

Input by civil society organisations to the Asylum Report 2025

Dear Colleagues,

The production of the *Asylum Report 2025* is currently underway. The annual <u>Asylum Report</u> presents an overview of developments in the field of international protection in Europe.

The report includes information and perspectives from various stakeholders, including experts from EU+ countries, civil society organisations, researchers, and UNHCR. To this end, we invite you, our partners from civil society, academia and research institutions, to share your reporting on developments in asylum law, policies, or practices in 2024 by topic as presented in the online survey (**'Part A' of the form**).

We also invite you to share with us any publications your organisation has produced throughout 2024 on issues related to asylum in EU+ countries (**'Part B' of the form**).

These may be:

- reports;
- articles;
- recommendations to national authorities or EU institutions;
- open letters and analytical outputs.

Your input can cover information for a specific EU+ country or the EU as a whole. You can complete all or only some of the sections.

Please note that the Asylum Report does not seek to describe national systems in detail but rather to present key developments of the past year, including improvements and remaining challenges.

All submissions are publicly accessible. For transparency, contributions will be published on the EUAA webpage, and contributing organisations will be listed under the Acknowledgements of the report.

All contributions should be appropriately referenced. You may include links to supporting material, such as:

- analytical studies;
- articles;
- reports;
- websites:
- press releases;
- position papers.

Some sources of information may be in a language other than English. In this case, please cite the original language and, if possible, provide one to two sentences describing the key messages in English.



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The content of the Asylum Report is subject to terms of reference and volume limitations. Contributions from civil society organisations feed into EUAA's work in multiple ways and inform reports and analyses beyond the Asylum Report.

NB: This year's edition of the Asylum Report will be significantly revamped to achieve a leaner, more analytical report with streamlined thematic sections. The focus will be on key trends in the field of asylum rather than on individual developments. For this reason, information shared by respondents to this call may be incorporated in the Asylum Report in a format different than in the past years.

Your input matters to us and will be much appreciated!

*Please submit your contribution to the Asylum Report 2025 by **Friday, 10 January 2025.***

Contact details

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✓ I accept the provisions of the EUAA Legal and Privacy Statements

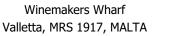
General Observations

Before sharing information by thematic area, please provide your general observations on asylum developments as indicated in the following three fields:

1. What areas would you highlight where important developments took place in the country/countries you cover?

In 2024, a few topics were the most relevant:

- The tightening state security policy related to Russian and Belarussian nationals. An obvious change regarding Belarussian and Russian nationals was noticed already in 2023. According to the data published in August, more than 1000 Belarusians were refused residence permits because they were identified as a threat to national





security¹. Such policy continued in 2024. The tightening security policy touched asylum procedures, too. The Migration Department revoked asylum or applied exclusion procedures for Russian and Belarussian nationals who previously were working for Russian/Belarussian state institutions.

- Preparation for the establishment of the new Reception and Integration Agency (hereafter - RIA) (Lith. Priėmimo ir integracijos agentūra). The RIA starts to operate on 1st January 2025.

2. What are the areas where only a few or no developments took place?

Lithuania continues to implement a push-back policy, and no improvements can be identified in this regard. Access to the asylum procedures was restricted even more. More border control posts (hereafter – BCP) with Belarus were closed (only two remain open and operating). Moreover, BCP crossing is possible only by vehicle (border crossing on foot or bicycle was forbidden). According to the new legislation, leaving a transit train to Kaliningrad (Russia) is allowed only in exceptional circumstances if a person is enlisted into a special list approved by the Ministry of Foreign Affairs (hereafter - MFA). Such new regulation creates obstacles to accessing asylum procedures.

3. Would you have any observations to share specifically about the implementation of the Pact on Migration and Asylum in the national context of the country/ countries you cover?

The Lithuanian Red Cross (hereafter – LRC) involvement in consultations on the implementation of the Pact on Migration and Asylum (hereafter – the Pact) and access to information about the implementation of the Pact is limited. The Ministry of Interiors (hereafter - MoI) invited the LRC for consultations only regarding the implementation of the monitoring mechanism.

Contrary to the MoI, the Parliamentary Ombudspersons of Lithuania initiates meetings with NGOs, working in the migration field and the UNHCR to discuss changes coming with the Pact.

The Minister of the MoI and the Minister of Social Security and Labour of the Republic of Lithuania issued an order on 10 December 2024 on the approval of the National Implementation Plan for the European Union Pact on Migration and Asylum². The plan identifies the LRC as a part of the monitoring mechanism (primary screening at the border procedure).

¹ Grėsme Lietuvos nacionaliniam saugumui pripažinti daugiau kaip 1 tūkst. baltarusių ir rusų, available at: https://www.migracija.lt/-/gr%C4%97sme-lietuvos-nacionaliniam-saugumui-pripa%C5%BEinti-daugiau-kaip-1-t%C5%ABkst.-baltarusi%C5%B3-ir-rus%C5%B3

² Dėl Europos Sąjungos Migracijos ir prieglobsčio pakto nacionalinio įgyvendinimo plano patvirtinimo (On the approval of the National Implementation Plan of the European Union Pact on Migration and Asylum), available at: https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/127386a3b73711efbb3fe9794b4a33e2?positionInSearchResults=0&searchModelUUID=60404a2a-e2b7-4bac-9c32-47ba08a44cc4



PART A: Contributions by topic

Please share **your reporting on developments in asylum law, policies or practices in 2024 by topic**. Kindly make sure that you provide information on:

- ✓ New developments and improvements in 2024 and new or remaining challenges;
- ✓ <u>Changes</u> in legislation, policies or practices, or institutional changes during 2024.
- 1. Access to territory and access to the asylum procedure (including first arrival to territory and registration, arrival at the border, application of the *non-refoulement* principle, the right to first response (shelter, food, medical treatment), and issues regarding border guards)

In 2024, the state-level emergency declared in 2021 due to the mass influx of irregular migrants from Belarus and the related legal regulation, was still in force. As a result, an application for asylum in the Republic of Lithuania could be submitted: (1) at the BCP or in the territory of Lithuania, where the border legal regime is in force – to the State Border Guard Service (hereinafter – SBGS); (2) in the territory of Lithuania – to the SBGS or the Migration Department; (3) in a foreign country – through diplomatic missions or consular offices of the Republic of Lithuania indicated by the MFA.

