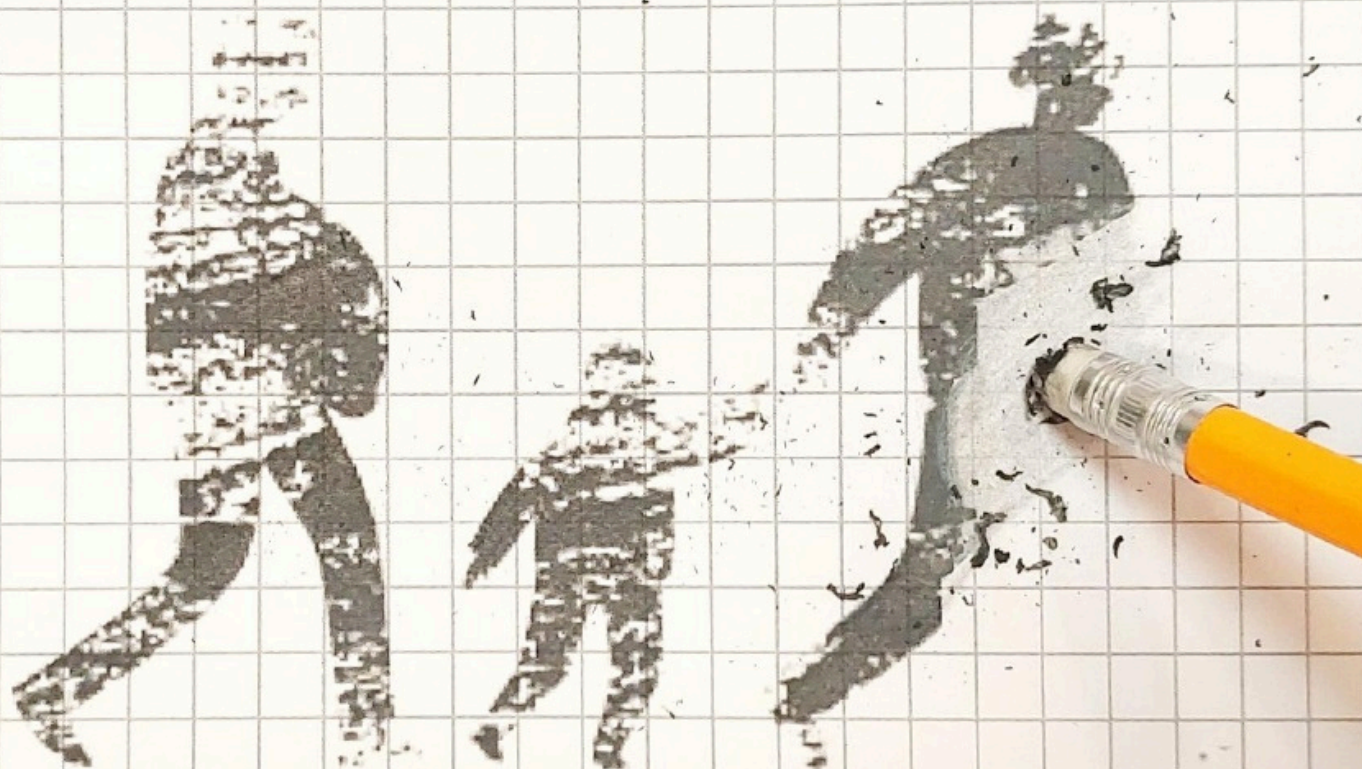


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ACCESS TO THE ASYLUM PROCEDURE

AT THE DIPLOMATIC MISSIONS OF THE REPUBLIC OF LITHUANIA ABROAD
AND AT THE BORDER CHECKPOINTS OF THE STATE BORDER GUARD SERVICE

UPDATE 2025

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I. ACCESS TO THE ASYLUM PROCEDURE: 2025 HIGHLIGHTS

„We do not have an influx of migrants, our border is well protected”, – claimed the Minister of the Interior of the Republic of Lithuania describing the situation in Lithuania in 2025[1]. Some Members of the Seimas of the Republic of Lithuania echoed him by stating that *“the illegal migration crisis is currently under control”*[2]. Nevertheless, the state-level emergency due to the mass influx of foreigners declared throughout the country on 2 July 2021 has remained in place for more than four and a half years. Along with the emergency due to the mass influx of foreigners, the “turning back” of foreigners trying to enter the territory of the Republic of Lithuania continues at the border, usually without providing them with the opportunity to submit an application for asylum. According to the data provided by the State Border Guard Service (hereinafter referred to as the SBGS), there were 1,652 such persons “turned back” in 2025[3].

On 12 February 2025, the European Court of Human Rights (hereinafter referred to as the ECHR) held a public hearing in Strasbourg where it began examining a complaint against Lithuania in the case regarding the “turning back” of asylum seekers at the border with Belarus[4]. During the hearing, the Permanent Representative of the Republic of Lithuania to the ECHR repeatedly emphasised that access to the asylum procedure at border checkpoints (hereinafter referred to as the BCPs) was guaranteed in Lithuania and also assured the Grand Chamber panel of 17 judges that the action algorithms established for border officers fully ensured compliance with international obligations. *“We will continue to provide international protection to those who use doors, but not windows or chimneys,”* noted the Lithuanian Representative and apologised to the applicants on behalf of the State for what they had to experience, at the same time emphasising, however, the “culpable conduct” test applied by the ECHR in the case of *N.D. and N.T. v. Spain*[5], i.e., the applicants’ own inappropriate behaviour.

It should be noted that Lithuania brought Belarus to the International Court of Justice in May 2025[6] emphasising the Belarusian side’s inappropriate behaviour towards migrants and appealing to legal norms that exempt migrants themselves from responsibility. In addition to the seemingly conflicting Lithuania’s positions

[1] See LRT.lt, “Migracijos departamento vadovui išrinkti bus skelbiamas dar vienas konkursas” [Another competition to be announced for the selection of the Head of the Migration Department], 31 August 2025, available at:

<https://www.lrt.lt/naujienos/lietuvoje/2/2660209/migracijos-departamento-vadovui-isrinkti-bus-skelbiamas-dar-vienas-konkursas>

[2] See the Proposal for Draft Law on Amendments to Articles 11, 26, 35, 41, 42, 43, 46, 50, 53, 58, 107, and 141 of the Law “On the Legal Status of Foreigners” No. IX-2206 (Document No.: XVP-690, Reg. date: 30-Sep-2025), available at:

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/b78ceef09dba11f0b2bd840de86d953b>

[3] Based on “Statistics of Illegal Migrants Denied Entry”, SBGS, available at: <https://vsat.lrv.lt/lt/naujienos/neileistu-neteisetu-migrantu-statistika/>

[4] See European Court of Human Rights, *C.O.C.G. and Others v. Lithuania* (No. 17764/22), Grand Chamber hearing - 12 February 2025, available at: <https://www.echr.coe.int/w/c.o.c.g.-and-others-v.-lithuania-no.-17764/22->

[5] Ruling of the European Court of Human Rights of 13 February 2020 in the case *N.D. and N.T. versus Spain* (Applications No. 8675/15 and 8697/15), ECLI:CE:ECHR:2020:0213JUD000867515

[6] See International Court of Justice, *Alleged Smuggling of Migrants (Lithuania v. Belarus)*, available at: <https://www.icj-cij.org/case/200>

presented in different courts (the explanation given to the ECHR that migrants themselves were to blame compared to the explanation given to the International Court of Justice that Belarus was to blame and migrants were the victims), this example illustrates what Prof. James C. Hathaway refers to as the developed countries' *"schizophrenic attitude towards international refugee law"*: where increasingly restrictive policies for denial of entry are pursued against the backdrop of a persistent commitment to comply with international obligations. According to Prof. J. C. Hathaway, although theoretically developed countries could simply abandon the refugee law regime developed in the post-war years (since the reasons for the development thereof are no longer relevant), they do not do so for a number of reasons, including the reluctance to set an (undesirable) example for less developed countries, which currently host the vast majority of refugees[7]. Accordingly, it is in the interests of developed countries to continue to declare their commitment to adhering to refugee law, while simultaneously making every effort to ensure that the actual implementation of these obligations remains as symbolic as possible[8]. According to Filippo Grandi, now the former United Nations High Commissioner for Refugees, the word *"control"* is recurring in European discussions on immigration[9]. This trend is also reflected in the draft of the amended *"Lithuanian Migration Policy Guidelines"* prepared by the Ministry of the Interior and published at the end of November 2025: here the word *"control"* is mentioned over 20 times, while, for example, *"human rights"* – only twice[10].

