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# **SUMMARY of MONITORING REPORTS**

## **2017-2020**

Vilnius  
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## INTRODUCTION

Over 25 years, Lithuania has developed a system of reception conditions and procedures for asylum seekers, which has been monitored since 2010 by the Lithuanian Red Cross on the ground of an agreement between the United Nations High Commissioner for Refugees (UNHCR) Regional Office for the Baltic and Nordic countries, the Lithuanian Red Cross and the State Border Guard Service (SBGS). In March 2017, the scope of the monitoring visits was supplemented with the commitment of the Lithuanian Red Cross to implement the project “Monitoring of Reception Conditions of Asylum Seekers” funded by AMIF.

The purpose of this report is to summarise the monitoring results recorded in the period 2017-2020, highlighting developments that are considered to be particularly good practice, as well as achievements and to draw attention to the standards for reception of asylum seekers that have not been fully implemented.

During the reporting period 2017-2020, 1761 foreigners from 45 countries applied for asylum in Lithuania (first asylum applications); 80 *ad hoc* and planned monitoring visits were carried out, however, it is not easy to summarise the three-year period, as each year has been marked by different challenges: the number of asylum seekers has increased in 2017, due to the continued implementation of the resettlement of refugees, in accordance with the Resolution of the Government of the Republic of Lithuania of 22 June 2015 “On the Resettlement of Foreigners in Need of Asylum to the Territory of the Republic of Lithuania” No. 628; in 2018, 33.7% of asylum applications were lodged at the Vilnius Airport frontier station by refugees resettled from Turkey and by foreigners returned to Lithuania on the basis of the Dublin III Regulation. The year 2019 was marked by the highest number of asylum applications since 2015, and the complexity of the situation was caused by the fact that 222 out of 654 asylum seekers were minors, most of them young children, often temporarily accommodated at border crossing points for more than 72 hours. In 2020, the extreme health and life conditions had to be accepted during the COVID-19 pandemic. Many faced quarantine, isolation and restrictions on freedom of movement.

According to the data of Eurostat<sup>1</sup>, the number of people seeking international protection in 2020 has fallen significantly. Comparing the second quarter of 2019 with the second quarter of 2020, there were 68% less asylum seekers in 2020. The same trends can be observed assessing the situation in Lithuania: according to the data of the Migration Department under the Ministry of the Interior of the Republic of Lithuania<sup>2</sup>, 427 foreigners applied for asylum in Lithuania in three quarters of 2019, while 148 applications were submitted in three quarters of 2020, which is 66% fewer than in 2019, as well as 40.6% fewer compared to the same period in 2018, and 64% fewer than in three quarters of 2017

<sup>1</sup> Eurostat data can be found here: [https://ec.europa.eu/eurostat/web/products-eurostat-news/product/-/asset\\_publisher](https://ec.europa.eu/eurostat/web/products-eurostat-news/product/-/asset_publisher).

<sup>2</sup> Data of Migration Department can be found here: [http://migracija.lrv.lt/lt/statistika/prieglobscio-skvriaus-/asset\\_publisher](http://migracija.lrv.lt/lt/statistika/prieglobscio-skvriaus-/asset_publisher).

Officers, civil servants, social workers, NGO workers and volunteers who come into direct contact with people face increased risks to their physical and mental health from unsafe working conditions

Thus, this report will also provide an overview of how the preparation and management of the emergency epidemiological situation at the border crossing points, the SBGS Foreigners' Registration Centre and the Refugee Reception Centre has been managed, in terms of reception of asylum seekers and ensuring safe reception conditions and services in line with the standards.

Although the period is challenging, we are pleased that in 2020 we have strengthened our communication with the responsible authorities with two important agreements: on 27 February 2020, the monitoring in the Refugee Reception Centre was officially regulated by the agreement between the Refugee Reception Centre and the Lithuanian Red Cross; the agreement between the State Border Guard Service under the Ministry of the Interior and the Lithuanian Red Cross of 10 June 2020 strengthened cooperation to meet the needs of people who have lost contact with their relatives during migration, who need psychosocial assistance and legal counselling, and to ensure safe conditions for people arriving during a mass movement.

However, throughout the monitoring period, we have the same objective: to ensure adequate reception conditions for asylum seekers, i.e., access to procedures, information, decent accommodation, adequate food, timely health care services, etc.

It would be difficult to achieve these goals successfully without constant and constructive communication between public authorities, NGOs and other organisations. Open and transparent inter-institutional communication and active information of partners are both the goal and the consequence of monitoring. For this we are grateful to all stakeholders.

# 1. INDEX OF LEGISLATIVE AMENDMENTS IN THE ASYLUM SYSTEM 2017-2020

## →Article 71 (1)(11) of the Law on the Legal Status of Foreigners on 1 January 2020, Rights and Obligations of an Asylum Applicant in the Republic of Lithuania

An asylum applicant shall have the right to: take up employment if, within six months from the lodging of the application for asylum, the Migration Department has not taken a decision on the granting asylum in the Republic of Lithuania through no fault of the asylum applicant;.

## →Description of 12 March 2020 of the conditions for accommodation of asylum seekers at border crossing points, 06 May 2016, No 11405

6.2. if asylum seekers wish to purchase food at their own expense, the SBGS officers, if possible, organise their escort to the nearest grocery shop or catering establishment.

## →Article 68 (1) of the Law on the Legal Status of Foreigners of 1 July 2019, Work with Asylum Applicants and Non-Disclosure of Information

Information related to the lodging and examination of an application for asylum may be classified in accordance with the procedure laid down by the Law of the Republic of Lithuania on State Secrets and Official Secrets.

## →Article 67 (1)(2) of the Law on the Legal Status of Foreigners of 1 July 2019, Lodging of an Application for Asylum

2) with the State Border Guard Service or the Migration Department – in the territory of the Republic of Lithuania, except in the case referred to in point 1 of this paragraph.

## →Article 69 (1) of the Law on the Legal Status of Foreigners of 1 July 2019, Actions of an Institution Following the Receipt of an Application for Asylum

1. A civil servant authorised by the State Border Guard Service or the Migration Department with which a foreigner's application for asylum has been lodged shall:

1) indicate in the application for asylum or, if the application has not been lodged in writing in the application record, the date, time and place of lodging thereof; 2) collect all the documents and travel tickets held by the asylum applicant.

3) with due respect for human dignity carry out an inspection of the asylum applicant and his personal belongings; 4) interview the asylum applicant and, because of the documents provided and the information collected, assess whether the asylum applicant has special needs; 5) take the fingerprints of the asylum applicant; 6) take a photograph of the asylum applicant.

→ **Article 86 (4) of the Law on the Legal Status of Foreigners of 1 July 2019, Granting of Refugee Status**

4. Having taken a decision on the granting of refugee status, the Migration Department shall provide a refugee with access to information, in a language that he understands, on the rights and obligations relating to refugee status.

→ **Article 90 (2)(4) of the Law on the Legal Status of Foreigners of 1 July 2019, Withdrawal of Asylum**

Subsidiary protection granted to a foreigner shall be withdrawn if:

4) there are serious grounds for believing that his presence in the Republic of Lithuania a threat to the security of the state or society.

→ **Article 71 (2) of the Law on the Legal Status of Foreigners of 1 September 2017, Rights and obligations of an Asylum Applicant in the Republic of Lithuania**

Minor asylum applicants shall have the right to study according to a pre-school, pre-primary, general education or vocational education programme(s) in accordance with the procedure established by the Minister of Education and Science.

→ **Article 71 (1)(8) of the Law on the Legal Status of Foreigners of 1 September 2017, Rights and obligations of an Asylum Applicant in the Republic of Lithuania**

An asylum applicant in the Republic of Lithuania shall have the right to: receive a monthly cash allowance in the amount of 10 percent of the state-supported income, in accordance with the procedure established by the Minister of Social Security and Labour and the Minister of the Interior, except for asylum applicants accommodated in the Refugee Reception Centre, who are provided with the support of the Lithuanian State for integration.

→ **8 March 2017 Government Resolution on Approval of the Description of the Procedure for Accommodation of Asylum Applicants, 30 June 2017, No 171**

## 2. METHODOLOGY AND PRINCIPLES OF MONITORING OF ASYLUM SEEKERS' RECEPTION CONDITIONS

### 2.1. PURPOSE OF MONITORING OF ASYLUM SEEKERS' RECEPTION CONDITIONS

The Lithuanian Red Cross has been carrying out border monitoring since 2010, based on the agreement between the SBGS, UNHCR and the LRC, as well as the new agreement between the RRC and the LRC is under implementation. The objectives of such agreements are to contribute to the creation of a transparent asylum system and to ensure that the rights of asylum seekers are respected from the moment they enter the territory of Lithuania. In order to increase the number of cases monitored and the number of establishments monitored, as of 16 March 2017, the LRC is implementing the project "Monitoring of reception conditions for asylum seekers" funded by the AMIF, which monitors the implementation of reception conditions and asylum procedures in order to improve the implementation of such conditions and procedures for asylum seekers. The main purpose of the monitoring is therefore *to monitor* (to have access to legally defined places for submission of asylum applications, as well as to documents, asylum seekers, etc.); *to collect and assess* (to objectively record how the procedures are carried out and whether the reception conditions comply with the standards in force, as well as to analyse the available material); *to inform* (to provide information and cooperate with the state authorities which are legally obliged to ensure adequate reception conditions for asylum seekers) and *to seek for change* necessary to ensure the fundamental rights of asylum seeker.

### 2.2. TASKS OF MONITORING OF ASYLUM SEEKERS' RECEPTION CONDITIONS

The implementation of monitoring of asylum seekers' reception conditions is based on four main monitoring tasks:

1. To improve the implementation of reception conditions and asylum procedures for the target group by monitoring the implementation of reception conditions and asylum procedures for third country (non-EU) citizens or stateless persons who have applied for asylum in accordance with the procedure established by Article 67 of the Law of the Republic of Lithuania on the Legal Status of Foreigners, and for whom final decisions have not been taken yet.