It is important to note that in 2024, consequences of the fiction of non-entry defined by law were periodically monitored when the presence of foreigners who have submitted applications for asylum at the BCPs, in transit zones, or shortly after irregularly crossing the state border, as well as staying in places of temporary accommodation, is not necessarily considered as entry into the territory of Lithuania. Thus, a decision to admit asylum seeker to Lithuania is still required.

When foreigners attempted to cross the border irregularly, the SBGS officers continued the "push-backs", which is "legalized" by the law in 2023. The SBGS publishes daily statistics on foreigners who were denied entry from Belarus and who attempted to cross the border irregularly. According to the statistics, in 2024, 1002 foreigners were denied entry to Lithuania from Belarus in unauthorized places. In comparison, in 2023, there were two and a half times more such attempts – 2643. In total, since August 2021, when the "push-back" policy was approved, 22962 persons have been denied entry to the country irregularly³. There are no data available on how many of them are unique individuals and how many repeated attempts by the same individuals to cross the border irregularly in different places.

The LRC and/or other independent monitoring bodies do not have the opportunity to objectively evaluate whether (and how) the initial assessment of foreigners who are trying to cross the border irregularly and may be in need of international protection to be carried out, taking into account individual circumstances as referred in the law. In recent years, when foreigners who were trying to cross the border irregularly have been "pushed-back", a tendency was that exceptions are most often applied to Belarusians. However, in 2024, the "push-backs" of Belarusians were also monitored.

³ Statistics on denied entry of illegal migrants, available at: https://vsat.lrv.lt/



In 2024, only two cases were known when the exceptions foreseen by the law were applied not to Belarusians but to other nationals. One of them was a Russian national (woman) who entered Lithuania with Belarusian citizen. In another case, the urgent humanitarian needs of a family of Cuban nationals with a recently born baby were considered. Border guards provided first aid and took the mother and child to a medical facility. Meanwhile, the father of the family spent some time separately. After a while, the family was allowed to reunite. However, other members of the family (adults) were separated and "pushed-back"; the contact with them was lost for some time. In other cases, if foreigners manage to cross the border irregularly and continue moving, they might be identified in neighbouring Poland and transferred to Lithuania. According to law, "push-back" of foreigners, once they enter the country, leaving the border area, and are captured deep in the country (or transferred by any other EU country), is not anymore allowed.

In 2024, unlike in 2023, there were attempts of irregular border crossing from the Kaliningrad region of the Russian Federation. The LRC monitors are aware of two cases where two Russian citizens (both adult men) entered Lithuania from Kaliningrad. The complex physical border crossing and other circumstances resulted that both foreigners were not "pushed-back" and their asylum applications were accepted.

As for access to the asylum procedure upon regular arrival at the international BCPs, in 2024, such an opportunity narrowed significantly. From 1 March 2024, two international BCPs at the border with Belarus – Lavoriškės (Vilnius district) and Raigardas (Druskininkai municipality) – were closed, and through the remaining two road BCPs – Medininkai (Vilnius district) and Šalčininkai (Šalčininkai district) – entry on foot and by bicycle was restricted. The boarding and disembarkation of transit train going from Russia to the Kaliningrad region (or vice versa) at the Kena (border with Belarus) and Kybartai (border with the Russian Federation) railway BCPs were also restricted⁴.

In the context of access to territory and asylum procedure, the Latvian transit⁵ had a significant impact in 2024, i.e., people who entered Latvia from Belarus irregularly or who left Latvian centres designated for foreigners, travelled through Lithuania, and were captured by the Lithuanian police or mobile patrols of the SBGS. In January-November 2024, 529 foreigners arriving from Latvia were apprehended in Lithuania. About 70 percent of them previously crossed the border from Belarus to Latvia irregularly. The remaining 30 percent left refugee centres in Latvia without permission⁶.

Access to asylum procedures for those arriving from Latvia has been quite complicated. According to the data available to the LRC, such foreigners (if they were not yet registered as asylum seekers in Latvia / Estonia when the Dublin III Regulation applies) were usually

⁴ Regarding the amendment of Resolution No. 517 of the Government of the Republic of Lithuania of 2 July 2021 "On the Declaration of a State-Level Emergency and the Appointment of the Head of State-Level Emergency Operations"", available at:
https://e-

seimas.lrs.lt/portal/legalAct/lt/TAP/e16d07a0d08911ee9269b566387cfecb?positionInSearchResults=0&searchModelUUID=3af9024c-8a4a-4bc8-b8ad-3e5c2433c1bc

⁵ A small part of them entered EU irregularly through Estonia, but the travel route remained the same, i.e. foreigners arrived in Lithuania from the Latvian side.

⁶ Ukrainietis gabeno keturis iš Latvijos neteisėtai sprukusius indus, available at: https://vsat.lrv.lt/lt/naujienos/ukrainietis-gabeno-keturis-is-latvijos-neteisetai-sprukusius-indus/



transferred to Latvia (or, in rare exceptions, to Estonia), based on a readmission agreement. Access to the asylum procedures in Lithuania was usually available only to those foreigners for whom factual evidence on their arrival from Latvia (or Estonia) was lacking, and neighbouring countries refused to accept them under readmission agreements. According to the LRC data, in 2024, at least 15 asylum seekers arriving from Latvia or transferred from Poland were registered in Lithuania as asylum seekers. In 2023, there were at least 75 such asylum seekers, or five and a half times more than in 2024.

Talking about this particular category of foreigners (arriving from Latvia), another aspect worth noting is poor reception as well as protection conditions, such as contact with the outside world, legal and interpretation services, information provision, material and sanitary needs, etc. Foreigners who found themselves in such a situation, in most cases, were *de facto* detained in *incommunicado* conditions at the initial stage – without a court decision. Later on, the detention usually was is prolonged to a long-term detention (at least 3 months, sometimes extended more). In most cases, foreigners could submit asylum applications only during court hearings. The situation was different with unaccompanied or separated children arriving from Latvia. When apprehended individually or in a group (also after transfer from Poland), children were directed to the Refugee Reception Centre (hereinafter – RRC) in Rukla (1), as it is foreseen in the law. Foreign children were not detained, (2) had access to the asylum procedure, and (3) were assigned guardians for representation and mediation with the state institutions.