Shortly after the assurance of the Permanent Representative of the Republic of Lithuania to the ECHR that Lithuania was determined to continue to provide international protection to *"those who use doors"*, a woman arrived at the *"door"* of Kybartai Road BCP from the Russian side and applied for asylum to Lithuanian border officers verbally and in writing. Her application was not accepted and the woman was eventually forced to return to her country of origin. While looking into the circumstances, representatives of the SBGS informed that *"they had no information about the citizen's application for asylum being submitted to the officers"*: an *ipse dixit* response that has become a standard whenever an application for asylum is not registered at the border. As in other similar cases, the SBGS took the position that the woman did not apply for asylum and simply tried to enter the Republic of Lithuania without the necessary documents.

This story had a continuance: the aforementioned woman referred this matter to the court requesting to annul the decision on the refusal to allow entry and accept her application for asylum[11]. The Regional Administrative Court, having found no reason to doubt the circumstances indicated by the applicant, partially granted her appeal and annulled the decision subject to the appeal. The court had ordered the SBGS to submit the recordings of the personal recorders of the officers who had communicated with the applicant (portable video and audio recorders, body cameras) in order to assess whether the applicant's explanations regarding the rejection of her application for asylum are substantiated, however, those were not submitted, with the SBGS claiming that the recordings in question were not made or were not preserved. Taking into account the fact that the officers should have turned on the recorders and recorded the situation in the circumstances under consideration, the court ordered the commander of the SBGS to take measures to prevent such violations from being committed in the future.

[7] According to the United Nations Refugee Agency, 67 percent of refugees fleeing conflict and persecution remained close to their country of origin and settled in neighbouring countries in 2024. 73 percent of all refugees in 2024 were hosted by low- and middle-income countries (e.g., Chad, Democratic Republic of the Congo, Ethiopia, Uganda, Bangladesh, Pakistan, Iran, Turkey, Colombia, Peru, etc.). See United Nations High Commissioner for Refugees. 2025. Global Trends: Forced displacement in 2024, available at: <https://www.unhcr.org/global-trends-report-2024?page=40>

[8] See Hathaway, James C. "Non-Refoulement in a World of Cooperative Deterrence." T. Gammeltoft-Hansen, co-author. Colum. J. Transnat'l L. 53, no. 2 (2015): 235-84, available at: <https://repository.law.umich.edu/articles/1485/>

[9] See LRT.lt, "Filippo Grandi. Europos šalių diskusijose apie imigraciją vis kartojami žodis – kontrolė" [Filippo Grandi. The word control keeps recurring in European countries' discussions on immigration], 20 August 2024, available at:

<https://www.lrt.lt/naujienos/pozicija/679/2343086/filippo-grandi-europos-saliu-diskusijose-apie-imigracija-vis-kartojasi-zodis-kontrolė>

[10] See Draft Resolution of the Government of the Republic of Lithuania "On Amendments to Resolution No. 79 of the Government of the Republic of Lithuania of 22 January 2014 "On Approval of the Lithuanian Migration Policy Guidelines" (Reg. No.: 25-14460(2), Reg. date: 26-Nov-2025), available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/80f2ae20cad811f0a842b0e89767e3dc>

[11] Administrative Case No. e13-9842-621/2025, Judicial Proceedings No. 3-62-3-00464-2025-7.

The Seimas Ombudspersons' Office, which conducted several investigations into the accessibility of the asylum procedure at the BCPs of the Republic of Lithuania in 2025 in response to reports of unaccepted applications for asylum, also faced a similar problem[12]. Despite the fact that the use of body cameras at the border was supposed to „increase transparency and accountability“[13], in no case were the body camera records provided to the Seimas Ombudsperson in order to help with the establishment of the actual circumstances of the events under investigation. The Seimas Ombudsperson stated that the assumptions regarding the creation of unjustified obstacles to exercise the right to apply for asylum in Lithuania at the BCPs were confirmed during the investigation and recommended that the commander of the SBGS, *inter alia*, take measures to ensure the accessibility of the asylum procedure at the BCPs. The Seimas Ombudsperson also recommended that measures be taken to ensure that officers always use video recorders and save the recorded video recordings in accordance with the procedure established by legislation, and that the head of the structural unit of the Service make a timely, reasoned decision to extend the period for storing video data and submit the aforementioned data to the Seimas Ombudsperson in order to ensure the smooth conduct of the investigation.

It is interesting that on 4 December 2025 the Supreme Court of Lithuania also ruled on the use of body cameras and the related distribution of the burden of proof: if a state authority fails to fulfil one's obligation to record evidence when it has a real opportunity to do so, it is this authority that bears the negative legal consequences associated with the failure to fulfil such an obligation. The Court noted that such a shift in the burden of proof is a logical consequence of the failure of police officers to use body cameras[14].

In this context, it is also worth mentioning the ruling of the Supreme Administrative Court of Lithuania (hereinafter referred to as the SACL) of 30 December 2025 in a case related to both the distribution of the burden of proof and access to the asylum procedure, although not at a BCP, but at the “green border”[15]. In this case, the applicant stated that, having illegally crossed the border of the Republic of Lithuania with a group of other persons, he was stopped by officers of the SBGS on the territory of Lithuania and wanted to submit an application for asylum, but the officers of the SBGS pushed him back to the territory of Belarus together with others. The SBGS did not dispute the fact of forcing the applicant to return to the territory of Belarus, but maintained the position that the applicant had not requested asylum in any way. Thus, as is often the case in such situations, the essential dispute in this case arose from whether the applicant had actually applied for asylum.

On this issue, the SACL noted that *“the applicant is the weaker party to the dispute, therefore, all uncertainties should be assessed in his favour”*. According to the court, *“when examining administrative cases, a general rule is applicable, according to which the applicant must submit or indicate to the court evidence that can confirm the factual*

[12] See (1) Note No. PA-136 of the Seimas Ombudsperson of the Republic of Lithuania of 21 July 2025 “On Investigation No. 5D-2025/2.1-389 conducted on the initiative of the Seimas Ombudsperson on the accessibility of the asylum procedure at the border checkpoints of the Republic of Lithuania”, available at: <https://www.lrski.lt/documents/pazyma-del-seimo-kontrolieres-iniciatyva-atlikto-tyrimo-nr-5d-2025-2-1-389-del-prieglobscio-proceduros-prieinamumo-lietuvos-respublikos-pasienio-kontroles-punktuose/>;

(2) Note No. PA-146 of the Seimas Ombudsperson of the Republic of Lithuania of 25 July 2025 “On investigation No. 5D-2025/2.1-465 conducted at the initiative of the Seimas Ombudsperson regarding the accessibility of the asylum procedure at the border control points of the Republic of Lithuania”, available at: <https://www.lrski.lt/documents/pazyma-del-seimo-kontrolieres-iniciatyva-atlikto-tyrimo-nr-5d-2025-2-1-465-del-prieglobscio-proceduros-prieinamumo-lietuvos-respublikos-pasienio-kontroles-punktuose/>

[13] See LRT.lt, „VSAT, Policija įsigijo 2,5 tūkst. „kūno kamerų“ pareigūnams“ [SBGS, the police acquired 2.5 thousand “body cameras” for officers”, 9 December 2022, available at: <https://www.lrt.lt/naujienos/lietuvoje/2/1840986/vsat-policija-isigijo-2-5-tukst-kuno-kameru-pareigunams>

[14] See (1) The Supreme Court of Lithuania, “The SCL: the police officers' failure in fulfilling the obligation to turn on body cameras results in shifting the burden of proof to the state”, 4 December 2025, available at: <https://www.lat.lt/lat-policijos-pareigunu-nevykdyta-pareiga-ijungti-kuno-kameras-lemia-irodinejimo-nastos-perkelima-valstybei/2278>;

(2) Depersonalised ruling of the Supreme Court of Lithuania of 4 December 2025 in Civil Case No. e3K-3-186-381/2025, available at: <https://www.lat.lt/data/public/uploads/2025/12/2025-12-04nuasmenintanutarisbylojee3k-3-186-381-2025.docx>

[15] See the ruling of the Supreme Administrative Court of Lithuania of 30 December 2025 in Administrative Case No. eA-820-552/2025, available at: <https://liteko.teismai.lt/viesasprendimupaieska/tekstas.aspx?id=1909f8e5-97a8-4867-a3eb-d9633c8a8fed>

circumstances indicated by him that are significant for the case under consideration. Such evidence shall include the applicant's own explanations, his further conduct <...> when, upon re-entering the territory of the Republic of Lithuania, the applicant was placed in a medical institution and submitted an application for asylum there (these facts are recorded in various documents), the statements of the applicant and other foreigners who were with him, given during the pre-trial investigation into illegal border crossing" (p. 62).