2. To assess impartially and objectively whether the authority responsible for the reception of asylum seekers and the implementation of asylum procedures complies with the requirements of the Charter of Fundamental Rights of the European Union (OJ 2016 C 202, p. 389), Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on a common procedure for granting and withdrawing international protection (OJ 2013 L 180, p. 60), Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ 2013 L 180, p. 96), and other international human rights instruments.

3. To contribute to the implementation of measures of establishment of an effective Common European Asylum System aimed at consolidating standards of international protection across the EU, in accordance with the Guidelines for Lithuanian Migration Policy, approved by the Government of the Republic of Lithuania by Resolution No 79 of 22 January 2014 on the Approval of the Lithuanian Migration Policy Guidelines. To contribute to the improvement of the Lithuanian asylum system, which is part of the Common European Asylum System, so as to ensure quality and efficient asylum procedures.

4. To ensure cooperation between governmental and non-governmental institutions involved in the implementation of asylum procedures, strengthening it through meetings and discussions in order to find common solutions to the problems identified during monitoring.

### 2.3. PRINCIPLES OF MONITORING OF ASYLUM SEEKERS' RECEPTION CONDITIONS

The arrangement and conduct of monitoring visits is inseparable from the ethics and principles of the monitor, which guide the monitor in the implementation of the monitoring objectives and tasks.

As a guiding principle to be followed by observers during the visit, as stipulated in the publication “Monitoring Immigration Detention, Practical manual” published in 2014 by organisations protecting the rights of migrants, including UNHCR, is the principle *of doing no harm*. The monitor undertakes to avoid situations where his activities may cause harm to a person or group of people. If the monitor sees reasons that could jeopardise a person’s safety, identification or physical or psychological well-being, it is worth giving serious thought to how monitoring activities should be planned further, or whether they should be abandoned completely.

When collecting information, the monitor respects the dignity, experience and opinion of the person and understands the right of the person to share his experience or to refuse to do so. *Respect for the person’s freedom of choice* to share his experiences, the shortcomings he identifies in assessing reception conditions, is inseparable from the



*confidentiality*. In reporting, the observer uses depersonalised facts, codifies data, and carefully describes the circumstances. In order *to ensure the safety* of asylum seekers, the information (reports, notes) collected is shared only with interested groups directly involved in the reception of asylum seekers and the related procedures without revealing personal data and circumstances that would identify a particular person. Ensuring these principles requires the monitor to be *sensitive* to the situation and to make efforts to be a *trustworthy* listener.

The tasks of monitoring require an impartial and objective assessment of the information collected, and the monitor must therefore be *an impartial and objective assessor* but the information itself must also be gathered in accordance with certain principles: in gathering information, the monitor undertakes to be *consistent, precise, patient and ensuring the stability*.

In carrying out the monitoring, the monitor shall be guided by the two basic principles of the Red Cross/Red Crescent Movement: *neutrality and independence*. Neutrality means that “no political, religious, racial or ideological controversy is involved”, i.e., the situation is recorded and assessed against relevant standards. Discussions about the possibilities for change are also organised. The principle of independence is interpreted as meaning that national societies, as auxiliaries of their governments in the humanitarian field and in accordance with the laws of their countries, must retain their independence in order to be able to always act in accordance with the principles of the movement. It is a principle that obliges them to distance themselves from influence and suggestions as to what, how and when should be monitored. Monitoring is organised by assessing the standards in force and the extent to which the reception conditions comply with these standards.

### 3. ASYLUM SITUATION IN EUROPE AND LITHUANIA 2017-2020

Since 2015, the number of people seeking international protection in EU countries has increased rapidly. International protection has become one of the most important reasons for migrating and crossing borders. According to the data of Eurostat<sup>3</sup>, in 2017 the peak of migratory movements was already past, with 1.2 million foreigners arriving in EU countries to apply for asylum and around 620,000 foreigners applying for asylum. Meanwhile, the year 2017 in Lithuania, according to the data of the Migration Department<sup>4</sup>, was no different in terms of the number of asylum applications (577), accounting for 0.09% of the total number of first asylum applications in EU countries.

In 2018, the number of asylum applications in the EU decreased to 549,000, while in Lithuania the number was also slightly lower - 409 asylum applications.

In 2019, EU countries experienced an increase in asylum applications, rising almost to the level of 2017 (612,000), while Lithuania recorded the highest number of asylum seekers in the last 9 years (627 asylum applications).

Lithuania, together with Estonia, Latvia, Slovakia and Hungary, is among the top five countries with the lowest number of asylum applications in the EU in 2018 and 2019.

As already mentioned in the introductory part of the report, the 2019-2020 pandemic has had a particular impact on both voluntary and forced movement of people: for the first time in the last 5 years, according to the data of the first half of 2020, both in the EU countries and in Lithuania the number of asylum seekers has decreased by almost 70% (68% in the EU and 66% in Lithuania). However, it should be noted that the decline in the number of asylum seekers is not due to a more peaceful and secure world situation but to strictly controlled movement both within the Community and between the EU and third countries.

When assessing Eurostat<sup>5</sup> data on the countries of origin of asylum seekers, it is important to note that 3 countries of origin of asylum seekers in the Member States of the European Union are different from the ones identified as the main countries of origin of asylum seekers coming to Lithuania.

<sup>3</sup> Eurostat data can be found here: <https://ec.europa.eu/eurostat/documents/2995521/9665546/3-14032019-AP-EN.pdf/eca81dc5-89c7-4a9d-97ad-444b6bd32790>.

<sup>4</sup> Data of Migration Department can be found here: <http://migracija.lrv.lt/lt/statistika/prieglobscio-skyriaus-statistika>.

<sup>5</sup> Eurostat data can be found here: [https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum\\_statistics](https://ec.europa.eu/eurostat/statistics-explained/index.php/Asylum_statistics).

The year 2017 is an exception: according to the annual report, 37.5% of all asylum seekers were citizens of the Syrian Arab Republic due to implementation of the Government Resolution of 22 June 2015 “On the Resettlement of Foreigners in Need of Asylum to the Territory of the Republic of Lithuania”. In 2017, Syrians were also the majority of refugees in the European Union as a whole, i.e., 33% of all asylum seekers.

In 2018, the main countries from which people entered the EU were Syria, Afghanistan and Iraq, while Lithuania was mostly entered by people from Tajikistan, Russia and Iraq/Syria.

Syria, Afghanistan and Venezuela are the main countries of origin of asylum seekers to the EU in 2019 and the second quarter of 2020. Meanwhile, in 2019 and the second quarter of 2020, the largest number of people arriving in Lithuania were from Russia and Tajikistan, followed by Syrians, Turks or Afghans, Iraqis and Belarusians in equal numbers in different years.

Interestingly, asylum seekers from the Russian Federation are among the most frequent asylum seekers only in Lithuania, Estonia and Poland, while asylum seekers from Tajikistan are in the top five by country of origin only in Lithuania and Poland. Tajiks are mentioned as one of the largest groups of asylum seekers in Lithuania and are not even in the top 30 among asylum seekers in the EU in either 2018 or 2019. Russian citizens are in the 15th place on the list countries of origin in EU<sup>6</sup>. (*More on asylum seekers in Lithuania in Section IV, author’s note*).

<sup>6</sup> Eurostat data can be found here:

[https://ec.europa.eu/eurostat/statisticsexplained/index.php/Asylum\\_quarterly\\_report#Where\\_do\\_asylum\\_applicants\\_come\\_from.3E](https://ec.europa.eu/eurostat/statisticsexplained/index.php/Asylum_quarterly_report#Where_do_asylum_applicants_come_from.3E).

#### 4. GENERAL INFORMATION ON MONITORING VISITS IN 2020

According to the data of three quarters of 2020, 148 asylum applications were submitted in Lithuania. The largest share (27.58%) of those was comprised of applications submitted by Russian citizens (40 asylum applications), followed by 24.13% Tajik citizens (35 asylum applications), 18.62% Belarusian citizens, whose number of asylum applications in Lithuania started to increase in August 2020 (27 asylum applications) and Turkish citizens, whose asylum applications amounted to 10.34% (15 asylum applications) of all asylum seekers in Lithuania. The other 20.94% of asylum applications were submitted by citizens of Armenia, Afghanistan, Syria, Uzbekistan, Kazakhstan and the USA but these were occasional cases rather than significant statistics for understanding the overall picture. It should be noted that in 2020, a significant share of asylum applications was lodged inside the territory of the Republic of Lithuania and not at border crossing points. Asylum seekers by country of origin are illustrated in Figure 1.