For all other foreigners who gained access to the asylum procedure in 2024, the state ensured the reception and protection conditions as it is foreseen in the EUAA standards and the national legislation.

In contrast to 2023, in 2024, there was a slight increase in the numbers of asylum seekers arriving regularly across the external border with Belarus and a significant decrease of those arriving across the external border with the Kaliningrad region of the Russian Federation. Regarding regular arrivals, in 2024, no applications were accepted at the international BCPs. For comparison, in 2023, one application was accepted.

Meanwhile, the number of asylum applications accepted at road BCPs has increased slightly compared to 2023. However, several aspects should be noted. First, in many cases, these were not individuals but larger groups, including children, which naturally increases the total number. Second, the circumstances of arrival were also different. For example, asylum seekers (Iraqi nationals) who applied for asylum at the BCPs were already in the asylum procedure, i.e., their applications for asylum were being reviewed by the Migration Department because foreigners applied for asylum at the Lithuanian Embassy in Minsk previously, and asylum seekers decided to arrive in Lithuania as they could not stay in Belarus legally anymore. In another case, the European Court of Human Rights (hereafter - ECtHR) adopted interim measures under the Rule 39 (Cuban nationals). As a result, this group of applicants was also allowed to enter the country. Before this regular arrival, the Cuban nationals were "pushed-back" several times while trying to enter the country irregularly. According to the Cuban nationals, during the "push-back", Lithuanian border guards took their SIM cards, and they lost contact with their relatives. Later, they tried to enter Latvia irregularly and faced violence from the side of Latvian border guards, and were subjected to severe beating.



The LRC monitors are aware of two cases, or more precisely, four attempts, i.e., when the same foreigners or groups of foreigners unsuccessfully tried to apply for asylum more than once upon regular arrival at the international BCPs in 2024. One case (2 times) took place at the railway BCP (Belarusian national), and the other (2 times) – at the road BCP (Iraqi nationals). Lithuanian border guards acted in violation of the law and refused to accept their applications. For example, the Belarusian national who left his country of origin without the right to do so was traveling by transit train from Russia through Lithuania and was in direct danger of being detained upon entering the territory of Belarus, which is what happened after not accepting asylum application twice at the railway BCPs.

There are also several cases known in 2024 when the *non-refoulement* principle was violated and foreigners were "pushed-back" after irregularly crossing the border and requesting asylum in Lithuania (1 Russian national, 2 Belarusian nationals, and a group of Cuban nationals as mentioned above). At least 2 of them (Russian national and Belarusian national) were detained by Belarusian border guards after the *refoulement*. The Russian national was transferred to the Russian Federation from Belarus since the asylum seeker was a soldier who had abandoned his place of service. Thus, a prosecution was initiated against him.

Asylum seekers who could not leave either Belarus or Russia regularly and were forced to cross the border irregularly faced obstacles and dangers – physical barriers (high fence, barbed wire) and natural obstacles (forests, lakes, rivers, swamps) dangerous to health and life, also the possibility of being spotted by Belarusian or Russian border guards.

2. Access to information and legal assistance (including counselling and representation)

The LRC legal team continues providing legal counselling for asylum seekers. The LRC legal aid covers consultations and support in preparations of the documents for the asylum procedures, as well as litigation support. The LRC has access to BCPs and accommodation centres (Pabradė, Rukla, Naujininkai, Girionys), remand prisons, and correctional facilities. It has to be noted that at BCPs' and Pabradė Foreigners' Registration Center (hereinafter – FRC), the LRC has access only to registered asylum seekers. At the BCPs, the LRC lawyers have access only to register asylum seekers as well. Therefore, if a person crosses the border irregularly and their asylum application is not registered, they will not have access to legal counselling.

The LRC lawyers do not have any access to people who came to Lithuania via transit from Latvia. These people are not registered as asylum seekers; they are readmitted to Latvian territory. The readmission procedures can last up to a few weeks, and all this time, people who come from Latvia usually spend time in quarantine. Due to quarantine restrictions and restrictions implemented by the administration of the FRC, these people do not have access to free legal counseling. From 1st January 2025, the "quarantine" building should be under the control of the newly established RIA. Thus, the LRC expects to have access to the persons of concern.



From 1st January 2025, the asylum-seekers are not entitled to free legal aid appealing the first instance court decisions in the asylum cases to the Supreme Administrative Court (the second instance court). Such a change signifies further deteriorating legal conditions for foreigners, specifically asylum-seekers, in Lithuania.

From 1^{st} January 2025, the newly established Reception and Integration Agency (RIA) is responsible for providing legal counselling at the accommodation facilities. The amount and content of the legal counseling, as well as whether the services will be outscored or provided by the RIA staff, are yet unknown.

3. **Provision of interpretation services** (e.g. introduction of innovative methods for interpretation, increase/decrease in the number of languages available, change in qualifications required for interpreters)

In 2024, access to interpretation services was the biggest challenge identified by the LRC monitors, especially during monitoring visits to reception/detention centres for foreigners. It should be noted that in the summer of 2024, EUAA completed a mission with interpretation support within the centres. Even though centres had/have contracts with translation agencies, in the second half of the year, the services of interpreters/translators were mostly used remotely and not for daily activities but rather for procedural actions (initial interviews, interrogation, familiarizing with documentation, etc.). Meanwhile, there was a lack of interpreters at the level of everyday communication. A lack of interpretation was particularly significant when ensuring medical and psychological services. This was confirmed by both foreigners and the centres' staff.

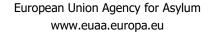
It should be noted that from time to time, groups of foreigners appear for whom proper information provision is not available, and, as a result, difficulties arise. For example, there were cases when there was a lack of interpretation for Pashto or Spanish-speaking people.

The same applies to the provision of information in many languages. In many cases, only general information (about internal rules, daily schedule, contacts, etc.) is available in all relevant languages at the SBGS FRC, but all new, updated information is available only in the main languages (e.g., English, Russian, Arabic, French, Farsi).

4. **Dublin procedures** (including the organisational framework, practical developments, suspension of transfers to selected countries, detention in the framework of Dublin procedures)

Due to restricting policies related to the Belarus nationals, the Belarus nationals abscond to Poland during the asylum procedure or after the final negative decision. Belarusians consider Poland as a more welcoming country. Upon arrival in Poland, the Belarus nationals lodge subsequent asylum applications. There are known cases in which Belarus nationals were not returned to Lithuania from Poland.