According to the assessment of the SACL, the court of first instance (which dismissed the applicant's appeal) *"should have assessed the explanations provided by the SBGS officers that the applicant had not applied for asylum more carefully. Meanwhile, in the case under consideration, the court of first instance essentially only cited the explanations of the defendant's representatives, considering them to be unequivocally correct. The court did not conduct a proper comprehensive assessment of the collected evidence and did not provide arguments in support of the rejection of the applicant's explanations and other evidence supporting his position" (p. 62).* Having assessed the totality of the evidence collected in the case and guided, inter alia, by the jurisprudence of the Court of Justice of the European Union, the SACL recognised as a proven fact that the applicant was not given the opportunity to submit an application for international protection, and stated that *"the SBGS officers acted unlawfully by forcibly expelling the applicant from the territory of Lithuania and not giving him a real opportunity to submit an application for asylum" (p. 64).*

The aforementioned ruling of the SACL resonates with the clarifications set forth in the judgment of the Court of Justice of the European Union of 18 December 2025 in Case C-136/24 P[16], based on which a person's account is to be considered as *"witness testimony"* and, accordingly, as *"evidence"* which cannot be simply rejected as having low probative value without assessing the totality of the evidence presented. The only relevant criterion in assessing the probative value of evidence is reliability thereof. The value of evidence depends solely on whether the information provided in the witness's testimony is complete, specific, and consistent, and whether the information provided in it is reliable. In situations where the essence of the person's complaints is the inaction of the state authorities, it is sufficient for him to provide *prima facie* evidence[17] confirming his version of events, such as his presence at a certain place and involvement in the events described. To this end, it is sufficient for the applicant to provide a detailed, specific, and consistent description of the events in question. Setting an excessively high standard of proof and improper distribution of the burden of proof in such situations would essentially prevent any actions that individuals can take to defend their violated rights, while granting *de facto* immunity to violators of these rights and rendering the protection of fundamental rights ineffective.

Circling back to the topical issues of the year in Lithuania, the Resolution of the Government of the Republic of Lithuania of 2 July 2021 No. 517 "On the Declaration of a State-Level Emergency, the Appointment of the Head of State Operations for a State-Level Emergency and the Strengthening of the State Border Protection of the Republic of Lithuania"[18] was amended again in April 2025 by introducing additional restrictions. For example, it was established that [at Medininkai and Šalčininkai BCPs] *"traffic is suspended, except for traffic by cars"* (the previous version stated that *"traffic of pedestrians and cyclists is suspended"*). Thus, border crossings were prohibited, e.g., by scooters, motorcycles, mopeds, and motorised bicycles. The Resolution also provided for the possibility for temporary restriction of the movement of persons through the aforementioned BCPs, *"when there is sufficient reason to believe that such movement of persons is artificially organised, encouraged, or permitted through*

[16] See the judgement of the Court of Justice of the European Union of 18 December 2025 in Case C-136/24 P (*Hamoudi v Frontex*), ECLI:EU:C:2025:977, p. 105-109, p. 114-116.

[17] *Prima facie* evidence (Latin *prima facie*: "at first sight", "at first impression"): evidence which, unless rebutted, is sufficient to establish a specific fact or to substantiate a claim.

[18] See Resolution No. 208 of the Government of the Republic of Lithuania of 16 April 2025 "On Amendments to Resolution of the Government of the Republic of Lithuania No. 517 of 2 July 2021 "On the Declaration of a State-Level Emergency, the Appointment of the Head of State Operations for a State-Level Emergency and the Strengthening of the State Border Protection of the Republic of Lithuania"", available at: <https://www.e-tar.lt/portal/lt/legalAct/dce7fb921b5b11f08fdabd4950271e2c>

the involvement of neighbouring states and (or) their institutions, persons acting with their knowledge, and poses a threat to the national security interests of the Republic of Lithuania." Thus, the Commander of the SBGS was granted the authority to suspend the movement of persons through certain BCPs for a period of up to 1 month[19].

This possibility was put in action on the night of 21 October to 22 October, when the Commander of the SBGS temporarily closed both BCPs operating at the border with Belarus: Medininkai and Šalčininkai, due to the entry of weather balloons used for smuggling purposes into Lithuanian airspace. Movement through these BCPs was not possible from approximately 2:30 a.m. to 9 a.m.[20]. It should be noted that the aforementioned new provisions of Government Resolution No. 517 were declared invalid on 29 October 2025[21], however, they were reinstated on 19 November 2025[22], only for some reason the numbering of the subparagraphs of the Resolution was changed.

On 29 October 2025, the Government decided to temporarily suspend traffic through Šalčininkai BCP and further restrict traffic through Medininkai BCP in response to the increasing number of cases of weather balloons used for smuggling purposes flying from the territory of Belarus and disrupting the operations of Vilnius International Airport in the process[23]. The new restrictions were in place for almost three weeks before being lifted on 19 November 2025[24]. However, as the situation regarding weather balloons remained unresolved and Vilnius International Airport continued to experience disruptions, on 9 December 2025 the Government of the Republic of Lithuania declared a *"state-level emergency situation throughout the country due to the constant entry of smuggling balloons from the territory of the Republic of Belarus into the territory of the Republic of Lithuania, thereby posing a threat to the national security interests of the Republic of Lithuania and the resulting danger to human life, health, property and (or) the environment"*[25].

It should be noted that the Government Resolution, which temporarily suspended the movement through Šalčininkai BCP and restricted the movement through Medininkai BCP, separately mentioned *"the arrival of*

[19] See Note No. NV-679 of 14 April 2025 "On Draft Resolution of the Government of the Republic of Lithuania "On Amendments to Resolution of the Government of the Republic of Lithuania No. 517 of 2 July 2021 "On the Declaration of a State-Level Emergency, the Appointment of the Head of State Operations for a State-Level Emergency and the Strengthening of the State Border Protection of the Republic of Lithuania""", available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/5efdf2b8190411f09cbcab0ff4d74843>

[20] See (1) State Border Guard Service, "Laikiniai buvo uždaryti Medininkų ir Šalčininkų pasienio kontrolės punktai (atnaujinta 9 val.)" [Medininkai and Šalčininkai border checkpoints were temporarily closed (updated at 9 a.m.), 22 October 2025, available at: <https://vsat.lrv.lt/lt/naujienos/laikiniai-buvo-uzdaryti-medininku-ir-salcininku-pasienio-kontroles-punktai-7ci/>;

(2) LRT.lt, "Lietuva atnaujino eismą per pasienio su Baltarusija punktus" [Lithuania has resumed traffic through border checkpoints with Belarus], 22 October 2025, available at: <https://www.lrt.lt/naujienos/lietuvoje/2/2722005/del-kontrabandiniu-balionu-laikiniai-uzdaryti-abudar-veike-pasienio-punktai-su-baltarusija>

[21] See Resolution No. 734 of the Government of the Republic of Lithuania of 29 October 2025 "On Amendments to Resolution of the Government of the Republic of Lithuania No. 517 of 2 July 2021 "On the Declaration of a State-Level Emergency, the Appointment of the Head of State Operations for a State-Level Emergency and the Strengthening of the State Border Protection of the Republic of Lithuania""", available at: <https://www.e-tar.lt/portal/lt/legalAct/22314162b4e011f092fda1fd0c194cc5>