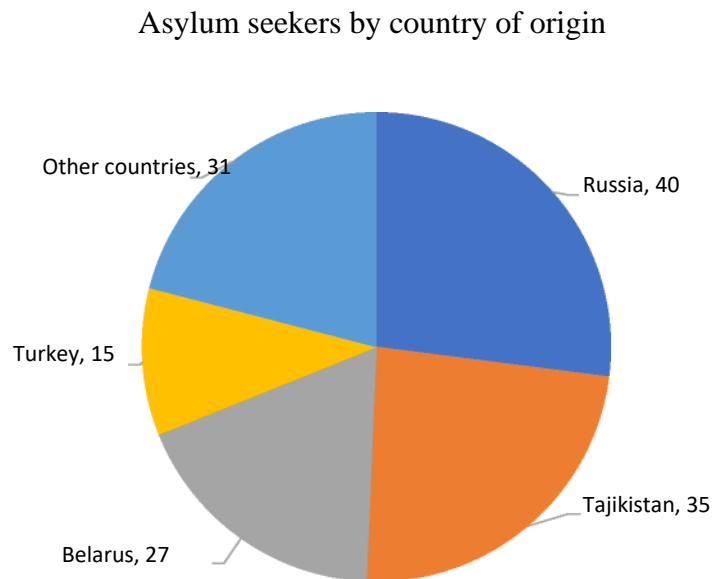


Figure 1: Asylum seekers by country of origin, data for three quarters of 2020

*During the reporting period, 9 monitoring visits and 9 reports were carried out in the framework of the AMIF project "Monitoring of reception conditions for asylum seekers". Out of the 9 monitoring visits on reception conditions of asylum seekers, 5 planned visits (scheduled and regular visits) and 4 ad hoc monitoring visits were carried out following reports on persons seeking for asylum.*

Out of the 5 planned visits, the reception conditions of asylum seekers were monitored once in the Foreigners' Registration Centre of the SBGS in Pabradė, once in the Refugee Reception Centre in Rukla, once in the Lavoriškės border unit and border crossing points and in the border crossing point of Tverečius and Medininkai. 4 *ad hoc* visits were carried out at Medininkai BCP, Tribonys border unit and 2 times at Lavoriškės BCP following the report of officers on asylum seekers.

During the monitoring visits, the reception conditions of 13 asylum seekers from Tajikistan (a single mother with three minor children) and Russia (a family of 6 persons: a man, a woman and four minor children) were monitored; 3 of them were single (2 Tajiks and 1 from the Russian Federation).

The significantly lower number of monitoring visits compared to the previous year was caused by the unfavourable epidemiological situation both in Lithuania and globally. Under Resolution of 16 March 2020 of the Government of the Republic of Lithuania "On declaration of quarantine in the territory of the Republic of Lithuania" a quarantine was introduced in Lithuania. From 16 March 2020 until 24 July 2020, no foreigners applied for asylum at the Lithuanian border.

The monitoring of the centres was affected by the prohibition of access to the SBGS Foreigners' Registration Centre for all visitors, in accordance with the Decision of 2 April 2020 signed by the State - Level Emergency State Operations Manager „On the movement of foreigners accommodated in the Foreigners' Registration Centre during the quarantine period" and Resolution of 4 November 2020 of the Government of the Republic of Lithuania "On declaration of quarantine in the territory of the Republic of Lithuania" which prohibits the "visiting of foreigners accommodated in the FRC except for meetings with their lawyers" classifying the observer as a "visitor".

Summary of monitoring visits of 2020 according to the dates:

1. On 8 January 2020 Lavoriškės BCP;
2. On 8 January 2020 Medininkai BCP;
3. On 12 February 2020 Lavoriškės BCP;

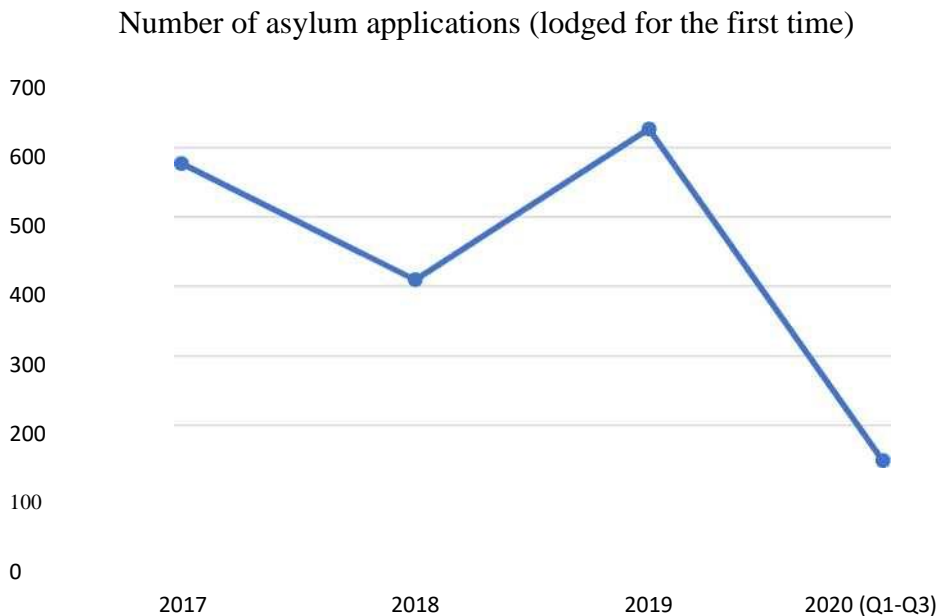
4. On 11 May 2020 Medininkai BCP (monitoring of implementation of the COVID-19 management recommendations);
5. On 12 May 2020 Lavoriškės FS and BCP (monitoring of implementation of the COVID-19 management recommendations);
6. On 25 May 2020 Tverečius BCP (monitoring of implementation of the COVID-19 management recommendations);
7. On 4 August 2020 Tribonys FS;
8. On 28 August 2020 SBGS Foreigners' Registration Centre, Pabradė;
9. On 18 August 2020 Refugee Reception Centre, Rukla (additional visit organised on 4 September 2020 to clarify information).

At the same time, it should be noted that all commitments made to state authorities made in the context of the AMIF project "Monitoring of reception conditions for asylum seekers" have been implemented.

## 5. GENERAL INFORMATION ON MONITORING VISITS IN 2017 - 2020

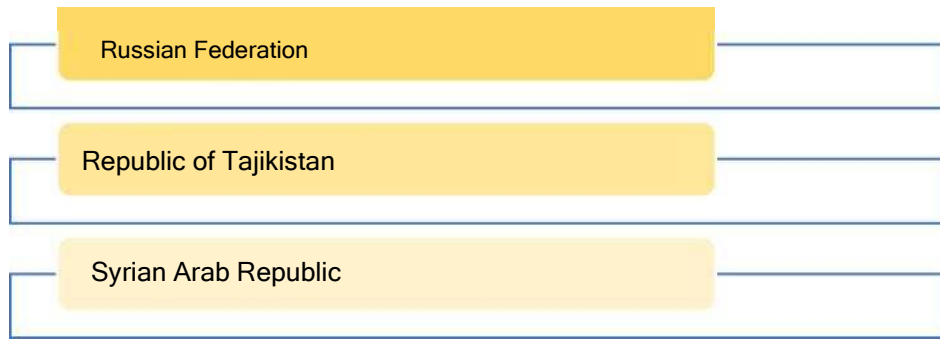
The AMIF project “Monitoring of reception conditions for asylum seekers” was launched by the Lithuanian Red Cross on 1 April 2017. The general information for 2020 is based on data from three quarters, so during the period 2017-2020, 1,662 asylum seekers from 45 countries applied for asylum in Lithuania. 80 *ad hoc* and planned monitoring visits were carried out over almost four years.

This part of the report briefly summarises the data related to asylum seekers in Lithuania. The figure (*Figure 2*) shows the number of asylum seekers in Lithuania for 2017-2020 (three quarters). The largest number of asylum seekers arrived in Lithuania in 2019 and almost one third of them were minors.



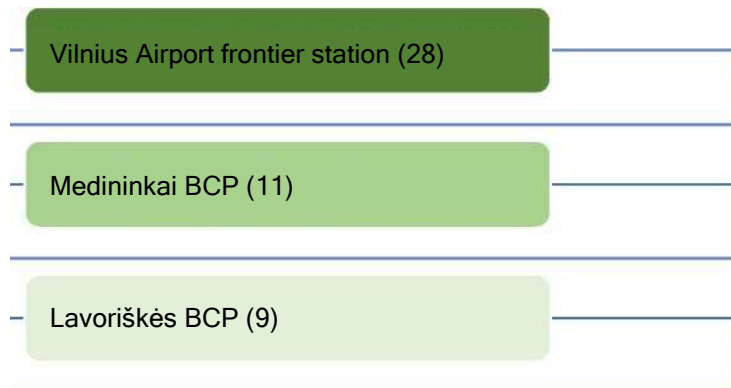
**Figure 2: Number of asylum applications 2017-2020 (Q1-Q3)**

Figure 3 (*Figure 3*) illustrates 3 countries of origin with the highest number of asylum seekers over the last four years: citizens of the Syrian Arab Republic which rank third in terms of country of origin of asylum seekers, comprised the vast majority of asylum seekers in 2017 and 2018, noting that only a very small number of them applied for asylum at border crossing points. The majority were resettled from Greece, Italy and Turkey according to the Resolution of 22 June 2015 of the Government of the Republic of Lithuania “On Resettlement of Foreigners in Need of Asylum on the Territory of the Republic of Lithuania”. Asylum applications from citizens of the Russian Federation and Tajikistan were registered every year.



**Figure 3: Countries of origin from which most asylum applications were received**

In Figure 4 (Figure 4) it can be seen which 3 BCPs were visited most frequently by Lithuanian Red Cross monitors in 2017-2020. The visiting of Vilnius Airport frontier station is mainly related to the very high number of asylum applications of asylum seekers who in 2017 and 2018 were either resettled under the Agreement or returned under the Dublin III Regulation procedure. Medininkai BCP and Lavoriškės BCP have the highest numbers of asylum applications from people who entered Lithuania by crossing the border with Belarus. In 2019, the vast majority of asylum seekers arrived crossing the border with Belarus, their stay in the BCP was long, up to 20-28 days, therefore the reception conditions in the BCP received the highest attention of the monitor and all monitoring visits in that year were carried out at BCPs and FS s.



**Figure 4: BCPs/FSs with the highest number of monitoring visits**



## 6. OVERVIEW OF CASES RECORDED DURING MONITORING VISITS.

### SUMMARY

#### 6.1. ACCESS TO THE PROCEDURE

The monitoring, assessment and reporting to the responsible authorities of reception conditions which do not meet the required standards for asylum seekers is based on the assumption that the person seeking international protection has access to the asylum procedure. Monitoring of reception conditions is of no value if the asylum seeker is deprived of the right to lodge an asylum application and to exercise his right to seek asylum from persecution.