Migrants who cross the border from Belarus to Latvia and are apprehended in Lithuania are still returned to Latvia via a readmission agreement. There are no positive developments





in this case. Asylum applications are registered in exceptional situations, e.g., in case of serious vulnerabilities.

According to the SBGS, in 2024, at least 63 foreigners were transferred to Lithuania under the Dublin III Regulation (the data is available only on those who applied for asylum after transferring to Lithuania).

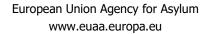
The migrants who crossed the border irregularly during the influx in 2021 are still being returned to Lithuania via the Dublin procedure. However, the number of returns is low.

5. Special procedures (including border procedures, procedures in transit zones, accelerated procedures, admissibility procedures, prioritised procedures or any special procedure for selected caseloads)

Fiction of non-entry. Since the end of 2021, Lithuanian authorities have applied a fiction of non-entry to justify various restrictions applicable to foreigners who entered irregularly. In 2024, Lithuanian authorities used the fiction of non-entry as a ground to pushback asylum seekers to Belarus even though they had the status of asylum seekers and spending de facto in Lithuanian territory for more than a month.

In 2024, a group of Cuban nationals entered Lithuania through Medininkai BCP and applied for asylum. As the fiction of non-entry was applied with disregard to the means of arrival (irregular or lodging asylum application at the BCP), the Cuban nationals were not admitted to the territory and accommodated without freedom of movement (de facto detention). The Migration Department decided to examine asylum applications of all Cuban nationals (even though at least three persons are vulnerable: a pregnant woman and her minor daughter; a single woman who could be identified as a victim of human trafficking) under accelerated procedure (a mix of fast-track and border procedure). The Cuban nationals were transferred and detained at the FRC (about 50 km in Lithuanian territory). After a review under the accelerated procedure, all Cubans received a decision not to grant asylum and return them to Cuba. Without a possibility to contact state-free legal aid, the Cuban nationals were transferred to the Medininkai BCP, and the SBGS tried to expel them to Belarus. It has to be noted that the officers took their phones, and the state-free legal aid lawyers were not even informed about the need to appeal the negative decisions on their asylum.

The SBGS took the vulnerable asylum seekers toward the Belarusian checkpoint and left them in between two checkpoints. According to the news reports, the traffic at Medininkai BCP was stopped as Cubans were refusing to go to Belarus side. **The SBGS stated that Cubans were not allowed to enter the territory (fiction of non-entry), and now they are returning them to Belarus without a decision, as in such cases, a return decision is not needed.** It has to be noted that the Migration Department immediately changed its decisions and annulled the part regarding the return to Cuba. This situation was solved only after ECtHR issued interim measures under Rule 39⁷.



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⁷ EŽTT byloje A.S.S. ir kiti prieš Lietuvą pritaikė laikinąsias apsaugos priemones - Lietuvos Respublikos teisingumo ministerija, available at: https://tm.lrv.lt/lt/veiklos-sritys-1/atstovavimas-eztt/naujienos-2/eztt-byloje-ass-ir-kiti-pries-lietuva-pritaike-laikinasias-apsaugos-priemones/



Accelerated procedure. Despite the consequences of a decision to review a case under accelerated procedure (e.g., detention, fiction of non-entry, etc.), it is impossible to challenge such a decision effectively. Lithuanian courts state that the decision to apply accelerated procedure is an interim decision, and it just creates preconditions for the final asylum decision⁸; due to this, they cannot be appealed; the courts refuse to consider appeals regarding accelerated procedure.

Alternative asylum procedure. As mentioned above, an Iraqi family who applied for asylum at the Lithuanian Embassy in Minsk previously, decided to arrive in Lithuanian territory as they could not stay in Belarus legally anymore (asylum applications were lodged at the embassy in 2022, they do not have a final decision yet). Lithuanian Migration Department refused to decide on issues related to this Iraqi family; they were not issued foreigners' registration cards, which led to a situation when accommodation conditions and access to basic services (e.g., healthcare, schooling, etc.) were not ensured. The Migration Department stated that the Iraqi family had no right to arrive in Lithuania (as they were in an asylum procedure initiated through the embassy), and there is no obligation to issue documents confirming their status (foreigners' registration card which confirms that person is an asylum seeker). As it can be seen from the position of the Migration Department, the asylum procedure initiated at the embassy is not considered to be the same asylum procedure that is regulated by the provisions of the EU asylum acquis. According to the Migration Department, if a person applied for asylum at the embassy and arrived through the BCP (such possibility to lodge asylum application at the BCP is foreseen by the law), such arrival does not activate guarantees foreseen by the EU asylum acquis.

6. Reception of applicants for international protection (including information on reception capacities – increase/decrease/stable, material reception conditions – housing, food, clothing and financial support, contingency planning in reception, access to the labour market and vocational training, medical care, schooling and education, residence and freedom of movement)

The number of accommodated/detained foreigners in 2024 was consistently decreasing. In 4 centres (1 of which is a reception and detention centre, subordinate to the SBGS (FRC) and 3 – subordinate to the RRC) during the year, there were no more than 400 foreigners at a time, more than half of them were refugees from Ukraine with temporary protection status.

In all the centres visited by the LRC monitors, material reception conditions improved. All residents/detainees had sufficient living space and personal space, and sanitary and other infrastructure was sufficient according to the standard.

One of the main aspects that distinguishes the SBGS FRC from the RRC is the organization of catering. If foreigners accommodated at the RRC receive money, can buy and cook food themselves, the FRC residents receive catering centrally in a canteen on site, which from time to time causes dissatisfaction with the quality, quantity, variety of food, etc. The

⁸ Regional administrative court decisions in cases No. eI2-9007-583/2024, and No. eI3-9006-641/2024,



situation is similar with humanitarian aid – clothing, footwear, etc. Some residents of the FRC periodically complained that they lacked clothes or footwear appropriate for the season.

In general, residents of the centres were satisfied with medical and psychological services, but greater challenges, as mentioned above, emerged due to the absence of EUAA interpreters in the second half of the year. It became more challenging to communicate daily.

The biggest challenge remains the detention of children when they are with their parents and/or guardians. In 2024, foreign children were detained constantly. However, access to educational services was ensured.

