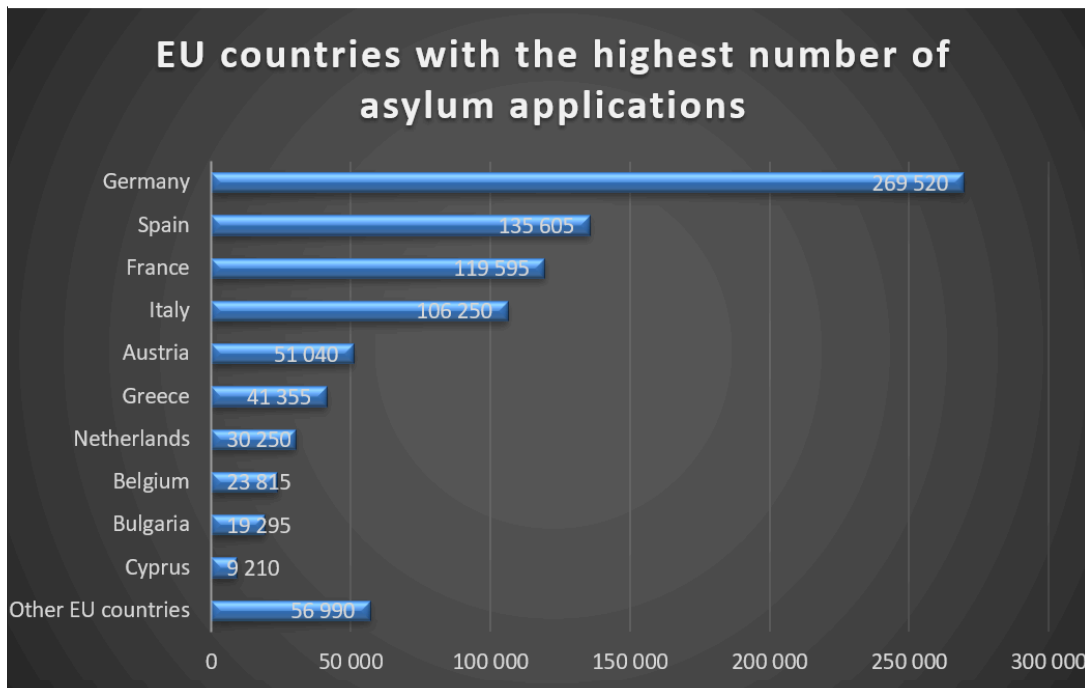
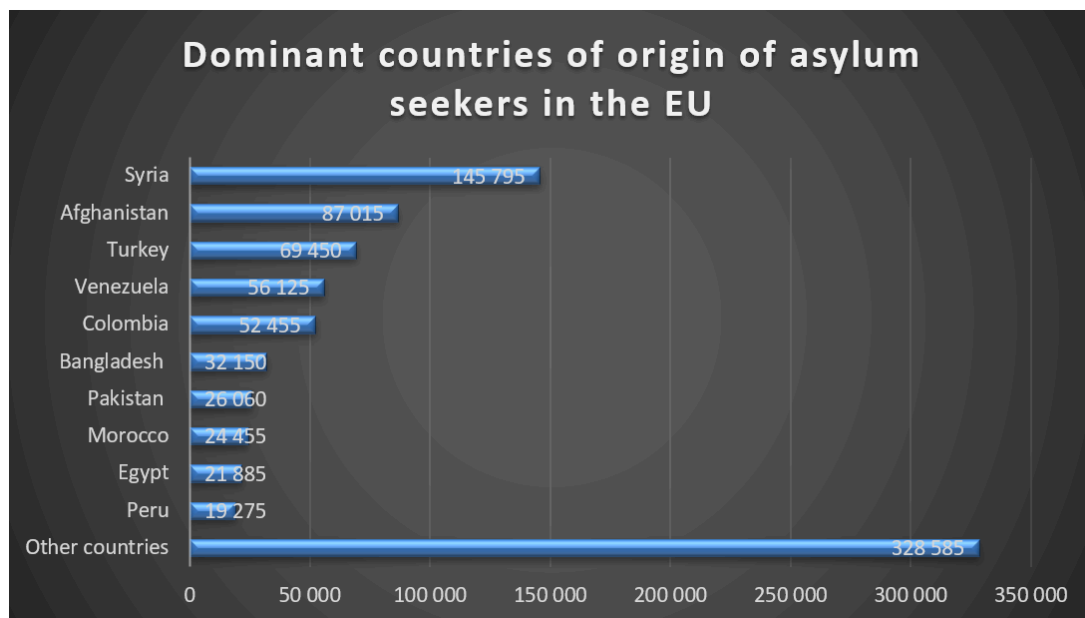