The summary of annual reports on the monitoring of reception conditions for the period 2017-2020 reveals a rather controversial situation with regard to the informing of asylum seekers. Once a foreigner has already arrived and applied for asylum, he receives information about the asylum system in Lithuania; the monitors have not recorded a shortage of leaflets and booklets about the asylum system in Lithuania in different languages; information with contacts on how to get in touch with the Lithuanian Red Cross monitor, a lawyer, UNHCR representatives is posted. It is considered to be a very good practice “when officers provide information on the asylum procedure; asylum seekers have the opportunity to read information in the place of their accommodation in a language they understand; information on the asylum procedure was available at all BCPs and FS s”<sup>7</sup>. At the same time, the calls to observers from relatives of the asylum seekers and the asylum seekers themselves are recorded, or during the meeting with the asylum seekers, it is recorded that asylum seekers who have entered the territory of Lithuania on their second or third try identify that they were not given adequate access to the asylum procedure, were not properly informed, in other words, the asylum seekers were not identified and their asylum applications were not accepted. The following are cases<sup>8</sup> where asylum seekers or their relatives claim that access to the asylum procedure was not granted or was not granted immediately:

- On 22 May 2018, Šalčininkai BCP (citizen of the Russian Federation, Chechen);
- On 19 October 2018, Medininkai BCP (citizens of the Republic of Tajikistan);
- On 2 November 2018, Medininkai BCP (citizens of the Republic of Tajikistan);

<sup>7</sup> Data from the 2019 Annual Monitoring Report: <https://www.redcross.lt/leidiniai>.

<sup>8</sup> More detailed explanations on particular cases can be found in the individual annual monitoring reports here: <https://www.redcross.lt/leidiniai>.

- On 30 November 2018, Medininkai BCP (citizens of the Republic of Tajikistan);
- On 12 June 2019, Medininkai BCP (citizen of the Republic of Tajikistan);
- On 25 June 2019, Medininkai BCP (citizens of the Russian Federation, Chechens);
- On 20 August 2019, Medininkai BCP (citizens of the Russian Federation, Chechens);
- On 2 September 2019, Šalčininkai BCP (citizens of the Russian Federation, Chechens);
- On 12 September 2019, Medininkai BCP (citizens of the Russian Federation, Chechens);
- On 28 September 2019, Lavoriškės BCP (citizens of the Russian Federation, Chechens);
- On 13 December 2019, Medininkai BCP (citizens of the Russian Federation, Chechens);
- On 13 December 2019, Lavoriškės BCP (citizens of the Russian Federation, Chechens);

An overview of the data on non-admissible foreigners shows a trend that all unidentified asylum seekers who have contacted the Lithuanian Red Cross observers are either citizens of Tajikistan or Chechen nationals of the Russian Federation, although these are not the only countries of origin from which the asylum seekers arrive. The second trend is that most of them were not identified as asylum seekers in the Medininkai BCP.

Another illustration of the occurring situations is from the 2019 Annual Monitoring Report: “In all the cases mentioned, the asylum applications were not immediately accepted; in the cases of 2 and 12 September, the asylum seekers said that they were accepted on the 3rd attempt. In the cases of 25 June, 13 December (both in Medininkai BCP and Lavoriškės BCP), according to the asylum seekers, attempts were made to put them in cars and take them back to Belarus. In the case of 20 August, the asylum seekers arrived in the Republic of Lithuania on 19 August but their asylum applications were not accepted. According to the asylum seekers, they spent the night in the street, their children slept in the truck. In the case of 28 September, the asylum seekers waited for a day for their applications to be accepted and again, according to them, spent the night in the street with their children. In all these cases, the asylum seekers complained of unpleasant and mean behaviour by the officers until their applications were accepted”.

In addition, it should be noted that during the reporting period, a trend has been observed that asylum seekers arrive in the Republic of Lithuania (BCP) accompanied by a lawyer or, if they have been refused admission on at least one occasion, they are accompanied by a lawyer on the next occasion, in order to avoid the possibility of their asylum applications not being accepted and of being returned back. During the reporting period there were no cases established of non-acceptance of asylum applications when accompanied by a lawyer.

The situation of access to the procedure for 2020 is further discussed in Section VI “Preparation for the management of the COVID-19 pandemic, implementation of recommendations”, it should be noted that the denial of access to the procedure in 2020 was recorded once:

- On 27 November 2020, Šalčininkai BCP (citizens of the Republic of Tajikistan).

*Summarising the situation of access to the asylum procedure observed in 2017-2020, it can be concluded that not all asylum seekers are properly identified as people seeking international protection, or they are identified only in the presence of lawyers (attorneys), which, in principle, distorts the right of foreigners to individually apply for asylum, either in writing or orally.*

## **6.2. RESTRICTION OF FREEDOM**

Restriction of freedom is one of the most serious violations of human rights and is seen as a last resort to restrict movement. According to the legislation of the Republic of Lithuania, no one may be detained for more than 48 hours without a decision of a court. Any restriction on the freedom of movement of persons in the absence of a court decision is unlawful and impermissible. An asylum seeker must be given access to fresh air<sup>9</sup>. However, this serious violation is consistently documented during the monitoring visits to the different BCPs: from the denial of access to fresh air and the locking of the room where asylum seekers are accommodated to the restriction of the freedom of going on their own to a shop, a house of worship, a post office, even for those who have been accommodated in the BCPs for more than 72 hours, for more than 7 days. In this report we summarise the data recorded concerning the locking of rooms, the denial of access to fresh air, and the restriction of the possibility to call for assistance.

*Lockable rooms of asylum seekers.* Extract from the 2018 Annual Monitoring Report: “The asylum seeker with her two small children was accommodated in additional premises at Vilnius Airport frontier station, which are not located in the frontier station itself, as the other rooms were already occupied. It is worth mentioning that these rooms are locked and do not guarantee the freedom of movement of asylum seekers.

<sup>9</sup> Order of Minister of the Interior of the Republic of Lithuania of 6 May 2016 “On approval of description of the conditions for accommodation of asylum seekers at border crossing points” No V-346, Clause 9.

Also, the only way to communicate with the officials is by waving to the camera inside the premises. On the day of the visit, the asylum seeker and her children had already spent 6 days in the Vilnius Airport frontier station.

*Access to fresh air.* Extract from the 2019 Annual Monitoring Report: “Asylum seekers detained at the border actually are not guaranteed the right to be outside in fresh air, which is enshrined in the legislation. Currently, the presence of asylum seekers outside depends solely on the goodwill and personal initiative of officers”. Extract from the 2018 Annual Monitoring Report: “During all 12 *ad hoc* monitoring visits to the Vilnius Airport frontier station and Medininkai BCP, restrictions on the freedom of asylum seekers to be outdoors were recorded”.

*Restricted possibility to call for assistance.* Extract from the 2017 Annual Monitoring Report: On 1 August 2017, during a monitoring visit to the Kena railway station frontier station, a family of 4 persons from Armenia, who arrived on 27 July, was found to be accommodated there. On 1 August 2017, the asylum seeker contacted the Lithuanian Red Cross monitor and asked for assistance - their children needed emergency medical assistance due to indigestion, and the asylum seekers’ premises were locked and they had no contact with the officers of the frontier station. The monitor called to the frontier station and asked the officers to call an ambulance and went to the frontier station to assess the situation. The family was taken to hospital. At the hospital, the children were examined and prescribed medication to improve their condition. On 2 August 2017, the Court decided to apply the alternative and accommodate the asylum seekers in the FRC. They were transferred to the FRC on 4 August 2017, after spending 7 days in the Kena frontier station”.

*To summarise the results of the monitoring visits, it is considered to be very good practice not to accommodate people in the Vilnius airport frontier station, in which due to its specifics and the safety of people (as it is often stated in the explanations) it was necessary to lock even the rooms where asylum seekers are accommodated. The Vilnius Airport frontier station also did not allow for access to fresh air. It is important to note that the case of locking up posing a risk to children’s health was only recorded at the beginning of the monitoring project and was not a recurrent practice. It is not good practice that people are still locked indoors, especially in the BCPs regulating high car traffic. However, the Kena BCP has indicated a telephone number for contacting officers in case of emergency and the Medininkai BCP has an emergency call button. These methods can only be used on a temporary basis in order to provide a fundamental solution to the safe accommodation of asylum seekers, so that people are not locked in their rooms and outdoor walks are allowed according to the person’s needs or at least according to a pre-defined schedule with which the person is familiarised.*

### ***6.3. RECEPTION OF ASYLUM SEEKERS: ACCOMMODATION, FOOD AND ASSURANCE OF HEALTH CARE SERVICES***

*This part of the report discusses the main aspects of the decent reception conditions of asylum seekers that were most frequently observed in the period 2017-2020: safe accommodation, adequate catering of asylum seekers, and timely provision of health care services, both at the border crossing points and at the places of accommodation of asylum seekers, i.e. at the SBGS Foreigners' Registration Centre and the Refugee Reception Centre.*

In the 2017 and 2018 Annual Reports it is recommended to note that asylum seekers should be accommodated in rooms with adequate ventilation and natural daylight. This recommendation is closely related to the already mentioned situation that in both 2017 and 2018 the vast majority of asylum seekers arrived in Lithuania through the Vilnius Airport frontier station (see more in Section IV "General information on monitoring visits 2017-2020"), where the room for asylum seekers had no windows and the people arriving complained about the stale, unventilated air causing breathing difficulties. Three decisions taken in 2018 and 2019 are considered very good practice:

- ✓ to install a ventilation system in the temporary accommodation room for asylum seekers;
- ✓ to expand the temporary accommodation in the frontier station itself;
- ✓ to carry out initial asylum procedures in the SBGS Foreigners' Registration Centre instead of the Vilnius Airport frontier station.