[22] See Resolution No. 801 of the Government of the Republic of Lithuania of 19 November 2025 "On Amendments to Resolution of the Government of the Republic of Lithuania No. 517 of 2 July 2021 "On the Declaration of a State-Level Emergency, the Appointment of the Head of State Operations for a State-Level Emergency and the Strengthening of the State Border Protection of the Republic of Lithuania""", available at: <https://www.e-tar.lt/portal/lt/legalAct/cb0ff662c54d11f0bf10920ce8b0026c>

[23] See Resolution No. 733 of the Government of the Republic of Lithuania of 29 October 2025 "On the restriction and termination of crossing the state border of the Republic of Lithuania", available at: <https://www.e-tar.lt/portal/lt/legalAct/b9cb7c82b4e011f092fda1fd0c194cc5>

[24] See Resolution No. 800 of the Government of the Republic of Lithuania of 19 November 2025 "On the Declaration of Resolution No. 733 of the Government of the Republic of Lithuania of 29 October 2025 "On the restriction and termination of crossing the state border of the Republic of Lithuania" as invalid", available at: <https://www.e-tar.lt/portal/lt/legalAct/977fe3a2c54d11f0bf10920ce8b0026c>

[25] See (1) Resolution No. 873 of the Government of the Republic of Lithuania of 9 December 2025 "On the Declaration of a State-Level Emergency and the Appointment of the Head of State Operations for a State-Level Emergency", available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/38677803d4cb11f0948bfb5fa1e0c51b>;

(2) Government of the Republic of Lithuania, "Paskelbta valstybės lygio ekstremalioji situacija dėl hibridinės Baltarusijos atakos" [State-level emergency situation declared due to hybrid attack by Belarus], 9 December 2025, available at: <https://lrv.lt/lt/naujienos/paskelbta-valstybes-lygio-ekstremalioji-situacija-del-hibridines-baltarusijos-atakos-svaO/>

persons to the Republic of Lithuania or the departure from the Republic of Lithuania for humanitarian reasons", granting the SBGS the discretion to apply an exception in certain cases. This reflects a general trend often observed in Lithuanian legislation after the 2021 situation on the Belarusian border: to emphasise "humanitarian reasons", but not asylum, i.e., by replacing legal obligations with moral ones: with compassion, as if granting protection were a gesture of goodwill, rather than the execution of the law. It should be noted separately that the document accompanying the Government Resolution of 29 October 2025[26] specifies that the aforementioned "humanitarian reasons" are those defined in Paragraph 7¹ of Article 2 of the Law of the Republic of Lithuania on the Legal Status of Foreigners[27], which do not necessarily apply to situations where a person applies for asylum. In any case, during subsequent consultations the SBGS confirmed that the restrictions introduced did not affect access to the asylum procedure, and no incidents were recorded during the relevant period.

"Entry to the Republic of Lithuania for humanitarian reasons" is also mentioned as an exception in the Law of the Republic of Lithuania on the Imposition of Restrictive Measures in View of Military Aggression against Ukraine, which has been amended several times in 2025[28] by establishing additional restrictive measures and extending the validity of this Law. Pursuant to Paragraph 4 of Article 3 of the aforementioned Law, the movement of citizens of the Russian Federation across the external border of the European Union into the territory of the Republic of Lithuania shall be subject to an individual additional thorough screening due to the threat posed by their entry to the national security, public order, public policy, internal security, public health, or international relations of the Republic of Lithuania. Pursuant to Paragraph 4¹ of the same Article, in cases where citizens of the Republic of Belarus cross the external border of the European Union into the territory of the Republic of Lithuania, an additional risk assessment shall be carried out in relation to the threat posed by their entry to the public order, internal security, public health, or international relations of any of the Schengen Member States. The Law provides for certain exceptions and additional conditions, including the aforementioned "arrival for humanitarian reasons", when these restrictive measures are not imposed on the BCPs, but none of the provided exceptions are associated with ensuring the right to asylum.

In this context, it is worth mentioning that, for example, Russian citizens, who historically constitute one of the largest and most stable groups of asylum seekers in Lithuania, often applied for asylum specifically at the BCPs. For example, the Lithuanian Red Cross (hereinafter referred to as the LRC) received reports of 69 Russian citizens who applied for asylum at the BCPs upon arrival from Russia or Belarus in 2022. However, in September 2022, after the Government of the Republic of Lithuania established an "individual additional thorough screening" for Russian citizens seeking to enter Lithuania[29], such cases suddenly and significantly decreased, and starting from May 2023, when the Law of the Republic of Lithuania on the Imposition of Restrictive Measures in View of Military Aggression against Ukraine was adopted, applications for asylum from Russian citizens registered at the BCPs are no longer recorded at all. Only one such case was recorded in 2023 (in April, before the adoption of the aforementioned Law), and there were no such cases in 2024. The situation did not change in 2025: there were still no applications for asylum from Russian citizens registered at the BCPs. Considering that the human rights

[26] See Ministry of the Interior of the Republic of Lithuania, "On the resubmission of the draft resolution of the Government", available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/767f3611b4a411f0b28af49e6544ad31>

[27] Humanitarian reasons: illness, other acute health disorder or condition of the body, personal reasons that the foreigner could not foresee and avoid, *force majeure* circumstances due to which the foreigner cannot leave the Republic of Lithuania.

[28] See (1) Law on Amending Articles 3, 4, and 5 of Law of the Republic of Lithuania No. XIV-1888 on the Imposition of Restrictive Measures in View of Military Aggression against Ukraine (No. XV-170 of 17 April 2025), available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/51b82fa21c1d11f09cbcab0ff4d74843>;

(2) Law on Amending Articles 2, 4 of the Law of the Republic of Lithuania on the Imposition of Restrictive Measures in View of Military Aggression against Ukraine No. XIV-1888 and Supplementing the Law with Articles 3-1, 3-2, 3-3 (No. XV-323 of 25 June 2025), available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/a2081242527311f0a19dcea0bcc863ad>

[29] See Resolution No. 937 of the Government of the Republic of Lithuania of 14 September 2022 "On establishing the criteria for citizens of the Russian Federation to be admitted to the territory of the Republic of Lithuania across the external border of the European Union during a state of emergency", available at: <https://www.e-tar.lt/portal/lt/legalAct/8077ef1035c011edb4cae1b158f98ea5>

situation in Russia has not improved during the relevant period and the need for international protection of certain profiles of citizens has not decreased (and possibly even increased)[30], such a significant change in the statistics of applications for asylum from Russian citizens registered at the BCPs implies that certain changes have occurred that are not related to either the situation in Russia or the need for citizens of this country to seek asylum. In this context, it cannot be ruled out that the introduction of restrictive measures and the application of *“individual additional thorough screening”* for Russian citizens have affected the ability of such persons to effectively use the procedure for granting international protection and to apply for asylum at the BCPs in accordance with the established procedure.

As for Belarusian citizens, who have been the largest group of asylum seekers in Lithuania for several years, the LRC received reports of 30 Belarusian citizens who applied for asylum at the BCPs upon arrival from Russia or Belarus in 2022 in addition to 17 such cases recorded in 2023. However, starting from 2024, when Article 3 of the Law on the Imposition of Restrictive Measures in View of Military Aggression against Ukraine of the Republic of Lithuania was supplemented by Paragraph 4¹, providing for the application of restrictive measures in cases where Belarusian citizens arrive on the territory of the Republic of Lithuania, a significant decrease in the number of applications for asylum of Belarusian citizens registered at the BCPs has been observed. For example, only 6 such cases were recorded in 2024 with just 4 such cases recorded in 2025: a trend that raises the same questions as the situation of asylum seekers from Russia discussed above. However, in this case, it is also noticeable that Belarusians in need of international protection are increasingly less inclined to attempt to leave the country directly through the BCPs with Lithuania due to security screenings imposed by Belarusian officials.

In order to ensure that the right to asylum is not violated, the LRC submitted proposals to supplement the Law on the Imposition of Restrictive Measures in View of Military Aggression against Ukraine of the Republic of Lithuania, by explicitly referring to the right to asylum, e.g., by establishing that the restrictive measures provided for in this Law do not affect the right of foreigners to submit an application for asylum at the BCPs, as enshrined in Articles 67 and 140¹² of the Law of the Republic of Lithuania on the Legal Status of Foreigners. However, the submitted proposals were not taken into account and no such additional safeguard was included in the Law[31].