Fig. 2. Dominant countries of origin of asylum seekers in the EU (until 2023-11-01).



ANNEX 4: Data collected by the LRC

Note: The data collected by the LRC may not necessarily coincide with the data from state institutions. Despite the fact that LRC monitors always rely on the primary official source (usually the SBGS reports), certain discrepancies are possible, which are influenced by several factors. For example, the LRC monitors, when compiling statistical data, adhere to the principle that an individual becomes an asylum seeker from the moment the application is submitted (verbally or in written form). Meanwhile, the formal procedure for registering an asylum application by the SBGS may not occur on the same day, and in such cases, in the SBGS statistics, for example, in the transition between months, an asylum seeker may fall into the line for the following month. There may also be a lack of complete information due to unreported cases from the SBGS. Certain discrepancies may also occur when evaluating the place of asylum application submission and the circumstances of arrival and others, i.e., border (BCP) procedures and identification of foreigners within the country. Discrepancies may also arise when counting foreigners transferred under the Dublin III Regulation as the MD in certain cases reopens examination of the asylum application rather than treating it as a new asylum application. Also, as mentioned in the report section “1.1. The SBGS reports on asylum seekers”, the number of asylum seekers may vary by gender. These are just a few examples of why data from different sources may differ. The LRC does not hold complete information and some of the data, especially on the circumstances of the arrival of foreigners, is operational and not publicly available.

Fig. 1. The LRC holds data on registered asylum seekers in 2023. Note: This table includes only those foreigners whose asylum application registration circumstances fall into a specific category: those arriving via the BCP, those arriving irregularly, and those transferred under the Dublin III Regulation.

Initial SBGS reports on asylum seekers and their countries of origin in 2023					
Irregular arrivals		Arrivals via BCP			Transferred under the Dublin III Regulations
Across the external border with Belarus	Across the borders with other EU countries	External border with Belarus	External border with Russian Federation	International airports	
BLR – 31 RUS – 3 SYR – 3 IRN – 2 LKA – 1 SOM – 1 YEM – 1	AFG – 18 LKA – 15 SYR – 14 IRN – 11 CUB – 5 IND – 5 BGD – 2 EGY – 1 ETH – 1 IRQ – 1 RUS – 1 YEM – 1	TJK – 6 RUS – 1	BLR – 17	BLR – 2 EGY – 1	IRQ – 18 UZB – 7 AZE – 5 ARM – 4 BLR – 3 CMR – 3 RUS – 3 EGY – 2 KAZ – 2 AFG – 1 JOR – 1 NGA – 1 SYR – 1 TGO – 1 TUR – 1 UKR – 1
42	75	7	17	3	54
		24			
		27			
117		198			
Total					

The three-letter codes used to represent country names in the table are based on the International Organisation for Standardisation's ISO 3166 standard (ISO 3166-1 alpha-3): AFG – Afghanistan, ARM – Armenia, AZE – Azerbaijan, BGD – Bangladesh, BLR – Belarus, CMR – Cameroon, CUB – Cuba, EGY – Egypt, ETH – Ethiopia, IND – India, IRQ – Iraq, IRN – Iran, YEM – Yemen, JOR – Jordan, KAZ – Kazakhstan, KGZ – Kyrgyzstan, LKA – Sri Lanka, NGA – Nigeria, RUS – Russian Federation, SYR – Syria, SOM – Somalia, TGO – Togo, TJK – Tajikistan, TUR – Turkey, UKR – Ukraine, UZB – Uzbekistan.