These decisions are in line with the recommendation that asylum seekers should only be accommodated after adequate reception conditions have been ensured and, if this is not possible, they should be transferred to premises that meet the conditions for reception of asylum seekers.

The second example illustrating the changes is the situation in the Šalčininkai BCP, where shower facilities are already available for accommodated asylum seekers in 2020, whereas in the report of the monitoring visit of 6 November 2017 it was recorded that asylum seekers were not able to use the shower facilities, and in 2019 they could use the shower facilities only with a separate permit on their individual request. In the Kena BCP, people are immediately accommodated in the facilities for asylum seekers, whereas in 2017 a situation was recorded where asylum seekers were only escorted to these facilities to take a shower and then returned to the detention facilities.

In 2017, 2018 and 2019, cases were observed where asylum seekers were placed in dirty rooms or could not get clean bed linen (usually they simply found it used by the people who had been there before). These are occasional, non-recurrent cases, mostly at high mobility BCPs, which are recorded by monitors.

Thus, the recommendation based on Standard 14 of the “EASO Guidelines<sup>10</sup> on reception conditions: operational standards and indicators”, “Ensure that private and common areas as well as bed linen are kept clean”, is still relevant.

A recurrent situation affecting not all but a few asylum seekers was recorded in the Refugee Reception Centre, where in 2018 people complained that “the windows in the rooms are not hermetic” and “there is a draught in the room”. In 2020, the same situation is recorded in the report (by the way, almost the only complaint about the accommodation conditions) - “the wind blows through the windows”.

According to the monitoring reports, in the SBGS Foreigners’ Registration Centre, the biggest challenges are related to the maintenance and renovation of the common areas of the premises, mainly the kitchen, because, according to the 2020 monitoring report, although the laundry room and the corridors of the FRC open wing are tidy, “the kitchens are not renovated, the equipment is old, some stoves and other kitchen equipment are not working”.

*In conclusion, the accommodation facilities and, in most cases, the single-family accommodation in these facilities are generally in line with the standards required for accommodation for asylum seekers. Attention should be paid to the maintenance of cleanliness and tidiness, the replacement of unsafe electrical appliances and furniture with safe ones; the renewal of furniture and household appliances in FRC and the replacement/sealing of windows in RRC.*

A different situation in terms of ensuring minimum standards of reception conditions was observed when more asylum seekers were accommodated at the BCPs and the Centres than the number of rooms available in the Centres.

Since 2017, the observers have been drawing attention to and calling for an assessment of the risk that existing accommodation places may be overcrowded and that the standards of reception conditions for asylum seekers may not be fully met as a result. The 2017 Annual Monitoring Report stated that “the risk of overcrowding in FRC remains”. The observer notes that the agreement signed in 2018 between the Ministry of the Interior and the Refugee Reception Centre in Rukla to accommodate asylum seekers in case of overcrowding at the FRC has increased the number of accommodation places for asylum seekers, and therefore there is a possibility to accommodate people at the RRC in case of overcrowding at the FRC. According to the data of 2018, “The observer visited the SBGS Foreigners’ Registration Centre four times in 2018: in March, April, May, and June. In all the reports submitted, concerns about the threat of overcrowding in the accommodation facilities for asylum seekers were stated”, which means that even if there was an agreement between the Ministry of the Interior and the RRC, this agreement did not fully resolve the problem, and the related consequences were obvious:

<sup>10</sup> The data can be found here: <https://www.easo.europa.eu/sites/default/files/Guidance-on-ReceptionConditions-LT.pdf>. statistics.

“One of the biggest challenges for the professionals working in the SBGS Foreigners’ Registration Centre is the tensions that arise between people of different nations, cultures and religions due to overcrowding of the premises, lack of personal/private space, different attitudes to cleanliness and tidiness, daily routines, and different religious rituals”. The “tight and overcrowded spaces lacking privacy for the child” are also mentioned in the 2017 Activity Report of the Ombudsman for Children Rights of the Republic of Lithuania.

Already in 2018, cases of people being accommodated for longer periods of time at border crossing points due to lack of space in FRC started to be recorded. However, the biggest challenges arose in 2019, when the highest number of asylum seekers in the last 9 years applied for asylum in Lithuania (for more details, see Section IV “General information on monitoring visits 2017-2020”); in the fourth quarter of 2019 the border crossing points became a place of prolonged accommodation for asylum seekers, as the increasing flow of asylum seekers affected the entire asylum seekers’ accommodation system, and the situation was not even saved by alternative accommodation places, where people started to be actually accommodated in June 2018 (the highest number of asylum seekers living in alternative accommodation places within that period was 27, *author’s note*). At that time, the situation no longer met even the minimum standards of reception conditions, as recorded in the 2019 Annual Monitoring Report: “On 25 September 2019, it was recorded that 8 asylum seekers (from different families) were staying in a single room with 3 single beds in the Raigardas BCP”, and “on 13 September 2019, Chechen nationals and a Tajik family complained about the lack of hot food, nappies, hygiene products, facilities and means for children to play in the Švenčionys frontier station”.

The last report documenting the consequences of overcrowding in accommodation places was submitted in January 2020, when the monitor met with a single woman from Tajikistan, whose uncle was no longer there in the Medininkai BCP because “there was a place for a single man in the FRC”.

The 2020 COVID-19 pandemic and the significant reduction in the number of asylum seekers do not provide an opportunity to assess what decisions have been taken and whether they would be effective in the face of a gradually increasing flow of asylum seekers but this issue is certainly of great importance for planning the provision of adequate<sup>11</sup> reception conditions for all asylum seekers when the number of accommodation places planned and compliant with the standards is not sufficient.

<sup>11</sup> Member States shall ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health.” EU Directive on reception conditions, 17(2)(1).

*Summarising the data on the accommodation possibilities for asylum seekers, more positive trends can be identified: with the opening of the SBGS FRC additional building in 2019, which can accommodate about 16 vulnerable asylum seekers, the accommodation possibilities of the SBGS FRC have expanded to approximately 110, and 39 alternative accommodation places are planned for the next two years; as of 1 March 2021, the reception centre will become part of the asylum seekers' accommodation system. However, it should be noted that around 300 accommodation places are created in this way, although trends in 2017-2019 indicated that they may not be sufficient in the context of rapid but steady increase in the number of people seeking international protection.*

As regards the catering of asylum seekers, it should be noted that the catering of asylum seekers at BCPs does not comply with the standards set out in the EU Directive on Reception Conditions<sup>12</sup> and EASO standards<sup>13</sup>. It is important to mention again in this report the composition of the dry rations and the assessment of meals by observers according to the standards in force.

The dry food ration provided by the SBGS at the BCP consists of: water, raisins, canned goods, wheat sticks.

In the project “Improvement of reception, employment and living conditions of asylum seekers” No AMIF - 1.1.4-K-02-001, within the framework of which Caritas is organising the purchase of food parcels, there is provided the dry food ration consisting of: natural mineral water, instant oatmeal, braised canned beef, soup in a jar, bread sticks, tea, mix of dried berries and nuts “Jaunimo”. Additional foods (for children): puree of various fruits, mashed bananas in a jar, rolls, dried berry mix (the ration may change slightly when ordering products, *author's note*)

In brief, recommendations for 2017, 2018, 2019 and 2020 to the responsible authorities on catering for asylum seekers at border crossing points:

The recommendation for 2017: “The assessment of the catering of asylum seekers found that the food parcels provided by the BCP are not suitable for long-term consumption and can only be used as a single meal option while asylum seekers are waiting for up to 48 hours for a decision from the Migration Department on their asylum application to be made.

<sup>12</sup> ”Member States shall ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health.” EU Directive on reception conditions, 17(2)(1).

<sup>13</sup> EASO Standard 21, Indicator 21.2: At least three meals are served per day for adults, of which at least one is cooked and served warm.



It is recommended to consider changing the content of the food parcel or alternative meal options in cases where asylum seekers remain in accommodation in the BCP for longer periods of time.

The conclusion for 2018: “The food parcels provided at CPs are only suitable as single meals and not for long-term consumption. The food parcels provided at the BCPs are not adapted to the needs of vulnerable persons (including children)”.

The data of 2019 report: "It is notable that Caritas' food rations ran out within a month due to the increase in the number of asylum seekers since August. Caritas reported in November 2019 that it had exhausted all the funds allocated for the 3-year period to feed asylum seekers at the border. Funds were sought from other sources but 108 asylum applications submitted in the Republic of Lithuania in December again caused a sudden increase in the consumption of the food rations from Vilnius Archdiocese Caritas, especially at the Vilnius Frontier District”.

In the context of a detailed assessment of the situation, it is important to note that Clause 6 of the Order of Minister of the Interior of the Republic of Lithuania of 6 May 2016 “On approval of description of the conditions for accommodation of asylum seekers at border crossing points” No V-346 stipulates the following: “Organisation of meals for asylum seekers: asylum seekers accompanied by officers of the SBGS shall be given the opportunity to purchase food at their own expense from the nearest grocery stores or catering establishments; if they do not have the means to do so, meals shall be organised in accordance with the procedure laid down by the Head of the SBGS”. This provision is implemented properly, as the monitoring visits showed that the vast majority of asylum seekers were aware that they had the possibility to buy food with their own money and were taken to the nearest shop.