Taking into account the fact that no new applications for asylum were registered at the Embassy of the Republic of Lithuania in Minsk from 2022 and considering that final decisions have already been made on all applications submitted at the aforementioned Embassy, when preparing the review for the year 2025, the LRC planned to no longer focus on the *“embassy procedure”* and to focus exclusively on access to the asylum procedure at the BCPs. However, certain noteworthy changes occurred in 2025 that do not allow for a complete abandonment of this topic. For example, several Members of the Seimas proposed to abandon this procedure altogether by stating that *“the illegal migration crisis is currently under control”*, therefore, the procedure for submitting applications for asylum through the embassy *“does not make sense to continue”*, and that *“[n]o other EU country has such a procedure for submitting applications for asylum”*[32]. The LRC supported this initiative of the Members of the Seimas and additionally noted that the possibility of submitting an application for asylum at the diplomatic missions or consular offices of the Republic of Lithuania was inherently ineffective in practice and, most likely,

[30] According to Eurostat data, the number of Russian citizens (13,345) applying for asylum in the European Union has tripled in 2022 compared to the previous year (4,385), and in 2023 this number increased even more (18,895). The number of such applications began to decrease in 2024-2025, but number thereof still exceeds the indicators of 2020-2021. Sources:

(1) https://ec.europa.eu/eurostat/databrowser/view/migr_asyappctza__custom_17263054/bookmark/table?lang=en&bookmarkId=e3b41dc8-b123-427c-8ffe-550c5f948273&c=1750872022999;

(2) https://ec.europa.eu/eurostat/databrowser/view/migr_asyappctzm__custom_19708381/default/table

[31] See, for example, the meeting of the National Security and Defence Committee of the Seimas of the Republic of Lithuania of 3 April 2025, available at: https://www.youtube.com/watch?v=lyIGHCFqm_Y

[32] See the Proposal for a draft law amending Articles 11, 26, 35, 41, 42, 43, 46, 50, 53, 58, 107, and 141 of the Law “On the Legal Status of Foreigners” No. IX-2206 (Document No.: XVP-690, Reg. date: 30-Sep-2025), available at:

<https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/b78ceef09dba11f0b2bd840de86d953b>

incompatible with European Union and international law[33]. At the same time, we drew attention to the fact that if, as indicated in the proposal of the Members of the Seimas, the current illegal migration crisis was under control and the further validity of the “crisis” provisions no longer made sense, first of all, this should lead to the cancellation of the state-level emergency due to the mass influx of foreigners declared throughout the country more than 4 years ago.

Another relevant event in the context of the “embassy procedure” is the Seimas Ombudspersons’ Note on a complaint against the Embassy of the Republic of Lithuania in the Republic of Belarus, which was published on 1 December 2025[34]. The Seimas Ombudspersons’ Office received a complaint from a woman where she indicated that she had contacted the employees of the Embassy of the Republic of Lithuania in the Republic of Belarus several times and expressed a wish to submit an application for asylum, but they had refused to accept it. After failing to submit an application for asylum at the Embassy, the woman wrote to officials of the Ministry of Foreign Affairs (hereinafter referred to as the MFA) and the Migration Department (hereinafter referred to as the MD) requesting assistance and acceptance of her application for asylum, but no proper response was given to these requests. Having assessed the factual circumstances established during the investigation, the Seimas Ombudsperson found that the applicant’s complaint regarding the actions (inaction) of the Embassy, the MFA, and the MD officials related to the non-acceptance of the applicant’s application for asylum and the improper examination of her applications was well-founded.

The LRC has been monitoring how (or whether) individuals’ access to the asylum procedure is ensured at diplomatic missions and BCPs for the fourth year[35]. The data collected and systematised by the LRC in this report is based on people’s stories and evidence shared by them, information provided by the SBGS and the MD, as well as information found in open sources. The observed trends in the decrease in the number of applications for asylum registered at BCPs remain relevant and continue to be disappointing. Time will tell whether the situation will change after 12 June 2026, when the application of new procedures for screening at the external border will be started[36]. It cannot be ruled out that the introduction of stricter, yet more transparent control measures will lead to an increase in the number of asylum seekers at the BCPs. If such a phenomenon is observed, we will definitely discuss it in a year. Meanwhile, in this report, we will discuss the cases observed in 2025 when individuals unsuccessfully attempted to exercise the right to asylum.

[33] On this issue, see Ruling of the Court of Justice of the European Union of 22 June 2023 in Case C-823/21, ECLI:EU:C:2023:504; and also Ruling of the European Court of Human Rights of 24 June 2025 in H. Q. and Others v. Hungary (Applications No. 46084/21, No. 40185/22, and No. 53952/22), ECLI:CE:ECHR:2025:0624JUD004608421

[34] See Note No. PA-214 of the Seimas Ombudsperson of the Republic of Lithuania of 1 December 2025 of the “On X Complaint No. 5D-2025/2.1-828 against the Embassy of the Republic of Lithuania in the Republic of Belarus”, available at:

<https://www.lrski.lt/documents/pazyma-del-x-skundo-nr-5d-2025-2-1-828-pries-lietuvos-respublikos-ambasada-baltarusijos-respublikoje/>

[35] See Reports on Access to Asylum Procedures at Diplomatic Missions Abroad and at Border Checkpoints of the State Border Guard Service for 2022, 2023 and 2024, available at: <https://redcross.lt/veiklos/prieglobscio-ir-migracijos-programa/stebesena-2/>

[36] See Regulation (EU) 2024/1356 of the European Parliament and of the Council of 14 May 2024 introducing screening of third-country nationals at the external borders and amending Regulations (EC) No. 767/2008, (EU) 2017/2226, (EU) 2018/1240 and (EU) 2019/817

II. POSSIBILITY TO SUBMIT AN APPLICATION FOR ASYLUM AT BCPS OF THE SBGS

A decrease in applications for asylum registered at the BCPs of the SBGS[37] was observed in 2025. For example, as many as 130 applications were registered at the BCPs of the SBGS in 2022, there were 24 such applications in 2023 and 25 applications in 2024. Meanwhile, 5 times fewer applications for asylum were registered at the BCPs of the SBGS in 2025 than in 2024: just 5 of them (see table below).

Fig. 1. Applications for asylum registered at the BCPs of the SBGS located at the border with Belarus and Russia.

Applications for asylum registered at the BCPs of the SBGS (external border with Belarus and Russia)							
2022		2023		2024		2025	
Border with BLR	Border with RUS	Border with BLR	Border with RUS	Border with BLR	Border with RUS	Border with BLR	Border with RUS
RUS: 55	BLR: 24	TJK: 6	BLR: 17	CUB: 11	BLR: 6	BLR: 2	BLR: 2
TJK: 21	RUS: 14	RUS: 1		TJK: 4		UKR: 1	
BLR: 6	UKR: 2			UZB: 4			
UKR: 5							
AZE: 3							
90	40	7	17	19	6	3	2
130		24		25		5	

The table uses three-letter codes from the International Organization for Standardization's ISO 3166 Standard (ISO3166-1 alpha-3) to represent country names: AZE: Azerbaijan, BLR: Belarus, CUB: Cuba, RUS: Russia, TJK: Tajikistan, UKR: Ukraine, UZB: Uzbekistan.

[37] The analysis here continues with statistics on applications for asylum submitted at the BCPs of the SBGS located at the external border with Belarus and Russia. Applications for asylum submitted at BCPs located at international airports are not included, unless explicitly stated otherwise.

Key observations:

- In 2025, no applications for asylum from Russian citizens were registered at the BCPs.
- In 2025, all applications for asylum registered at the BCPs were submitted by citizens of Belarus or Ukraine.

2025 was marked by a large number of incidents where applications for asylum were not accepted. In almost all cases, there is evidence that foreigners had already been checked by officials from neighbouring countries: Belarus or Russia, and, having entered the Lithuanian side, clearly expressed their need for international protection, but there was no proper response to this.