Counting asylum seekers registered at the SBGS border units (FDs, FSs and BCPs), the majority of reports (or cases specified in the statistics) received in 2023 were from: Pūškos FS [101] (14 reports/cases, 17 asylum seekers); Kybartai BCP [102] (12 reports/cases, 17 asylum seekers); A. Barauskas FS [103] (10 reports/cases, 11 asylum seekers); Kabeliai FS (4 reports/cases, 5 asylum seekers). Of particular note is the Vilnius Airport FS. From this SBGS unit, the most reports were received in 2023 (19), but 17 of them were information about foreigners transferred under the Dublin III Regulation, whose asylum applications were registered later, after they were transferred to the FRC. In many cases, foreigners at Vilnius Airport FS spent only few hours, did not stay overnight, and were then sent to the FRC.

According to LRC data, the fewest asylum seekers were registered by the SBGS in December (5), April (8) and February (11), while the highest number of asylum seekers was registered in July (40), June (28) and October (27).

Fig. 3. The LRC collects data on asylum seekers registered by SBGS in 2023. Note: Unlike in the table above, asylum seekers are included here regardless of the circumstances of their asylum application submission.

Asylum seekers registered by the SBGS in 2023 by month, gender, as well as age and vulnerability category							
Month	By gender		Children (among them)		Unaccompanied or separated children (among them)		Total
	Male	Female	Male	Female	Male	Female	
January	11	8	1	2	0	0	19
February	10	1	0	0	0	0	11
March	16	4	1	0	1	0	20
April	7	1	0	0	0	0	8
May	14	3	1	0	1	0	17
June	21	7	0	2	0	0	28
July	34	6	0	2	0	0	40
August	12	4	1	0	0	0	16
September	23	3	1	2	1	0	26
October	21	6	5	1	2	0	27
November	17	4	0	0	0	0	21
December	5	0	0	0	0	0	5
Total	191	47	10	9	5	0	238
	238		19		5		

[101] In 2023, Pūškos FS applied a good practice, whereby received asylum seekers were transferred to better-adapted premises at Vilnius FD, such as the Tverečius FS at the Tverečius BCP or the Švenčionys FS.

[102] Physically, asylum seekers are admitted at Kybartai BCP structural units – Kybartai road or railway BCPs.

[103] A. Barauskas FS also received foreigners seeking asylum within the operating territory of the neighbouring Varėna FD in Purvėnai FS, however, initial reports about newly arrived asylum seekers were received from Purvėnai FS.

ANNEX 5: Interviews of refugees from Ukraine

Fig. 1. Questionnaire of refugees from Ukraine in Vilnius city.

Questionnaire of refugees from Ukraine in Vilnius city			
No.	Date	City	Place
1	2023-05-31	Vilnius	LRC Humanitarian Aid Centre
2	2023-06-06	Vilnius	LRC Humanitarian Aid Centre
3	2023-06-14	Vilnius	Food bank
4	2023-06-14	Vilnius	LRC Humanitarian Aid Centre
5	2023-06-15	Vilnius	LRC Humanitarian Aid Centre
6	2023-06-16	Vilnius	LRC Humanitarian Aid Centre
7	2023-06-20	Vilnius	LRC Humanitarian Aid Centre
8	2023-07-04	Vilnius	LRC Humanitarian Aid Centre
9	2023-07-24	Vilnius	Food bank
10	2023-08-01	Vilnius	LRC Humanitarian Aid Centre
11	2023-08-02	Vilnius	LRC Humanitarian Aid Centre
12	2023-08-03	Vilnius	LRC Humanitarian Aid Centre
13	2023-08-24	Vilnius	LRC Humanitarian Aid Centre
14	2023-08-31	Vilnius	LRC Humanitarian Aid Centre
15	2023-09-07	Vilnius	Migration department
16	2023-09-08	Vilnius	Migration department
17	2023-11-15	Vilnius	Naujininkai RRC
18	2023-11-16	Vilnius	LRC Humanitarian Aid Centre
Total		18 visits	

Fig. 2. Questionnaire of refugees from Ukraine in other cities of Lithuania.