*In summary, it can be concluded that during the four years of monitoring, the feeding of asylum seekers in the absence of their own resources, handled under the responsibility of the SBGS, at the BCPs does not meet the standards of reception conditions: asylum seekers do not receive a nutritious diet for adults, pregnant and lactating women and minors<sup>14</sup>. The situation becomes even more difficult when asylum seekers remain at BCPs for more than 72 hours. For people who have the means to buy their own food, such conditions are usually provided.*

It is a good practice that the SBGS FRC tries to respond to people’s needs and react to the monitors’ findings that “the asylum seekers interviewed complained about the quality of the food served in the FRC canteen and, in their opinion, the small portions” (2017 Annual Monitoring Report);

<sup>14</sup> See 3 in <https://apps.who.int/iris/bitstream/handle/10665/250796/9789241549912-eng.pdf?sequence=1>

“it is recommended to consider increasing the amount of money per person allocated for meals at the SBGS Foreigners’ Registration Centre or to look for alternative ways of providing meals to the asylum seekers” (recommendation of 2018 Annual Monitoring Report on the organisation of meals). It should be noted that, according to the 2020 Monitoring Report, as of 1 September 2020, the SBGS FRC “is planning a change in the catering service by updating the menu, providing the possibility to choose from different menus and to eat according to one’s own religious or health beliefs”. The desire to improve the organisation of catering is also demonstrated by the changes in food prices, as the daily price per adult has increased from EUR 1.94 to EUR 2.50 and the price per child is currently EUR 2.80. Arrangement of catering by the SBGS FRC corresponds to all other catering standards: fresh food products, choices in line with health and religious beliefs, hot meals for adults three times a day and for children - 5 five times a day including snacks. However, looking at the broader situation, it has to be acknowledged that the asylum seekers’ assessments that the food “is the same”; “the portions are small”; “they would like to cook according to their own habits” are very much related to the fact that the organised way of catering chosen by the SBGS FRC (in particular because the SBGS FRC consists of two “centres” - one for asylum seekers with unrestricted freedom and the other for detained illegally staying migrants) and the people in the centre are dependent on the rations offered to them. Those asylum seekers who are accommodated in the RRC and in alternative accommodation places do not have any similar assessments or expectations, as they are able to cook according to their own tastes, religious beliefs, daily routine and possibilities, while receiving a certain monetary allowance.

*In summary, it may be concluded that efforts are made to improve the catering of the people living in the SBGS FRC, both financially and in terms of respect for other cultures and religions. This is considered a very good practice. It should be noted that the different way of organising catering for asylum seekers in different centres or individual apartments may raise additional expectations for asylum seekers, as the possibility to choose their own products and cook their own food will always better reflect personal needs and/or religious beliefs.*

It is stated that the services of a lawyer and a medical doctor are the most invaluable for a person seeking international protection. Monitoring, analysis and evaluation of health care services was of particular importance in 2017-2020. Most of the monitoring reports documented that officers fulfilled their duties to call for an ambulance on time but the proper organisation of health care services was a challenge both in the SBGS FRCs and at the BCPs, especially when asylum seekers stayed at the BCPs for longer than 72 hours.

The 2018 Annual Monitoring Report states that the provision of medical care at a BCP when a person requires non-emergency or ambulatory treatment due to prolonged accommodation is not sufficient to state that the BCP is “ensuring that asylum seekers’ basic needs for assistance, including food, clothing, accommodation, and *medical care* are met, and that their privacy is respected”.<sup>15</sup>

This may be illustrated with examples from the 2019 Annual Monitoring Report: “During a monitoring visit to Lavoriškės BCP on 27 June 2019, it was recorded that a Tajik national complained of stomach pains and poor psychological condition. On 17 June 2019, the EMS was called, but there were no indications to take him to the hospital for stomach pains or psychological condition, and the EMS does not prescribe medicines - therefore, the necessary medical assistance was not provided to the Tajik. On 5 September 2019 Tajik family in Medininkai BCP: children are sick (caught cold, coughing). They need a doctor’s consultation, possibly medication. Necessary medical assistance was not provided. On 19 November 2019 Tajik family in Tverečius frontier station: mother and her five children need medical examination: one child is albino and very sensitive to light, he needs special glasses, another child has suffered a trauma in childhood and has a physical disability. The third child needs dental care because of a toothache. Adequate medical assistance was not provided”.

*To summarise the situation at border crossing points, the minimum standard of providing emergency medical care in acute or life-threatening conditions with the possibility of transport to hospital is being implemented but important and necessary medical care with appropriate medication at border crossing points is not properly organised for vulnerable persons.*

Licensed medical personnel were employed in the SBGS Foreigners’ Registration Centre and the Refugee Reception Centre throughout the reporting period (except for the phase when a doctor was not employed in the FRC and the medical services were not provided to asylum seekers in the Centre itself). However, the main challenge was the accessibility of health care services: the lack of interpreters to understand and express the health problems of the asylum seeker and to provide a quality consultation. In 2018, people accommodated in the SBGS FRC stated that their health problems are not adequately addressed, they “do not know the doctor’s work schedule, the nurses working in the Centre do not have the right to prescribe the necessary medicines”. In two reports submitted at different times it was recorded that pain killers were offered instead of a check-up and a second visit was suggested. This organisation of health care by the SBGS FRC was not considered as ensuring quality health care services.

<sup>15</sup> UNHCR Executive Committee (EXCOM) Conclusion on reception of asylum seekers in the context of individual asylum systems, No 93 (LIII) - 2002.

However, the report of the 2020 monitoring visit records that on 1 September 2020, the doctor with the ability to communicate in several foreign languages will start working full-time at the SBGS FRC.

*In conclusion, it should be stated that the efforts to recruit a full-time doctor with knowledge of more than two languages is a very good practice and responds adequately to the needs of asylum seekers. The provision of interpretation services is a standard that contributes to the systemic availability of health care services, regardless of staff turnover and the country of origin of the asylum seekers with health problems.*

## **7. PREPARATION FOR MANAGEMENT OF THE COVID-19 PANDEMIC, IMPLEMENTATION OF RECOMMENDATIONS**

By 2020, the spread of COVID-19 has affected almost every aspect of human life around the world. Even very active people have faced quarantine, self-isolation and even curfews in some countries - intense restrictions on freedom of movement. The quarantine was imposed in Lithuania on 16 March 2020 by Resolution of the Government of the Republic of Lithuania “On declaration of quarantine in the territory of the Republic of Lithuania. According to this Resolution, foreigners were allowed to enter the territory of the Republic of Lithuania only through certain border crossing points and only under exceptional conditions. The Government of the Republic of Lithuania has informed the European Commission that the right to enter a safe country for persons seeking international protection is not restricted but it is important to note that the first asylum applications in the border area after the quarantine were submitted only on 24 July 2020. Asylum seekers submitted their applications to officials in the territory of Lithuania, not at a border crossing points.

In 2020, three monitoring visits were carried out to the BCPs and FS s through which statistically the largest number of asylum seekers enter the Republic of Lithuania: Medininkai BCP; Lavoriškės FS and BCP and Tverečius BCP. The aim of the monitoring is to assess the reception conditions for asylum seekers during the first 72 hours, ensuring the safety of asylum seekers during the initial asylum procedures. Two further monitoring visits were carried out in August and September in the SBGS Foreigners’ Registration Centre and the Refugee Reception Centre in order to assess the impact of the restrictions during the quarantine period on the availability and quality of the services provided to asylum seekers.

Based on the guidelines of the European Council for COVID-19 risk management, Communication from the European Commission on COVID-19 of 16 April 2020, UNHCR's basic legal provisions on the entry of persons in need of international protection, in the light of the COVID-19 response; the recommendations of the Ministry of Health of the Republic of Lithuania and of the National Public Health Centre, the main areas assessed by the observer were: the provision of information to visitors of the BCP and to asylum seekers, the provision of adequate facilities for quarantine of asylum seekers, the availability of hygiene and disinfectant products, and the provision of a safe reception scheme for asylum seekers.

Summarizing the data presented in the reports it may be concluded that:

- Officers complied with the procedures laid down by the Service;
- All officers were provided with protective equipment and there was no shortage of disinfectant liquid;

- Asylum seekers were provided with the same protective equipment in accordance with the procedure;
- Sufficient information and guidance on prevention prepared by the National Public Health Centre was available in the BCP and at the frontier station.

Preparedness is a very important preventive measure against any virus, including COVID-19. However, in practice, as recorded in the report of the monitoring visit of 4 August 2020 to the Tribonys frontier station, it is a difficult task to properly inform the person arriving and get his confirmation that he has understood the information received. The report records that the Russian asylum seeker, upon arrival, perceived the self-isolation obligation as a severe restriction of his freedom of movement and a violation of his rights, because he was not allowed to move freely by an “armed officer” and complained about the lack of information as to the reasons for his detention. The man even tried to call the police, informing them that he was unlawfully detained but the officers refused to come when they learned of the circumstances. The man also complained that he did not know the result of his virus test but later clarified that he “had not received any official letter from the NPHC”. Thus, the monitor identified in her recommendations that it is very important not only to quickly inform asylum seekers of their rights and obligations but also to keep that information up-to-date, it is important to ask if everything was understood, what questions they have and to keep such information up-to-date and remind them of it. In this case, it is also very important to make them aware of the consequences of non-compliance with the quarantine conditions, which are common to all people currently in Lithuania, both citizens and foreigners.

The actions of the RRC administration during the quarantine period can be considered good practice, as the people temporarily accommodated were properly informed (using informative illustrations); provided with safety equipment; and the Centre’s organisation of work (in line with the recommendations of the Minister of health, State - Level Emergency State Operations Manager and the European Commission’s recommendations on the management of COVID-19 virus). The information shared by the asylum seekers that they had “no major complaints regarding health and health care during the quarantine” is considered as particularly good practice. According to the asylum seekers, there were also no changes in the working regime of doctors and nurses related to the quarantine. The interviewees understood that visits to medical facilities for level II and level III services are limited due to objective reasons, which is also a consequence of adequate information.