The LRC has data on a total of 10 incidents that occurred in 2025 at the external border with Belarus and Kaliningrad Oblast of the Russian Federation. This number includes cases where applications for asylum were repeatedly not accepted from the same persons who arrived at BCPs on different days or passed through different BCPs on the same day.

Compared to previous years, the number of incidents known to the LRC has more than doubled. For example, 4 cases were known to the LRC in 2023 (two of which were related to the same persons), there were also 4 such cases in 2024 (two of which were related to the same person).

Fig. 2. List of incidents at the external border with Belarus and Russia in 2025.

List of incidents at the external border with Belarus and the Russian Federation in 2025				
No.	Date	BCP	Country of origin, gender	Circumstances
1.		Kybartai Road BCP	RUS (female)	Came on foot
2.	1 st quarter of 2025	Medininkai BCP	GIN (male)	Arrived by a shuttle bus
3.		Šalčininkai BCP	KEN and SDN (2 males, 2 females, and a minor)	Arrived by a car + on foot
4.	2 nd quarter of 2025	Šalčininkai BCP	SOM (male and female)	Arrived by a car
5.		Medininkai BCP	SOM (male and female)	Arrived by a car
6.		Kena Railway BCP Kybartai Railway BCP	RUS (male)	Travelled by a transit train Moscow – Kaliningrad
7.		Kybartai Railway BCP Kena Railway BCP	RUS (male)	Travelled by a transit train Kaliningrad – Moscow
8.		Kybartai Railway BCP	BLR (male)	Travelled by a transit train Kaliningrad – Moscow
9.		Šalčininkai BCP	BDI (male and female)	Arrived by a shuttle bus
10.	3 rd quarter of 2025	Medininkai BCP	UKR (3 males)	Arrived by a shuttle bus

The table uses three-letter codes from the International Organization for Standardization ISO 3166 Standard (ISO3166-1 alpha-3) to represent the names of countries: BDI: Burundi, BLR: Belarus, GIN: Guinea, KEN: Kenya, RUS: Russia, SOM: Somalia, SDN: Sudan, UKR: Ukraine.

1. Border with Russia

1.1. Case of a female Russian citizen

The first incident was recorded at the border with the Russia's Kaliningrad Oblast[38]. In the first quarter of 2025,

[38] The exact dates and detailed circumstances of the incidents, the age of the asylum seekers and other personal data are not disclosed here for reasons of personal data protection and the security of the individuals themselves.

female Russian citizen came on foot to Kybartai Road BCP of Kybartai Border Crossing (hereinafter referred to as the BC) of Pagėgiai Frontier District (hereinafter referred to as the FD) of the SBGS and applied to the officers for asylum verbally and in writing (the woman shared a photograph of the written application with the LRC), but they did not respond to this and refused to accept the application. The officers took the woman's passport and, while leaving, informed her that a document refusing entry would be drawn up for her when crossing the border. After some time, the officers returned and handed the woman this document, which noted the reason for the refusal of entry. According to the Schengen Borders Code, it was noted that the Russian citizen was not allowed to enter because she "does not hold a valid visa or residence permit" (C). The woman was ordered to return to Russia. The asylum seeker refused to sign the document, but was eventually forced to return to her country of origin.

The LRC referred to the SBGS with a request to explain why the Russian citizen's application for asylum was not accepted. The day after the incident, the SBGS informed that the Russian citizen had attempted to cross the border but was not allowed to enter the Republic of Lithuania because she did not have the necessary documents for entry. The SBGS also reported that "*it has no information about the citizen's application for asylum being submitted to the officers*".

The asylum seeker referred the matter to court and appealed the SBGS's decision to refuse her entry. The woman managed to prove that her right to asylum had been violated. The court ordered the SBGS to annul the decision to refuse entry. Since the SBGS did not provide the full video recordings necessary for the examination of the case (neither from the video surveillance systems on the territory, nor from the body cameras attached to the officers' uniforms), which were supposed to record the situation, what actually happened at Kybartai Road BCP and how the asylum seeker interacted with the officers, the court, *inter alia*, adopted a separate ruling, which obliged the Commander of the SBGS to take measures to ensure that the established procedure for processing the recorded video data was followed.

1.2. 1.1. The case of a male Russian citizen

At the beginning of the second quarter of 2025, a Russian citizen, who twice travelled by transit train Moscow – Kaliningrad and Kaliningrad – Moscow (in both directions), submitted applications for asylum verbally and in writing four times (each time when crossing the border), but the Lithuanian officers ignored these applications each time. The person applied for asylum at Kybartai Railway BCP of Kybartai BC of Pagėgiai FD of the SBGS located at the border with Russia twice as well as at Kena Railway BCP of Kena BC of Vilnius FD of the SBGS located at the border with Belarus twice[39].

The first attempt to apply for asylum was made at Kena Railway BCP. It should be noted that the LRC did not yet have direct contact with the asylum seeker during this journey (the person was traveling by transit train Moscow – Kaliningrad), the information provided in the report about the first unsuccessful attempts to apply for asylum was shared with the LRC later.

According to the asylum seeker, when the SBGS officers were checking his travel documents at Kena Station, the officer read the piece of paper handed to him by the asylum seeker, which clearly expressed his need for international protection in English and Lithuanian (the man shared a copy of this application with the LRC), but she did not react to it in any way and left after affixing a stamp on the Facilitated Rail Transit Document (hereinafter referred to as the FRTD). The asylum seeker managed to stop another officer passing by, who told him that there were no possibilities to accept an application for asylum in Kena and that this could only be done

[39] This case (more precisely, two unsuccessful attempts by the same person to apply at the border with Belarus) is not described separately in Section "2. Border with Belarus" of the Report.

at Kybartai Railway BCP when leaving the territory of Lithuania. According to the asylum seeker, the second officer spoke to him respectfully, but their conversation was interrupted by the first officer, who instructed her colleague to move on and not to talk to the train passengers. Then a third officer approached him, wrote down some information (passport details, carriage and passenger seat numbers), and said that the information would be passed on to colleagues in Kybartai.

The situation was repeated at Kybartai Railway BCP. According to the asylum seeker, the officers ignored his requests to pay attention and read the aforementioned written application. According to him, the border guards simply checked the documents, stamped them and left. According to the asylum seeker, the lack of confidentiality while on the train and while submitting the application for asylum caused him stress. According to him, it was very difficult to communicate with the officers and not attract the attention of other passengers and train attendants.

After the described failed attempts to apply for asylum, the man contacted the LRC and notified that he had a return ticket for the train to Moscow departing in the evening of the same day and provided the carriage and compartment numbers. The LRC immediately informed the SBGS about the twice-rejected application for asylum and the person's further intentions.

The LRC maintained contact with the asylum seeker and monitored the situation while he was traveling on the return route from Kaliningrad to Moscow. After getting through the Russian border checkpoint and arriving at Kybartai Railway BCP, the SBGS officer approached the asylum seeker, took the written application for asylum submitted by him, then took his passport and the FRTD and left after telling him to wait. According to the asylum seeker, he was sure that the officer had gone to consult with the shift supervisor, because usually the check of travel documents is carried out on the spot and officers do not leave with documents. However, after some time, it was not the officer who came back to him, but the train attendant, who returned his documents, including the application for asylum. The officers did not approach him again during the remaining time while the train was at Kybartai Station. A little more than three hours later, the train reached Kena Station where Kena Railway BCP officers boarded to check the documents. As the asylum seeker stated, the latter refused to read the piece of paper he had handed over and ignored him. One officer said that she did not understand English well (the asylum seeker applied in Russian and English), and when she saw that there was a free translation into Lithuanian at the bottom of the sheet, she said: *"We do not need any additional documents"* (in Russian: *„нам лишние документы не нужны“*). No more officers appeared, the train moved off and soon crossed the state border with Belarus.

According to information provided later by the SBGS, passengers traveling on transit trains on the specified dates did not submit applications for asylum in the Republic of Lithuania to the SBGS officers during the document check.

1.3. The case of Belarusian citizens

The LRC is aware of another incident that occurred in the middle of the second quarter of 2025 at the border with Russia, when two Belarusian citizens travelled on the transit train from Kaliningrad to Moscow. However, initially, information was received only about one person, who contacted the LRC himself.