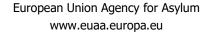
In addition to detention by court decision, a relatively big part of foreigners (including asylum seekers) is under alternative to detention (ATD) measure, but in fact this is equivalent to detention, since foreigners cannot leave the territory of the centre (particularly – SBGS FRC) even for a limited time and cannot fully move within the territory of the centre itself, but only within a certain guarded perimeter.

The LRC monitors do not have data regarding foreigners who entered Lithuania in the circumstances of the aforementioned Latvian transit. Such people are usually held at the border units or FRC, have no contact with the outside world, do not have access to lawyers, and are awaiting readmission. This issue is also related to the FRC quarantine zone, where all newly accommodated foreigners formally spend a few days for a medical examination, etc. Only some of them (asylum seekers who are not detained by court decision) have unlimited access to the phone; others (like those detained by court decision) can use their phones or LRC phones every 2 days for up to 1 hour, regardless of whether they managed to contact their relatives during that short time or not. For the second year now, the LRC restoring family links (hereinafter – RFL) coordinator, who previously had full access, no longer has access to foreigners in quarantine. Therefore, the issue of communication and RFL service provision remains one of the problematic aspects, particularly in the SBGS FRC.

Some residents of the centres (about a third, sometimes more) had permanent or seasonal jobs. The main problem remains the restriction on opening bank accounts, so employers have to pay salaries in cash.

In 2024, an exceptional situation was monitored when Iraqi citizens, who were already in the asylum procedure (filed applications at the Lithuanian Embassy in Minsk) and were waiting for a decision in Belarus, decided to enter regularly through the BCP. The SBGS admitted them; however, the MD, which is in charge of making decisions, refused to issue foreigner registration cards, which are documents granting the right to receive medical, educational, and other services in Lithuania. Only after additional advocacy efforts was it possible to ensure that all essential services would be available to asylum seekers and there would be no bureaucratic obstacles.

7. **Detention of applicants for international protection** (including detention capacity – increase/decrease/stable, practices regarding detention, grounds for detention, alternatives to detention, time limit for detention)



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Due to the accelerated procedure and fiction of non-entry the applicants are in a state of de facto detention. Furthermore, the Migration department issues detention and de facto detention decisions for vulnerable asylum seekers too, e. g. minors, victims of human trafficking, minors, etc. The Migration department does not take into account the vulnerabilities of the applicants despite an explicit obligation to do that established by the law. Usually, detention decisions issued by the Migration Department are overturned by the Courts if applicants have vulnerabilities.

The courts systematically apply the alternative measure to detention (accommodation with the possibility to leave the accommodation centre with permission of the head of the centre), which amounts to the de facto detention measure. According to the data received from the FRC, in 2024, no one received permission to leave the centre; moreover, only 6 people requested such permission.

Because of the establishing RIA, the infrastructure in the FRC will be changed. The detention building is planning to be still under operation of the SBGS.

8. **Procedures at first instance** (including relevant changes in: the authority in charge, organisation of the process, interviews, evidence assessment, determination of international protection status, decision-making, timeframes, case management – including backlog management)

The Migration Department continues to delay decisions regarding asylum and does not follow the 6 months' timeframe for reviewing asylum applications foreseen in the law.

Revocation due to threat to the national security. As it was mentioned in the previous reports, Lithuanian authorities developed a special questionnaire that is a basis for identifying a person as a threat to the national security if a person supports Russia's military actions, considers that Crimea belongs to Russia, or in case a person was working for the state institution (more information about the situation is provided in question 18 of this report). The Migration Department revoked asylum or applied exclusion procedures for Russian and Belarussian nationals who previously were working for Russian/Belarussian state institutions. One of the recent cases shows that after revocation, a person who is de facto refugee stays in legal limbo. A Russian national was issued a revocation decision as he was identified as loyal to Russian authorities due to his job in a law enforcement institution (2009-2014) (a threat to national security); however, at the same time, the Migration Department concluded that due to his involvement in opposition's activities, he could not be returned to Russia as he will face persecution. Separately, the Migration Department issued a decision to annul his residence permit. As a result, the de facto refugee was in Lithuanian territory without any document (residence permit or foreigners' registration card), and any access to basic services or rights (e.g., healthcare, integration, right to work) for more than 6 months. Moreover, the Migration Department refused to register an application for the humanitarian residence permit as he is a Russian national (23 April 2023, the Law establishing restrictive measures regarding military aggression against Ukraine does not allow Russian nationals to apply for new residence permits or visas), and he is staying in the territory illegally. The Court obliged the Migration Department



to review its decision not to register the application for humanitarian residence permit⁹. The Court stated that in this case, the Migration Department cannot require a legal stay in Lithuania's territory and cannot apply general restrictions on Russian nationals.

Ukrainians. From the end of 2024, the Migration Department does not prolong or issue residence permits on temporary protection grounds if a Ukrainian national cannot submit a valid biometric passport. Furthermore, if a Ukrainian national leaves occupied Ukrainian territories through Russia and stays in Russia for a while, the Migration Department claims that they do not correspond criteria to receive temporary protection. The Court of First Instance, at the moment, overturns such decisions and states that the fact that Ukrainians lived in Russia after leaving occupied Russian territory does not deny their right to receive temporary protection¹⁰. Ukrainians who also have Russian citizenship (double citizenship) face obstacles while submitting documents for residence permits on temporary protection grounds.

The Migration Department no longer issues humanitarian residence permits for Ukrainians who arrived before the war and asylum is not granted either. According to the Migration Department, Ukrainians can move to safe zones where military actions are less heavy.

9. Procedures at second instance (including organisation of the process, hearings, written procedures, timeframes, case management – including backlog management)

In the administrative cases No. eA-1616-662/2024 and No. eA-2144-463/2024 the Supreme Administrative Court of Lithuania explicitly decided not to follow the ECtHR case of T.K. and others v. Lithuania, no. 55978/20 (transl. 33. The judgment of the European Court of Human Rights of 22 March 2022 in the case of T. K. and Others v. Lithuania (Application No 55978/20) and the present case are different in their factual circumstances, and are therefore irrelevant to the present case. (original 33. Pareiškėjų apeliaciniame skunde nurodomas Europos Žmogaus Teisių Teismas 2022 m. kovo 22 d. sprendimas byloje T. K. ir kiti prieš Lietuvą (pareiškimo Nr. 55978/20) ir nagrinėjama byla savo faktinėmis aplinkybėmis yra skirtingos, todėl nagrinėjamu atveju jis nėra reikšmingas.).