Very similar good practice was recorded during the monitoring at the SBGS FRC: sources of information were numerous and diverse, people said that they had enough masks and disinfectant liquid, temperature was measured for all entering residents; and they were taught how to maintain surfaces in the kitchen and other common areas. Asylum seekers have not noticed a change in the provision of medical services; the inconvenience of not receiving, as usual, level II and level III services caused complaining of several women interviewed.

Asylum seekers accommodated in the RRC and the SBGS FRC had the possibility to receive psychological counselling remotely, which, according to the staff of the Centres, was not higher than usual. The monitor communicated with asylum seekers who were quarantined for 14 days on the third floor of the detention block of the SBGS FRC and they indicated that such quarantine location “had negative effect on their mood and health”. The administration informed that during the renovation of the buildings and the area, there were no other suitable premises with shower facilities and the possibility of longer-term accommodation. In this case, it is also crucial to properly inform people about the quarantine regulation at national level, why a person is quarantined in such premises, exactly how long it will last, and what efforts will be made to ensure that it does not compromise the quality of the services provided in accordance with the standards of the reception conditions.

The observer also noted that the information on access to a lawyer was sufficient, which is considered good practice.

*In summary, we can state that both the BCPs and two Centres which accommodated asylum seekers were adequately prepared in terms of material means to manage the virus and the safety of the asylum seekers and the provision of remote services was ensured. Even more attention needs to be paid to the proper information of asylum seekers, which - very importantly - must be done in a timely and respectful manner.*

## CONCLUSIONS

A report summarising the results of the 2017-2020 monitoring has been submitted, concluding one of the phases of the Lithuanian Red Cross monitoring of reception conditions and procedures for asylum seekers and the commitment to implement the AMIF project “Monitoring of reception conditions for asylum seekers”. Throughout these years, the monitoring visits have taken as a reference point for the monitor the standards on reception conditions and procedures for asylum seekers, which cover access to procedures, decent accommodation, adequate food, timely access to health care services, grounds for restricting the freedom of person, etc. Among the most important guidelines for monitoring the reception conditions of asylum seekers are the principles that guide the monitor, first of all, in order to ensure that his activities do not cause more harm to the person than the benefits he seeks to achieve.

Summarising the changes in reception conditions for asylum seekers between 2017 and 2020, which are considered to be particularly good practice, it can be stated that:

- ✓ an important decision was taken not to accommodate asylum seekers at the Vilnius Airport frontier station, as there it was difficult to ensure temporary accommodation conditions that meet the standards for accommodation of asylum seekers and the right to fresh air, thus implementing the standard that asylum seekers should only be accommodated after adequate reception conditions have been ensured, and in the absence of such an option, they should be transferred to premises that meet the conditions for reception of asylum seekers;
- ✓ attention was drawn to the fact that accommodated asylum seekers should have every possibility to quickly contact officers in case of need of assistance, and that an emergency button was set up at the Medininkai BCP and all contact numbers were posted at the Kena BCP;
- ✓ the aim was to expand the number of decent accommodation places for asylum seekers, ensuring that there are enough places even when the number of asylum seekers in the country is gradually and rapidly increasing and the existing accommodation places are insufficient;
- ✓ the fee for catering for asylum seekers in the SBGS Foreigners’ Registration Centre was increased;
- ✓ the best solutions to improve access to health care services at the SBGS Foreigners’ Registration Centre were sought;
- ✓ adequate preparations were made for the management of the COVID-19 pandemic and asylum seekers were provided with safe health conditions both in the BCPs and in the Centres.



However, it is important to draw attention to the standards for reception of asylum seekers that have not been fully implemented:

- not all foreigners applying for asylum are immediately identified as asylum seekers;
- catering provided to asylum seekers at BCPs do not meet the standards; medical care (other than emergency) for asylum seekers accommodated in BCPs, in particular for vulnerable asylum seekers, is not systematically organised; the freedom of asylum seekers in BCPs is restricted without a court order and the access to fresh air is often linked to the goodwill of the responsible officer rather than to the internal rules applied, so it can be stated that the accommodation of asylum seekers in BCPs only meets the standards of reception conditions when asylum seekers are accommodated for a period of up to 72 hours.
- There is a lack of consensus and communication between the responsible public authorities and NGOs on how to act in the context of a rapid but consistent increase in the number of asylum seekers and existing decent accommodation is getting scarce.

Almost four years of monitoring experience shows that careful and systematic monitoring, proper documentation, regular information, open discussion in meetings leads to decisions that contribute to the implementation of the standards for reception of asylum seekers and to the provision of adequate reception conditions and procedures. This is done through changing the legal framework, the regulation of procedures and routines, and attitudes as such. Observers of the Lithuanian Red Cross are ready to be trusted helpers of the State and to work together with the responsible institutions to achieve change.

Report prepared by:

Raimonda Lebelionytė - Alseikienė

## ANNEX

### STANDARDS FOR RECEPTION AND PROCEDURES FOR ASYLUM SEEKERS

#### 1. ACCESS TO THE ASYLUM PROCEDURE

“Everyone has the right to seek and to enjoy in other countries asylum from persecution”. Universal Declaration of Human Rights, Article 14.

“The right to asylum shall be guaranteed with due respect for the rules of the Geneva Convention of 28 July 1951 and the Protocol of 31 January 1967 relating to the status of refugees and in accordance with the Treaty on European Union and Treaty on the Functioning of the European Union”. Charter of Fundamental Rights of the European Union, Article 18.

“The competent official (e.g., immigration officer or border police officer) to whom the applicant addresses himself at the border or in the territory of a Contracting State, should have clear instructions for dealing with cases which might me within the purview of the relevant international instruments. He should be required to act in accordance with the principle of non-refoulement and to refer such cases to a higher authority. The applicant should receive the necessary guidance as to the procedure to be followed”. UNHCR EXCOM conclusions, 12 October 1977, Determination of Refugee Status No. 8 (XXVIII) - 1977, p. (e)(i) and (e)(ii).

“Member States shall ensure that each adult with legal capacity has the right to make an application for international protection on his or her own behalf”. EU Asylum Procedures Directive, Article 7(1).

“Member States shall ensure that a minor has the right to make an application for international protection either on his or her own behalf, if he or she has the legal capacity to act in procedures according to the law of the Member State concerned, or through his or her parents or other adult family members, or an adult responsible for him or her, whether by law or by the practice of the Member State concerned, or through a representative”. EU Asylum Procedures Directive, Article 7(1).

“Member States shall ensure that a person who has made an application for international protection has an effective opportunity to lodge it as soon as possible”. EU Asylum Procedures Directive, Article 6(2).

“Where there are indications that third-country nationals or stateless persons held in detention facilities or present at border crossing points, including transit zones, at external borders, may wish to make an application for international protection, Member States shall provide them with information on the possibility to do so. In those detention facilities and crossing points, Member States shall make arrangements for interpretation to the extent necessary to facilitate access to the asylum procedure”. EU Asylum Procedures Directive, Article 8(1).

“Given that third-country nationals and stateless persons who have expressed their wish to apply for international protection are applicants for international protection, they should comply with the obligations, and benefit from the rights, under this Directive and Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (5). To that end, Member States should register the fact that those persons are applicants for international protection as soon as possible”. EU Asylum Procedures Directive, Recital 27.

“A foreigner’s application for asylum may be lodged: 1) at the Republic of Lithuania border crossing points or within the territory of the Republic of Lithuania, wherein the border legal regime is valid - with the State Border Guard Service; 2) within the territory of the Republic of Lithuania - with the State Border Guard Service or Migration Department except for the case specified in point 1 of this paragraph”. Law on the Legal Status of Foreigners in the Republic of Lithuania, Article 67(1).

“A decision to refuse a foreigner admission into the Republic of Lithuania shall be taken by the State Border Guard Service. A decision to refuse a foreigner admission into the Republic of Lithuania shall not be taken in respect of a foreigner who has applied for asylum in the Republic of Lithuania”. Law on the Legal Status of Foreigners in the Republic of Lithuania, Article 8(2).

“An asylum application can be made both in writing and orally”. Description of the Procedure for Granting and Withdrawing Asylum in the Republic of Lithuania approved by Order of 24 February 2016 of Minister of the Interior of the Republic of Lithuania No 1V-131, p. 22.1 and 22.2.

2. PROVISION OF INFORMATION ON ASYLUM PROCEDURE“ 1. Member States shall ensure that applicants are provided with information on organisations or groups of persons that provide specific legal assistance and organisations that might be able to help or inform them concerning the available reception conditions, including health care.

2. Member States shall ensure that the information referred to in paragraph 1 is in writing and, in a language that the applicant understands or is reasonably supposed to understand. Where appropriate, this information may also be supplied orally”. Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, Article (5).

“Whether asylum-seekers submit their claims immediately upon arrival or after entering the country, they often encounter difficulties at the very early stage of the asylum process. They may lack basic information on the asylum procedure and be unable to state their claims formally or intelligibly, without adequate guidance on the practical arrangements for their reception, the asylum procedure and other useful information”. UNHCR, Global Consultations on International Protection/Third Track: Reception of Asylum-Seekers, Including Standards of Treatment, in the Context of Individual Asylum Systems, 4 September 2001, EC/GC/01/17, p. 11.

“The applicant should receive the necessary guidance as to the procedure to be followed”. UNHCR EXCOM conclusions, 12 October 1977, Determination of Refugee Status No. 8 (XXVIII) - 1977, p. (e)(ii).

“Member States shall ensure that those [...] authorities which are likely to receive applications for international protection such as the police, border guards, immigration authorities and personnel of detention facilities have the relevant information and that their personnel receive the necessary level of training which is appropriate to their tasks and responsibilities and instructions to inform applicants as to where and how applications for international protection may be lodged”. EU Asylum Procedures Directive, Article 6(1).