Questionnaire of refugees from Ukraine in Lithuania			
No.	Date	City	Place
1	2023-06-20	Jonava	Jonava Social Services Centre
2	2023-06-20	Rukla	Rukla RRC
3	2023-06-23	Anykščiai	Collective accommodation place
4	2023-07-04	Rudiliai (Kupiškis district)	Collective accommodation place
5	2023-07-04	Kupiškis	Collective accommodation place
6	2023-07-05	Biržai	Collective accommodation place
7	2023-08-10	Utena	Public institution Crisis Centre Angelų pieva
8	2023-09-18	Panevėžys	LRC Regional Branch
Total		8 visits	

Annex 6: MATERIAL RECEPTION CONDITIONS

Catering

The catering practices of SBGS FSs and BCPs have not changed in 2023. As in 2022, warm, thermally processed food is not provided in the FSs and BCPs. Such practice does not meet the standards specified in the EUAA guidelines for reception conditions. Indicator 21.2 of Standard 21 [104] specifies that adults are fed at least three times a day, and children five times, and at least one meal is thermally processed and served warm per day. All asylum seekers in the FSs and BCPs receive a dry food ration daily (1 package per person, regardless of age). The dry food ration is not entirely standardised; the content usually varies slightly, but typically, the ration includes canned meat or fish, biscuits/breadsticks, soup/porridge, canned vegetables (beans, olives, etc.), nuts, tea, instant coffee, honey, sugar. In exceptional cases, it has been observed that asylum seekers are given food from the military ration, e.g. stew (2023-09-21, A. Barauskas FS, unaccompanied child), black chocolate (2023-10-13, Kabeliai FS, unaccompanied child). The LRC has not monitored cases where pork canned goods are included in the dry food rations (only chicken, beef, or fish are provided), which is a commendable practice considering that some cultural or religious groups to which asylum seekers belong do not consume pork.

Notable practices of good food distribution:

- *On 2023-01-02, the asylum seekers (a mother and her minor daughter) visited at the Kybartai road BCP stated that the staff of the BCP offered to buy and deliver warm food for them in the town.*
- *The practice observed at A. Barauskas FS, Kybartai railway BCP, Kena BCP and Vilnius Airport FS was that officers gave asylum seekers the opportunity to do some additional shopping (or to be shopped).*
- *2023-10-16 A practice was observed at Lavoriškės BCP, when a family with a baby was temporarily accommodated and the special baby food – baby purees and juices – were provided for the baby.*

Sanitary conditions

Indicator 8.1 of Standard 8 of the EUAA guidelines [105] on reception conditions stipulates that all applicants should have access to a shower and/or bath. Indicator 26.1 of Standard 26 [106] states that asylum seekers should be provided with sufficient sets of bedding and towels. Indicators 25.1 and 25.2 of Standard 25 as well as additional notes [107] specify that hygiene items should be issued to asylum seekers according to their gender, age, and a valid list indicating the quantity and type of items to be provided. It also states that everyone should have basic personal hygiene items such as a toothbrush, toothpaste, toilet paper, soap, shampoo and, depending on the individual situation, shaving products, sanitary pads or nappies. It is noteworthy that the order of the RL MoI regarding the provision of

[104] See “EUAA Guidance on reception conditions: operational standards and indicators”, Standard 21, indicator 21.2: <https://euaa.europa.eu/sites/default/files/Guidance-on-ReceptionConditions-LT.pdf>

[105] Ibid, 8 Standard 8.1 Indicator.

[106] Ibid, 26 Standard 26.1 Indicator.