The judicial practice in national security cases is openly denying relevance of the standards set in the ECtHR and CJEU jurisprudence¹¹.

10. Issues of statelessness in the context of asylum (including identification and registration)

To the LRC is known one case when the stateless person was declared a threat to national security and his permanent residence permit was revoked. The applicant is currently without a residence permit, and no decision of expulsion has been made. Consequently, he is left in the legal limbo. The applicant appealed against the revocation of the residence permit and is waiting for the decision from the court.

⁹ Regional administrative court decision in case No. eI2-14825-621/2024, issued 2024-11-05

¹⁰ Regional administrative court decision in cases 2025-01-09 No el2-3945-422/2025 (issued on 2025-01-09) and No. el2-1353-438/2024 (issued on 2024-10-24)

¹¹ Lithuanian Supreme Administrative court case No. eA-2459-815/2024 (issued on 2024-10-30);



11. Children and applicants with special needs (special reception facilities, identification mechanisms/referrals, procedural standards, provision of information, age assessment, legal guardianship and foster care for unaccompanied and separated children)

The biggest challenge remains the detention of foreigner children when they are with their parents and/or guardians. In 2024, foreign children were detained constantly. However, access to educational services was ensured.

When apprehended individually or in a group (also after transferring from Poland), foreign children were directed to the place by law – the RRC in Rukla. Foreigner children were not detained, had access to the asylum procedure, and were assigned guardians for representation and mediation with state institutions.

A number of foreigners had mental health problems and needed constant help from a psychologist or even a psychiatrist. All the centers tried to address this issue, using their own specialists or external specialists. Vulnerable people were usually given the opportunity to live alone. For example, the SBGS FRC has a separate building for vulnerable people. In all cases, the vulnerability assessment procedure should be taken first before following further steps.

The Order of Identification of Foreigners' Vulnerability by the Minister of Social Security and Labour No. A1-947 came into power on 1 January 2025. The Order establishes the vulnerability assessment and comes as a legal amendment in the context of migration pact.

12. Content of protection (including access to social security, social assistance, health care, housing and other basic services; integration into the labour market; measures to enhance language skills; measures to improve attainment in schooling and/or the education system and/or vocational training)

Revocations. An institution responsible for integration revoked (on the grounds related to security) integration for de facto refugees even though the decision of the Migration Department did not enter into force as it was appealed. However, after the start of court proceedings, the Ministry of Social Affairs and Labour agreed that the mistake was done and renewed the integration¹².

As mentioned in the previous report, a few priority matters stand out, which are recommended to pay attention to (1) insufficient access of asylum seekers living in their chosen place to the vulnerability assessment procedure; (2) insufficient information provision in the asylum process; (3) insufficient provision of social guarantees; (4) limited opportunities to open a bank account and perform banking operations (which is vital to find a job); (5) complicated employment opportunities; (6) threats to mental health.

13. Return of former applicants for international protection

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¹² Regional administrative court decision in cases No. eI2-14131-342/2024, issued on 2024-09-24



Return and asylum procedure. In the summer of 2024, asylum seekers with the LRC shared messages they had received from the Migration Department, which confused asylum seekers as it asked for their agreement to return, although asylum procedures were still ongoing. Before taking any decision regarding asylum application (positive or negative), the Migration Department contacted asylum seekers and asked them to reply to the message below¹³:

"The Migration Department is currently examining your asylum application in the Republic of Lithuania. To save resources and make processes more efficient, from now on, the Migration Department, when deciding on the issue of granting/refusing asylum, while the asylum application is being examined on its merits, also decides on the issue of return.

Following this change, we ask you to answer - if the Migration Department decides not to grant you asylum, would you agree to use the option of **voluntary return to a foreign country**? We note that if you refuse to leave voluntarily, the Migration Department, having decided not to grant you asylum and having decided on the issue of return, would have the right, within the limits of the legal regulation, to make a decision on your forced return to your country of origin and to prohibit you from entering the Republic of Lithuania and the Schengen area for a period of at least 1 year."

The asylum seekers usually received this text only in the Lithuanian language, without proper translation to the language(-s) they speak and/or understand fluently. The asylum seekers who received such a message and contacted the LRC for help were convinced that consent to voluntarily leave Lithuania in case of a refusal to grant asylum would be a waiver of the right to appeal the Migration Department's decision not to grant asylum. Furthermore, they thought it was a sign of a negative decision in their asylum procedures. The LRC contacted the Migration Department, providing comments on the text sent to the asylum seekers and proposed changes to the message.

Jurisprudence. The positive decision by the Supreme Administrative Court of Lithuania in administrative case No. eA-1836-502-2024. The case concerns the Belarus national who was denied asylum. The Court decided that despite the final negative decision in an asylum case, the Migration Department's decision to return the applicant did not properly consider possible risks of ill-treatment in Belarus. The decision of the Court means that even after the final negative decision in an asylum case, during the return/expulsion procedure, there should be a separate assessment of the risks.

¹³ Original text. "Migracijos departamentas šiuo metu nagrinėja jūsų prašymą suteikti prieglobstį Lietuvos Respublikoje. Siekdamas tausoti išteklius ir efektyvindamas procesus, nuo šiol Migracijos departamentas, spręsdamas klausimą dėl prieglobsčio suteikimo/nesuteikimo, kai prašymas suteikti prieglobstį yra nagrinėjamas iš esmės, kartu apsprendžia ir grąžinimo klausimą.

Vadovaujantis šiuo pasikeitimu, prašome atsakyti, ar, tuo atveju, jeigu Migracijos departamentas priimtų sprendimą nesuteikti jums prieglobsčio, sutiktumėte pasinaudoti galimybe dėl savanoriško grįžimo į užsienio valstybę. Pažymime, kad atsisakius savanoriškai išvykti, Migracijos departamentas, priėmęs sprendimą nesuteikti jums prieglobsčio ir apsprendęs grąžinimo klausimą, nustatytų įstatymų ribose, turėtų teisę priimti sprendimą dėl jūsų priverstinio išsiuntimo į jūsų kilmės valstybę bei uždrausti atvykti į Lietuvos Respubliką ir Šengeno erdve mažiausiai 1 metų laikotarpiui."