The Belarusian citizen told the LRC that he was on a transit train traveling through the territory of Lithuania. According to him, after the train stopped for inspection at Kybartai Railway BCP, he submitted a written application for asylum to Lithuanian officials along with his travel documents and additionally expressed his need for international protection verbally, but the officials ignored his application, affixed the border control mark, and the man was forced to continue his journey.

After the initial unsuccessful attempt to apply for asylum at the border with Russia, this story unfolded differently than the previously described case of the Russian citizen. In response to the situation and after assessing that the transit train was still moving in the territory of Lithuania and would stop for a second check at the border with Belarus, the LRC contacted the officer on duty at Kena FD, which is responsible for Kena Railway BCP, with a request to pay attention to the passenger on the train who was in need of international protection and to create conditions for him to submit an application for asylum upon his arrival at Kena Railway BCP. After some time, the officer on duty at Kena FD reported that not one but two Belarusian citizens (both adult men), who had arrived at Kena Railway BCP on the transit passenger train travelling from Kaliningrad to Moscow, had submitted applications for asylum and the asylum procedure had been initiated.

The LRC monitored the latter case and its representative visited Kena FD on the next day, where he spoke with both asylum seekers. According to the man who contacted the LRC, when he applied for asylum at Kybartai Station, the officers delayed for some time, consulted among themselves and mentioned that the mediation of the MFA and an *"invitation from the Freedom House"* (in Russian: *"приглашение от Фридом хаус"*) were required, but in the end, his application for asylum was not taken into account. Meanwhile, everything went smoothly at Kena Station where he submitted a written application for asylum to the officers conducting document checks. Another man traveling on the same train also applied for asylum in Kena, though he had not applied for asylum at Kybartai Railway BCP before that. According to the asylum seekers, Lithuanian officers took them off the train, started the relevant procedures, and then took them to a temporary accommodation facility.

2. Border with Belarus

In addition to the aforementioned two men whose applications for asylum were registered at Kena Railway BCP, only one application for asylum was accepted at the BCP with Belarus in 2025. This occurred at the beginning of the fourth quarter of 2025, more than a year after the last application for asylum was registered at the road BCP with Belarus. As mentioned, in response to reports of applications for asylum not being accepted, in 2025 the Seimas Ombudsperson's Office conducted several investigations into the accessibility of the asylum procedure at the BCPs of the SBGS, with particular focus placed on the border with Belarus, where more incidents related to applications for asylum not being accepted were observed. The situation at the border with Belarus remains complicated due to the closure of the BCPs and restrictions on arrivals, moreover, it is further complicated by obstacles on the Belarusian side, such as screening algorithms applied by local officials, "exit visas"[40], etc.

2.1. The case of a Guinean citizen

A Guinean citizen contacted the LRC in the first quarter of 2025 by stating that he had unsuccessfully tried to apply for asylum at Medininkai BCP of Padvarionys BC of Vilnius FD of the SBGS.

The man arrived at the border by shuttle bus Minsk – Vilnius, passed through the screening of Belarusian border guards and entered the Lithuanian side, where he told the SBGS officers checking his documents that he wanted to apply for asylum in Lithuania. According to the asylum seeker, the Lithuanian officials did not take this into

[40] The procedure for issuing exit visas and the exit screening itself as well as the nuances related to it, also the profile of foreigners – their vulnerability, the situation in Belarus, etc. – are described in detail by the well-known Belarusian human rights organisation Human Constanta, which operates in exile, but actively collects and systematises information in Belarus itself through its network. See Human Constanta, "Humanitarian Crisis in Belarus and at the European Union Border in 2023-2024: a Structural Analysis and Perspectives", 2 April 2025, available at: <https://humanconstanta.org/en/humanitarian-crisis-in-belarus-and-at-the-european-union-border-in-2023-2024-a-structural-analysis-and-perspectives/>

account, affixed an entry stamp on the travel document, crossed it out and left a special mark “C” indicating the grounds for denying entry: *“does not hold a valid visa or residence permit”* and also handed over a copy of the document refusing entry at the border[41].

According to the asylum seeker, the conversation with the officials took place outside, the man addressed them verbally, additionally using an e-translation app on his phone. Ultimately, the officials returned the person to Belarus.

The LRC contacted the SBGS with a request to comment on the situation described above. The SBGS informed that it had already been the second attempt of the aforementioned person to cross the border through the BCP (the first time was back in 2024) and both times the person had indicated another European Union member state as his destination (the person was holding expired temporary residence permit issued by that state). According to the SBGS, this Guinean citizen did not apply for asylum on either occasion.

2.2. The case of Kenyan and Sudanese citizens

A group of Kenyan and Sudanese citizens unsuccessfully tried to submit applications for asylum twice at the end of the first quarter of 2025, this time at Šalčininkai BCP of Tribonys BC of Varėna FD of the SBGS.

While they were on the territory of Šalčininkai BCP, the aforementioned persons (four adults and one minor) contacted the LRC and indicated that they were applying for asylum, but their requests were not being responded to. The LRC representatives tried to call Šalčininkai BCP, but were unable to reach them. Taking this into account, the LRC contacted the officer on duty at Tribonys BC, which is responsible for the aforementioned BCP, and informed him of the situation. Nevertheless, the asylum seekers were eventually returned to Belarus. The asylum seekers first arrived at the BCP in a rented car. After returning to Belarus, the individuals convinced the Belarusian officials to allow them to travel to Lithuania again, so they came on foot on the next day.

The individuals provided an audio recording of a conversation with Lithuanian officials where they can clearly be heard asking for asylum while the officer ignored them and claimed not to understand what they were talking about[42]. When the LRC contacted the SBGS, the answer was that the individuals were not allowed to enter because they did not have proper travel documents and did not apply for asylum. It should be noted that, to the knowledge of the LRC, in the case of the Kenyan and Sudanese citizens, documents refusing entry were not handed to them when crossing the border, the persons were stopped and turned back before reaching the document inspection point.

2.3. The case of Somali citizens

At the beginning of the second quarter of 2025, a similar case recurred with two Somali citizens (adults, a man and a woman), who also submitted applications for asylum twice (this time at an interval of several days), the first

[41] Based on Clause d of paragraph 1 of Part A of Annex V to Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code): “where a refusal of entry of third-country nationals is not recorded in the EES, an entry stamp shall be affixed to the passport, crossed out in indelible black ink, and the letter(s) corresponding to the ground(s) for refusal of entry shall be written in indelible ink opposite it, on the right-hand side, the list of which is set out in the standard form for refusal of entry in Part B of this Annex. <...>”. Part B of the same Annex provides a standard form for refusal of entry, which sets out, inter alia, the grounds for refusal of entry, including “(C) does not hold a valid visa or residence permit”.

[42] This incident has also been reported in the media. See Delfi.lt, “Pasienyje su Baltarusija – netikėtas incidentas” [An unexpected incident at the border with Belarus], 31 March 2025, available at: <https://www.delfi.lt/news/daily/lithuania/pasienyje-su-baltarusija-netiketas-incidentas-120097875>

time at Šalčininkai BCP, the second time at Medininkai BCP. The persons arrived at the border in a rented car.

First the Somali citizens submitted written applications for asylum to the SBGS officers at Šalčininkai BCP (the LRC has photographs of these applications). The officers conducting document check collected their passports for inspection, but not the applications. The persons were not admitted and had to return to Belarus. Their exit visas issued by Belarus were annulled and the individuals were obliged to leave the neighbouring country within the set time limit.

The LRC contacted the SBGS, but received a standard response that there was no data on applications for asylum submitted by Somali citizens at Šalčininkai BCP on the said day.

The situation repeated itself a few days later, when the same individuals arrived at Medininkai BCP by car. The asylum seekers had newly issued exit visas, successfully passed the Belarusian border control, but their attempt to submit applications for asylum on the Lithuanian side was unsuccessful again. According to the asylum seekers, after the initial contact, the SBGS officers told them to wait and left. They returned about 20 minutes later and instructed them to go back to Belarus. They were not given any documents regarding the refusal of entry and no marks were left in their passports at Medininkai BCP, just like at Šalčininkai BCP.

2.4. The case of Burundian citizens

Following the cases described above, no incidents related to the refusal to accept applications for asylum were observed at the BCPs at the border with Belarus for several months, until two Burundian citizens (a man and a woman) contacted the LRC at the end of the second quarter of 2025.