“With a view to ensuring effective access to the examination procedure, officials who first come into contact with persons seeking international protection, in particular officials carrying out the surveillance of land or maritime borders or conducting border checks, should receive relevant information and necessary training on how to recognise and deal with applications for international protection, *inter alia*, taking due account of relevant guidelines developed by EASO. They should be able to provide third-country nationals or stateless persons who are present in the territory, including at the border, in the territorial waters or in the transit zones of the Member States, and who make an application for international protection, with relevant information as to where and how applications for international protection may be lodged. [...]” EU Asylum Procedures Directive, Recital 26.

“Member States shall ensure that all applicants shall be informed in a language which they understand or are reasonably supposed to understand of the procedure to be followed and of their rights and obligations during the procedure and the possible consequences of not complying with their obligations and not cooperating with the authorities. They shall be informed of the time frame, the means at their disposal for fulfilling the obligation to submit the elements as referred to in Article 4 of Directive 2011/95/EU, as well as of the consequences of an explicit or implicit withdrawal of the application. That information shall be given in time to enable them to exercise the rights guaranteed in this Directive and to comply with the obligations [...]” EU Asylum Procedures Directive, Article 12(1)(a).

### 3. RECEPTION CONDITIONS

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” Universal Declaration of Human Rights, Article 25(1).

“The States Parties to the present Covenant recognize the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. [...]” International Covenant on Economic, Social and Cultural Rights, Article 11.

“The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.” International Covenant on Economic, Social and Cultural Rights, Article 12(1).

“States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.” Convention on the Rights of the Child, Article 27(1).

“Asylum-seekers should have access to the appropriate governmental and non-governmental entities when they require assistance so that their basic support needs, including food, clothing, accommodation, and medical care, as well as respect for their privacy, are met.”

UNHCR Executive Committee (EXCOM) Conclusion on reception of asylum seekers in the context of individual asylum systems, No 93 (LIII) - 2002.

“Member States shall ensure that material reception conditions are available to applicants when they make their application for international protection.” EU Directive on reception conditions, Article 17(1).

”Member States shall ensure that material reception conditions provide an adequate standard of living for applicants, which guarantees their subsistence and protects their physical and mental health.” EU Directive on reception conditions, Article 17(2)(1).

“Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation, in the national law implementing this Directive.” EU Directive on reception conditions, Article 21.

“Member States shall ensure that standard of living is met in the specific situation of vulnerable persons, in accordance with Article 21, as well as in relation to the situation of persons who are in detention.” EU Directive on reception conditions, Article 17(2)(2).

“Members of the same family shall be accommodated together in separate accommodation or in adjoining accommodation not separated from each other, with appropriate privacy, unless one of the family members objects to such accommodation and there are objective reasons for this”. Description of Conditions and Procedures for Temporary Accommodation of Foreigners in the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania approved by Order of 4 October 2007 of the Minister of the Interior of the Republic of Lithuania No 1V-340, Section I, General provisions, p. 4.4.

“Organisation of catering for asylum seekers: asylum seekers accompanied by officers of the SBGS shall be given the opportunity to purchase food at their own expense from the nearest grocery stores or catering establishments; if they do not have the means to do so, catering shall be organised in accordance with the procedure laid down by the Head of the SBGS”.

Order of Minister of the Interior of the Republic of Lithuania of 6 May 2016 “On approval of description of the conditions for accommodation of asylum seekers at border crossing points” No V-346, p. 6.

“An asylum seeker must be given access to fresh air”. Order of Minister of the Interior of the Republic of Lithuania of 6 May 2016 “On approval of description of the conditions for accommodation of asylum seekers at border crossing points” No V-346, p. 9.

#### 4. HEALTH CARE PROVISIONS

“Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.” Universal Declaration of Human Rights, Article 25(1).

“Asylum-seekers should have access to the appropriate governmental and non-governmental entities when they require assistance so that their basic support needs, including food, clothing, accommodation, and medical care, as well as respect for their privacy, are met.” UNHCR Executive Committee (EXCOM) Conclusion on reception of asylum seekers in the context of individual asylum systems, No 93 (LIII) - 2002.

“Member States shall ensure that applicants receive the necessary health care which shall include, at least, emergency care and essential treatment of illnesses and of serious mental disorders.” Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, Article 19(1).

“Member States shall provide necessary medical or other assistance to applicants who have special reception needs, including appropriate mental health care where needed.” Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, Article 19(2).

“If an asylum seeker’s health worsens or if he complains of a health problem, the SBGS officers call for emergency medical assistance. If the asylum seeker requires ambulatory treatment, an escort of SBGS officers shall be organised and it shall be ensured that the asylum seeker does not intentionally leave the treatment facility”. Order of Minister of the Interior of the Republic of Lithuania of 6 May 2016 “On approval of description of the conditions for accommodation of asylum seekers at border crossing points” No V-346, p. 7.

## 5. VULNERABLE PERSONS

“Member States shall take into account the specific situation of vulnerable persons such as minors, unaccompanied minors, disabled people, elderly people, pregnant women, single parents with minor children, victims of human trafficking, persons with serious illnesses, persons with mental disorders and persons who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, such as victims of female genital mutilation, in the national law implementing this Directive.” Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, Article 21.

“1. The best interests of the child shall be a primary consideration for Member States when implementing the provisions of this Directive that involve minors. Member States shall ensure a standard of living adequate for the minor’s physical, mental, spiritual, moral and social development.

2. In assessing the best interests of the child, Member States shall in particular take due account of the following factors:

- a) family reunification possibilities;
- b) the minor’s well-being and social development, taking into particular consideration the minor’s background;
- c) safety and security considerations, in particular where there is a risk of the minor being a victim of human trafficking;
- d) the views of the minor in accordance with his or her age and maturity.

3. Member States shall ensure that minors have access to leisure activities, including play and recreational activities appropriate to their age within the premises and accommodation centres referred to in Article 18(1)(a) and (b) and to open-air activities.

4. Member States shall ensure access to rehabilitation services for minors who have been victims of any form of abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment, or who have suffered from armed conflicts, and ensure that appropriate mental health care is developed and qualified counselling is provided when needed.



5. Member States shall ensure that minor children of applicants or applicants who are minors are lodged with their parents, their unmarried minor siblings or with the adult responsible for them whether by law or by the practice of the Member State concerned, provided it is in the best interests of the minors concerned.” Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, Article 23.

“1. Member States shall ensure that persons who have been subjected to torture, rape or other serious acts of violence receive the necessary treatment for the damage caused by such acts, in particular access to appropriate medical and psychological treatment or care.

2. Those working with victims of torture, rape or other serious acts of violence shall have had and shall continue to receive appropriate training concerning their needs, and shall be bound by the confidentiality rules provided for in national law, in relation to any information they obtain in the course of their work.” Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, Article 25.

## 6. DETENTION OF ASYLUM SEEKERS

On 14 March 2017 in the case of *Ilias and Ahmed v. Hungary* (Application No 47287/15), the European Court of Human Rights held that the isolation of asylum seekers in a transit zone without a formal decision constituted a *de facto* detention in violation of Article 5 of the European Convention on Human Rights. The absence of the possibility to appeal against the detention is a violation of Article 5(4) of the European Convention on Human Rights.

The Court of Justice of the European Union has held in its judgment of 12 November 2019 in Case C-233/18 *Zubair Haqbin v Federaal Agentschap voor de opvang van asielzoekers* that Member States are obliged to ensure a decent standard of living at all times and without interruption. On the other hand, it is the responsibility of the authorities of Member States to ensure access to material reception conditions capable of guaranteeing such standard of living, in accordance with the procedures laid down, even if, where necessary, they have recourse to the services of private natural or legal persons, who, under their supervision, carry out this obligation. When assessing the best interests of the child, Member States shall also take due account of factors such as the minor’s well-being and social development, in particular the minor’s personal situation, as well as security and safety aspects. Moreover, a Member State may not, when laying down the sanctions which may be imposed on an asylum seeker for serious breaches of the rules on accommodation and for manifestly aggressive behaviour, provide for a sanction which excludes the right to material reception conditions relating to housing,

food or clothing, even temporarily, since it would deprive the applicant of the possibility of satisfying his basic needs. Other sanctions must in all cases respect the principle of proportionality and respect for human dignity. Other sanctions must in all cases respect the principle of proportionality and respect for human dignity.

“Any detention or deprivation of liberty must be in accordance with and authorised by national law. Any deprivation of liberty that is not in conformity with national law would be unlawful, both as a matter of national as well as international law. At the same time, although national legislation is the primary consideration for determining the lawfulness of detention, it is “not always the decisive element in assessing the justification of deprivation of liberty.” In particular, a specific factor that needs to be considered is the underlying purpose of preventing persons being deprived of their liberty arbitrarily.” UNHCR Detention Guidelines, Guideline 3, p. 15.

“At border crossing points or transit zones, asylum seekers shall be accommodated in rooms set up for them. If it is not possible to ensure adequate reception conditions for asylum seekers at the border crossing points or transit zones during the period of examination of the asylum application, the State Border Guard Service, in agreement with the Migration Department, shall take a decision to admit the asylum seeker to the Republic of Lithuania. The conditions for accommodation of asylum seekers at border crossing points and transit zones shall be determined by the Minister of the Interior”. Law on the Legal Status of Foreigners of the Republic of Lithuania, Article 5(8).

“By a written decision of an officer of a law enforcement institution, a foreigner may be detained for a period not exceeding 48 hours. A foreigner shall be detained at the State Border Guard for a period exceeding 48 hours by a decision of the court.” Law on the Legal Status of Foreigners of the Republic of Lithuania, Articles 114(1) and 114(2).

“Vulnerable persons and families with minor foreigners may be detained only in exceptional cases having regard to the best interest of a child and vulnerable persons.” Law on the Legal Status of Foreigners of the Republic of Lithuania, Article 114(4).