Automatic suspensive effect. There is no automatic suspensive effect foreseen in Lithuania's legislation if a person appeals the return/expulsion decision. Furthermore, in cases a person's residence permit is revoked or not prolonged, the person immediately loses the right to stay in the territory of the country, and the appeal does not have any suspensive effect. Only if the Court applies a national suspensive measure can the foreigner stay in the territory of the country during the appeal procedure. The judicial practice of applying the national suspensive measure is ambiguous. Such legislation and practice put asylum-seekers at risk of refoulement during the appeal, taking into account that the legal aid provision during the second instance will not be provided from the of January 1, 2025.

14. Resettlement and humanitarian admission programmes (including EU Joint Resettlement Programme, national resettlement programme (UNHCR), National Humanitarian Admission Programme, private sponsorship programmes/schemes and ad hoc special programmes)

Public opinion research conducted on May 16-25, 2024, showed that 39 % of the Lithuanian population would agree with the resettlement of migrants, while 34 % would rather pay money. 27 % did not respond to the question¹⁴.

The director of the Migration Department, who was participating in the election, also published her opinion about this question. Evelina Gudzinskaite stated that together with 158 foreigners (Lithuania's quota) another 600-800 their family members are going to come and Lithuania is not ready for integration of these people¹⁵.

15. National jurisprudence on international protection in 2024 (please include a link to the relevant case law and/or submit cases to the EUAA Case Law Database)

Look at Question 9

16. Other important developments in 2024

Security policy. As mentioned in the previous reports, state security policy is changing, especially towards Russian and Belarussian nationals. In 2024, such a policy did not change. The consequences of such policy can already be seen in one of the best examples: the case of a Belarusian citizen Vasily Veremeichik.

On November 13, 2024, Belarusian citizen V. Veremeichik¹⁶ was detained in Vietnam on November and extradited to Belarus the following day. V. Veremeichik fought for Ukraine and later tried to join his wife and daughter, who reside (with EU BLUE card) in Lithuania. Veremeichik took part in the abortive Belarusian revolution in 2020 and later migrated to

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¹⁴ <u>Ka daryti su migrantais? 34 proc. gyventojų geriau mokėtų milijonus, bet nepritartų kvotai - LRT, available at: https://www.hrt.lt/naujienos/lietuvoje/2/2297301/ka-daryti-su-migrantais-34-procgyventoju-geriau-moketu-milijonus-bet-nepritartu-kvotai</u>

¹⁵ Evelina Gudzinskaitė. Kai ekrano veikėjai peršoka į tavo kambarį - LRT, available at: https://www.lrt.lt/naujienos/pozicija/679/2374331/evelina-gudzinskaite-kai-ekrano-veikėjai-persoka-i-tavo-kambari
16 "Политический характер обвинений уже очевиден", — правозащитник о деле Василия Веремейчика, available at: https://spring96.org/ru/news/116794



Ukraine in 2021. He volunteered to fight when Russia launched its full-scale invasion in February 2022. His wife also participated in the protests, and due to this, twice served prison sentences in Okrestino prison.

V. Veremeichik reportedly disclosed in his Lithuanian immigration questionnaire that he had served in the Belarusian army, which led to the conclusion that he was a threat to Lithuanian national security and to the ban on his entry to the Schengen zone. V. Veremeichik was informed about the Migration Department decision while staying in Georgia. It turned out that the negative decision regarding the residence permit had already been issued (on the ground of the threat to national security), and V. Veremeichik missed the 14-day appeal period. V. Veremeychik consulted with human rights activists and lawyers, and everyone recommended he fly to Poland and ask for asylum at the airport. He agreed and flew to Poland from Turkey, where he was at that time. At the Warsaw airport, he learned that his asylum application would be accepted. Still he would be arrested for the duration of the asylum procedures since he was recognized as a threat to national security in an EU country. V. Veremeichik decided to fly out of Poland, giving up the chance to receive refugee status¹⁷.

Lithuanian Interior Minister Agnė Bilotaitė said the country's intelligence service, the State Security Department (hereafter - SSD), should explain the reasons for barring V. Veremeichik from staying in Lithuania and entering the Schengen zone. According to the Minister, the country's Migration Department makes decisions on residence and visa applications from foreign nationals based on the data provided by the intelligence service. In a comment to BNS, the SSD said that V. Veremeichik was deemed a threat to Lithuania's security: "According to our reasonable assessment, [his] presence in Lithuania would pose a threat to national security," without disclosing more details. "It is also possible that attempts to externally escalate the story are part of a regular information operation against Lithuania," the SSD added without providing evidence." 18

The situation of V. Veremeichik confirms that when assessing whether a person is a threat to state security, experience working in Russian or Belarusian state institutions outweighs individual circumstances, such as participation in protests (on the opposition side), support for Ukraine or even threat of the death penalty in case of return to the country of origin. The general argument of the SSD which is often used in similar cases is:

"The applicants, while serving (working) in the Russian (Belarusian) armed forces (law enforcement/state institutions/strategic economic sectors), were obliged to be loyal to Russia (Belarus) and support the Russian (Belarusian) authorities and their aggressive foreign policy, which poses a threat to the national security of Lithuania. The reliability and loyalty to the state of persons working in Russian (Belarusian) state institutions are controlled by the Russian (Belarusian) intelligence and security services. They ensure that persons who are disloyal to the ruling regime and who do not support the aggressive foreign and repressive domestic policies pursued by these institutions would not work in these institutions. Suppose the

¹⁷ Бегство по пересеченной местности. Белорусский доброволец Василий Веремейчик, воевавший за Украину, признан Литвой угрозой национальной безопасности. Теперь он в минском СИЗО — Новая газета Европа, available at: https://novayagazeta.eu/articles/2024/11/22/begstvo-po-peresechennoi-mestnosti; Вьетнам выдал РБ экс-бойца полка Калиновского. Что известно? — DW — 21.11.2024, available at: https://www.dw.com/ru/vetnam-vydal-eksbojca-polka-kalinovskogo-belarusi-cto-izvestno/a-70844134; Жена белоруса Веремейчика: «Успел написать дочери одно слово — депортация» - LRT, available at: https://www.lrt.lt/ru/novosti/17/2420380/zhena-belorusa-veremeichika-uspel-napisat-docheri-odno-slovo-deportatsiia; Buvusiam Seimo nariui konservatoriui — blogos žinios - Delfi