The individuals arrived at Šalčininkai BCP by shuttle bus and, after passing through the screening of Belarusian border guards, applied to Lithuanian officials for asylum. The asylum seekers had written applications for asylum with them.

According to the asylum seekers, the SBGS officers did not respond to their applications. The officers communicated with the people on the premises of Šalčininkai BCP, and they were issued documents refusing entry when crossing the border (reason – (C) “does not hold a valid visa or residence permit”).

The asylum seekers shared a video showing the individuals sitting on the floor at Šalčininkai BCP. Soon, the SBGS officer approaches them with a document, presumably a refusal of entry, which he throws at the asylum seekers, repeats “go, go” in English several times, then turns around and leaves.

After the incident, the SBGS informed the LRC that the aforementioned Burundian citizens had arrived at Šalčininkai BCP, but it was determined that they did not have the necessary documents entitling them to cross the state border during the screening at the border, therefore, decisions were made to deny them entry. According to the SBGS, the foreigners did not submit applications for asylum.

2.5. The case of Ukrainian citizens

The last incident known to the LRC, which occurred in 2025 at the border with Belarus, is related to Ukrainian citizens and their attempt to submit applications for asylum.

At the end of the third quarter of 2025, the LRC was contacted by three Ukrainian citizens (all adult men, unrelated) who arrived at Medininkai BCP on shuttle bus Minsk – Vilnius. The individuals sought to cross the

Lithuanian border on the basis of valid biometric passports, but they were not allowed to enter, as they did not have sufficient funds and did not indicate a clear purpose of travel. Then, according to the Ukrainian citizens, they stated that they were in need of international protection and could not return to Belarus, but the SBGS officers did not take into account their verbal applications for asylum. The individuals were issued documents refusing entry, which indicated the reasons for denying entry: (E) “do not hold appropriate documents justifying the purpose and conditions of stay” and (G) “do not have sufficient means of subsistence for the period and manner of stay or means to return to the country of origin or transit”. The corresponding marks were left in their passports.

After this incident, the SBGS informed the LRC that the aforementioned Ukrainian citizens intended to transit through Lithuania to another country, but could neither indicate the purpose of their trip nor explain what funds they planned to use for living, therefore, they were not allowed to enter. The individuals were explained that appropriate measures could be used against them if they refused to comply with the lawful demands of the officials, but this was not necessary and the individuals were put on a bus heading towards Belarus. According to the SBGS, the Ukrainian citizens did not mention the need for asylum during the interviews conducted.

2.6. Obstacles on the Belarusian side

The LRC received reports of several cases where people intending to apply for asylum in Lithuania encountered obstacles on the Belarusian side.

For example, two Guinean citizens failed to pass the Belarusian border screening in the first quarter of 2025 (one of them had already been to the Lithuanian side earlier, see 2.1. *The case of a Guinean citizen*). The individuals arrived at Kamenyj Log BCP on the Belarusian side once in a rented car, and on the other occasion indicated that they had bicycles. According to them, both times Belarusian officials did not allow them to cross the border and go to Lithuania. The reasons why the individuals were not allowed to leave Belarus could not be established due to rather chaotic and fragmented communication. It cannot be ruled out that at least on the second attempt the reason could have been an unsuitable means of transport, i.e., a bicycle.

The aforementioned Burundian citizens also tried to leave Belarus more than once at the end of the second quarter of 2025 (see 2.4. *The case of Burundian citizens*). The individuals indicated that they went by bus. The exact reasons why the individuals were not allowed to leave Belarus could not be established. It cannot be ruled out that this may be related to the lack of valid exit visas and (or) the fact that these persons had previously been refused entry by Lithuanian officials.

Information was received about a Cameroonian citizen who arrived at Kamenyj Log BCP by taxi, boarded a passenger bus waiting for inspection in the transport queue at the border, and finally reached the Belarusian control post in the middle of the second quarter of 2025. The man had an exit visa and was confident that he would pass the screening conducted by the Belarusian border officers, but he was not allowed to leave Belarus. The person himself claimed that he had learned from Belarusian officials that the latter had called their Lithuanian colleagues and received information that the officials of the neighbouring country would not allow him in. The Cameroonian citizen spent the night detained at Kamenyj Log BCP and was returned to Minsk the next day with an escort of Belarusian officials. The story of this person is unique in that he contacted the MD by e-mail before attempting to cross the border and received an explanation that he could submit an application for asylum upon arrival at a BCP of the SBGS. The man had a written application for asylum prepared, he had translated and written it in Lithuanian.

3. International airports

Although this report focuses mainly on the issues of access to asylum procedures at BCPs located at the border with Belarus and the Russian Federation, it is worth mentioning separately that in 2025 there were three applications for asylum registered at Vilnius International Airport. All three asylum seekers were Ukrainian citizens. In one of these cases, the application for asylum was registered only after the involvement of the LRC and partners from the United Nations Refugee Agency (UNHCR).

In the beginning of the second quarter of 2025, the LRC was contacted by a Ukrainian citizen, who was in the custody of the officers of Vilnius Airport BC of Vilnius FD of the SBGS, who had arrived in Lithuania from Georgia. The man indicated that he was not admitted, nor was his application for asylum accepted.

Finally, the SBGS took into account the recommendations provided by the LRC and UNHCR and granted the person access to the asylum procedure. Given that this report is public, the person's profile and related sensitive personal circumstances are not disclosed.

III. POSSIBILITY OF SUBMITTING AN APPLICATION FOR ASYLUM AT DIPLOMATIC MISSIONS

According to the information provided by the MD[43], **no applications for asylum were received from the Embassy of the Republic of Lithuania in Minsk in 2025.** As already mentioned, taking into account the fact that no new applications for asylum have been registered at the Embassy of the Republic of Lithuania in Minsk since 2022 and final decisions have already been made on all applications submitted at the aforementioned Embassy, the LRC planned to no longer pay attention to the “embassy procedure” and to focus exclusively on access to the asylum procedure at the BCPs. However, the LRC received data on a specific case where a foreigner applied for asylum at the Embassy of the Republic of Lithuania in Minsk, but her application was not accepted in 2025.

A Russian citizen contacted the LRC several times in June and July 2025. The woman requested assistance in arriving in Lithuania due to the threat of persecution in her country of origin, emphasising the lack of critical medical services. The woman indicated that, having found out that an application for asylum could be submitted through a diplomatic mission, she contacted the MFA and the Embassy of the Republic of Lithuania in Minsk in advance, and eventually arrived in Belarus herself. According to the woman, at the end of April 2025, having arranged a visit in advance by telephone, she arrived at the Lithuanian Embassy and tried to apply for asylum, but her application for asylum was not accepted.

According to the woman, an employee of the Embassy accepting applications checked the woman’s Russian passport, confirmed her identity, and registered the inquiry at the Reception Desk of the Embassy on the street side. After registration, the employee took the woman’s passport and left with it, while the woman herself remained waiting at the Reception Desk outside. According to the woman, about 15-20 minutes later an employee of the Embassy entered the reception area without identifying himself, returned her passport and indicated that he would not accept her application for asylum. The woman indicated that she had repeatedly contacted the Embassy and the MFA by e-mail in May, but had not received a response.

The LRC is not aware of any further details of this incident. Communication with the woman was chaotic and inconsistent, and the information she provided about communication with Lithuanian state institutions was fragmented. Nevertheless, considering the described circumstances and the chronology of events, it is very likely that this is the same situation as described in the aforementioned Note of the Seimas Ombudsperson regarding the complaint against the Embassy of the Republic of Lithuania in the Republic of Belarus published on 1 December 2025[44].

[43] Informal e-mail correspondence between the LRC and the Asylum Division of the MD dated 5 January 2025.

[44] See Note No. PA-214 of the Seimas Ombudsperson of the Republic of Lithuania of 1 December 2025 of the “On X Complaint No. 5D-2025/2.1-828 against the Embassy of the Republic of Lithuania in the Republic of Belarus”, available at: <https://www.lrski.lt/documents/pazyma-del-x-skundo-nr-5d-2025-2-1-828-pries-lietuvos-respublikos-ambasada-baltarusijos-respublikoje/>



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