[107] Ibid, 25 Standard 25.1 and 25.2 Indicators.

reception conditions for asylum seekers in FSs and BCPs [108] does not specify how many hygiene items should be issued to asylum seekers, and it is generally not stated that such items should be provided. Clear standards are only indicated for maintaining hygiene for persons accommodated or detained in FRC [109]. However, despite the absence of mention of the issuance of hygiene items in the aforementioned order, the SBGS FSs and BCPs typically have a reserve of hygiene kits, and hygiene items are issued to temporarily accommodated asylum seekers in accordance with the relevant EUAA standards.

The LRC does not observe systemic problems with ensuring sanitary conditions. Nevertheless, in 2023, six cases were noted where asylum seekers were not provided (or partially provided) with the necessary hygiene items, or the opportunity to bathe was not ensured:

- *On 2023-01-30, during a visit to Lavoriškėsi BCP, it was found that asylum seekers were not provided with towels, and hygiene items were not offered (they only had toothpaste and a toothbrush).*
- *On 2023-03-06, an asylum seeker at Kabeliai FS stated that he was not offered the opportunity to shower, and hygiene items were provided more than a day after his arrival at the border, with only cold water available in the sink in his living quarters, which was monitored by surveillance cameras – the opportunity to bathe was minimal (the asylum seeker was accommodated in a room designated for detention).*
- *On 2023-04-06 an asylum seeker at Druskininkai FS stated that he was not provided the opportunity to shower.*
- *On 2023-06-01 it was observed at Lavoriškės BCP that three asylum seekers accommodated at BCP were not provided with towels, and only minimal hygiene items were issued – a bottle of shampoo and toothpaste. Two persons had personal toothbrushes, while the third did not. The shampoo has expired.*
- *On 2023-06-19 asylum seekers at Tverečius BCP stated that they crossed the border in the operating area of Pūškos FS and spent more than a day in this BCP. According to their statement, when asked to use the shower at Pūškos FS, asylum seekers were informed that only cold water was available in the shower, so they chose not to bathe. Hygiene items were also not issued at Pūškos FS (instead, only general use soap was available). Notably, the asylum seekers crossed the Lithuanian border in a marshy area, which made them wet and dirty. After transferring asylum seekers to Tverečius BCP, all necessary hygiene items were provided, and access to the shower was granted.*
- *On 2023-08-11 a shortage of hygiene items was noted at Kybartai railway BCP; during the visit, the items had not yet been issued. Later, the SBGS indicated that hygiene items were offered to the asylum seeker on the first day, but he refused.*

[108] See The Order of the Minister of the RL MoI regarding the conditions and procedure for the temporary accommodation of asylum seekers at border control points and structural units of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/dcbfc82013c511e6aa14e8b63147ee94/asr>

[109] See Order of the Minister of the RL MoH On the Lithuanian approval of a hygiene standard HN 61:2020 “Public health safety requirements for temporary accommodation of aliens in the Foreigners Registration Centre of the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania”, Chapter VII: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/TAIS.265814/asr>

Annex 7: VISITS

Visit to Kybartai FRC (May 4th, 2023)

Unlike in the summer of 2022 when the SBGS Medininkai FRC was closed and physically dismantled, consisting of temporary modular houses, the physical buildings of the SBGS Kybartai FRC, whose operations were terminated on March 1, 2023, remain in reserve. The territory continues to be maintained, and the previously initiated renovation works are being completed. The last foreigners accommodated at the Kybartai FRC in February 2023 were transferred to the Pabradė FRC or left to live in their chosen place of residence.

Based on the visit of May 4th, the following key observations are presented:

- Since there are currently no residents at the Kybartai FRC, i.e., no services are provided, specialised staff are not working, etc., priority is given to the adaptability of the infrastructure for accommodating foreigners. The reception conditions at the Kybartai FRC continue to improve, and renovation works are ongoing, which potentially would allow for the proper reception of newly accommodated foreigners. Providing a larger area for residential and common needs per person, access to clean sanitation infrastructure, better lighting, etc., would ensure minimum reception standards.
- Consideration was given to the earlier note regarding the need for lockable furniture (lockers, drawers).
- The installation of new boilers, as well as replacing old windows with new sealed windows, allows for the resolution of previously noted complaints from residents about insufficient heating or lack of hot water, possibly avoiding challenges in the future.
- The reduction of infrastructure resembling a detention facility continues - bars previously installed on windows are dismantled.