¹⁸ VSD: Veremeičiko buvimas keltų grėsmę Lietuvos saugumui. LRT.lt. 2024 m. lapkričio 21 d. Žiūrėta 2024 m. gruodžio 27 d., available at: https://www.lrt.lt/naujienos/lietuvoje/2/2419980/vsd-veremeiciko-buvimas-keltu-gresme-lietuvos-saugumui



applicants are issued a residence permit in Lithuania. In that case, they may be exploited for certain tasks by the Russian (Belarusian) intelligence and security services as persons loyal and reliable to the Russian (Belarusian) authorities.¹⁹"

The Migration Department and the national courts follow such conclusions. The courts overturn decisions based on the SSD conclusion only in exceptional cases. However, if the SSD repeatedly issues the same conclusion, the same national court in the new appeal proceedings can agree with the "new" SSD conclusion despite its previous rulings. The standard of proof in such cases is not clear. The SSD frequently relies solely on the fact that the person worked for the state institution or served in the military (this fact is usually reported by the person when the special questionnaire is filled out), the burden to prove that the person is not loyal to Russia or Belarus is on the person; the loyalty is automatically presumed.

Such practice is perhaps best explained by the statement of the Director of the Migration Department, Evelina Gudzinskaitė, regarding the standard of proof applicable when assessing the threat posed by a person: "We must not forget that we live in wartime conditions, when the threat to Lithuania from neighbouring countries has increased significantly. Therefore, the threshold for establishing that a person may pose a threat is significantly lower and the standard of proof is lower than in peacetime.²⁰".

Another consequence of the negative SSD's conclusion is the prohibition of entry for 5 years not only to Lithuania but also to other EU countries. As in the situation of V. Veremeichik, access to asylum procedures becomes difficult if a person is identified as a threat to national security. Furthermore, with a conclusion stating that the person is a threat to national security, such a person will not be able to cross the EU border legally, as a visa will not be issued due to the prohibition of entry.

Restrictions for Russians and Belarussians. On 23 April, 202,3 the Law establishing restrictive measures regarding military aggression against Ukraine (hereinafter - LRMAU) was signed. The LRMAU established that Russian citizens can no longer submit documents for residence permits or visas except in cases where the MFA or another authorized institution mediates the submission of the visas and/or residence permits application. Some restrictions are applicable for Belarussian citizens also. There is a proposal to prolong validity of the LRMAU until 2 May, 2026²¹.

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¹⁹ The text in Lithuanian "Pareiškėjai, tarnaudami (dirbdami) Rusijos (Baltarusijos) ginkluotosiose pajėgose (teisėsaugos tarnybose / valstybės institucijose / strateginiuose ekonomikos sektoriuose), privalėjo būti lojalūs Rusijai (Baltarusijai) ir palaikyti Rusijos (Baltarusijos) valdžią bei jos vykdomą agresyvią užsienio politiką, kuri kelia grėsmę Lietuvos nacionaliniam saugumui. Rusijos (Baltarusijos) valstybės institucijose dirbančių asmenų patikimumą ir lojalumą valstybei kontroliuoja Rusijos (Baltarusijos) žvalgybos ir saugumo tarnybos. Jos užtikrina, kad šiose institucijose nedirbtų valdančiąjam režimui nelojalūs, vykdomos agresyvios užsienio ir represinės vidaus politikos nepalaikantys asmenys. Pareiškėjams išdavus leidimą gyventi Lietuvoje, jie gali būti išnaudoti Rusijos (Baltarusijos) žvalgybos ir saugumo tarnybų užduočių vykdymui kaip lojalūs ir patikimi Rusijos (Baltarusijos) valdžiai asmenys."

²⁰ Iš Lietuvos išsiųsto ir KGB suimto baltarusio istorija: dukrai tarė tik žodį "deportacija". LRT.lt. 2024 m. lapkričio 22 d. Žiūrėta 2024 m. gruodžio 27 d., available at: https://www.lrt.lt/naujienos/pasaulyje/6/2420628/is-lietuvos-issiusto-ir-kgb-suimto-baltarusio-istorija-dukrai-tare-tik-zodi-deportacija

 ²¹ LIETUVOS
 RESPUBLIKOS
 RIBOJAMŲJŲ
 PRIEMONIŲ
 DĖL
 KARINĖS
 AGRESIJOS
 PRIEŠ
 UKRAINĄ

 NUSTATYMO
 ISTATYMO
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 available
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 https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/fead7c20be9d11ef940bca4d136e126f?positionInSearchResults=1&searchModelUUID=2

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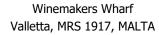
Part B: Publications

1. If available online, please provide links to relevant publications produced by your organisation in 2024:

The LRC monitoring reports - https://redcross.lt/veiklos/prieglobscio-ir-migracijos-programa/stebesena-2/

- **2.**If not available online, please share your publications with us at: Asylum.Report@euaa.europa.eu
- **3.**For publications that due to copyright issues cannot be easily shared, please provide references using the table below.

	Title of publication	Name of author	Publisher	Date
1	2023 m. žmogaus	Parliamentary	Parliamentary	2024
	teisių padėties	Ombudspersons of	Ombudspersons	Link:
	Lietuvoje stebėsenos	Lithuania	of Lithuania	https://www.lrs
	ataskaita			<u>ki.lt/wp-</u>
				content/upload
				<u>s/2024/09/Zmo</u>
				gausTeises 20
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_				<u>new.pdf</u>
2	Pabegelių vaikų	Gelbėkit vaikus	Gelbėkit vaikus	2024
	Lietuvoje gerovė ir			Link:
	patirtys			https://www.ge
				lbekitvaikus.lt/
				<u>wp-</u>
				content/upload
				<u>s/2024/06/Pab</u>
				egeliu-vaiku-
				<u>Lietuvoje-</u> gerove-ir-
				patirtys.pdf
				<u>patirtys.pur</u>
				https://gelbekit
				vaikus.lt/wp-
				content/upload
				s/2024/06/The-
				Experiences-
				and-Well-





		being-of- Refugee- Children-in-
		<u>Lithuania.pdf</u>
3		

Lithuanian Red Cross Senior lawyer Justė Remytė