Visit to Rukla RRC (May 4th, 2023)

Renovation works were carried out in both Rukla RRC buildings, refurbishing residential rooms and sanitary nodes, which had worn out after the influx of asylum seekers in 2021. Despite the repair works being conducted at the RRC and the temporary inconvenience caused by them, material reception conditions are ensured, with no complaints or deviations from the standards recorded. The number of residents at the Rukla RRC is quite small and stable. Additionally, the RRC administration has the ability to redirect people to branches in Naujininkai (Vilnius city) or Girionys (Kaunas district) as needed.

Rukla RRC continues to organise leisure and employment activities. However, a considerable portion of the population is employed, so at least during the daytime, the RRC facilities are sufficiently empty. Children also attend educational institutions as the academic year continues (all education for children takes place outside of the RRC boundaries, along with local residents' children).

An advantage for residents of the Rukla RRC is access to a local medical point, which is available to all RRC residents, including those who, as practice shows, encounter difficulties in accessing services in healthcare institutions of the Jonava district municipality (for example, unemployed refugees from Ukraine who have not acquired social insurance).

After the visit, it is recommended to pay attention to two observations made during the monitoring:

- Ensuring occupational safety during ongoing repair works it is advisable to constantly proactively remind the workers involved in renovation that the buildings are not empty and the RRC houses children of various ages, thus there may be risks associated with careless handling of electrical installations or other equipment.
- Ensuring convenient learning tools for remote learners. During monitoring, it was noted that a teenager connects to lectures remotely via his mobile phone. Although he did not explicitly express the need to use a computer or tablet, it is worth considering the possibility of providing access to a larger computer screen or other electronic communication devices so that learners can comfortably sit, view content on a larger screen, etc. The RRC has the means and facilities to do so.

Visit to Naujininkai RRC (May 12th, 2023)

Testimonials indicate that the Naujininkai RRC is popular because it is located in a convenient central location in Vilnius city. General public mood and feedback about the Naujininkai RRC indicate that people are satisfied with being able to live specifically in this RRC branch. The main problem of the Naujininkai RRC, which the administration undoubtedly knows and is trying to rectify, is the condition of buildings and general infrastructure. The infrastructure constantly requires investment and maintenance. The second building, known as the school building, has been started to be used for accommodating foreigners in the Naujininkai RRC. Prior to resuming operations, sanitary nodes and kitchens in this building need to be refurbished. The main communal building requires the most attention (both common areas and residential rooms are quite heavily occupied). Intensive renovation work was underway in the communal building during the visit. Additional sanitary facilities (toilets and showers) and a kitchen are planned to be installed on each floor. Due to the planned expansion of sanitary facilities and kitchens, 3 residential rooms have been abandoned. On the first floor of the building, 2 rooms, as well as a sanitary facility and a kitchen, are being installed, which will be intended for accommodating people with disabilities.

During the visit, one discrepancy with the EUAA standards regarding accommodation conditions was observed:

- It was observed in the communal building of the school that one family (a mother with two children and a grandmother) was living in one room. The mother sleeps in the same bed with both her children. The room is overcrowded, with many belongings. When asked if an additional room was needed, the woman responded that there was enough space and did not express a need for more. However, according to the EUAA standards regarding accommodation conditions, it is stipulated that each asylum seeker should be allocated a separate bed [110].

During the visit, it was noted that a new boiler had been installed in the kitchen of the 4th floor, where the water heating boiler was not working at the time of the last visit and hot water was not available, and that the problem of access to hot water had been solved.

[110] See "EUAA Guidance on reception conditions: operational standards and indicators" Standard 7, indicator 7.1.1: <https://euaa.europa.eu/sites/default/files/Guidance-on-ReceptionConditions-LT.pdf>

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Akilan Srilan ka
31.10.2022

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