

THE GOVERNMENT OF THE REPUBLIC OF LITHUANIA

29 January 2001, Vilnius

DECREE No. 103

**ON APPROVAL OF
ORDER AND CONDITIONS OF TEMPORARY ACCOMMODATION
OF FOREIGNERS AT
FOREIGNERS' REGISTRATION CENTRE**

In accordance with Part 3 of Article 45 of the Law on Legal Status of Foreigners in the Republic of Lithuania (News, 1998, No 115-3236) and paragraph 2 of Article 30 of the Law on Refugee Status in the Republic of Lithuania (News, 1995, No 63-1578; 2000, No 56-1651), the Government of the Republic of Lithuania shall decree to:

Approve the order and conditions of temporary accommodation of foreigners at the Foreigners Registration Centre (attached).

Prime Minister

Rolandas Paksas

Minister of the Interior

Vytautas Markevičius

ORDER AND CONDITIONS OF TEMPORARY ACCOMMODATION OF FOREIGNERS AT FOREIGNERS' REGISTRATION CENTRE

I. GENERAL PROVISIONS

1. Order and conditions (hereinafter referred to as order) of temporary accommodation of foreigners at the Foreigners Registration Centre shall regulate the temporary accommodation and presence of foreigners who entered the Republic of Lithuania or are staying there illegally and of foreigners who submitted applications for refugee status (hereinafter referred to as persons) in the Foreigners' Registration Centre of the State Border Protection Service at the Ministry of the Interior (hereinafter referred to as Centre), the rights and duties of persons accommodated in the Centre, organisation of their occupation and application of disciplinary sanctions to them.

2. The following persons shall be accommodated at the Centre:

1) foreigners who have entered the Republic of Lithuania or are staying there illegally (hereinafter referred to as detained foreigners) - by a court decision;

2) detained foreigners who submitted applications for refugee status (hereinafter referred to as detained asylum seekers) - by a court decision;

3) foreigners who arrived by themselves and submitted applications for refugee status at the Centre, until the Migration Department under the Ministry of the Interior (hereinafter referred to as Migration Department) adopts the decision to allow or not to allow them to be within the territory of the Republic of Lithuania, and foreigners who submitted applications for refugees status at other institutions (hereinafter referred to as asylum seekers) - by the decision of the Migration Department.

Minors who are not accompanied by their parents or other authorised representatives shall not be settled at the Centre (with the exception of those provided for in item 3 of Paragraph 2).

3. The employees of the Centre shall ensure that the restriction of freedom of movement of the persons settled at the Centre by a court decision provided for in item 1 and item 2 of Paragraph 2.

4. Accommodation conditions shall be as follows:

1) detained foreigners shall be accommodated separately from asylum seekers;

2) asylum seekers shall be housed separately from detained foreigners and detained asylum seekers;

3) men shall be housed separately from women;

4) family members shall be settled together in a separate lodging;

5) unaccompanied minors - asylum seekers - shall be housed separately from the adults;

6) persons may be accommodated in groups or on the basis of other grounds (according to the country of origin, religion, threat to his/her or surroundings' health, etc.).

II. ESTABLISHMENT AND GUARD OF THE CENTRE

5. The Centre shall be composed of:

1) administrative territory with administrative premises;
2) residential territory with lodgings, closed health care institution and other premises used for public utilities;

3) Subsidiary territory with production premises, garages and store houses.

6. The Centre shall have a guards' section which shall guard and control the territory of the Centre and persons residing in the Centre and shall execute control of staff and other persons who are entitled to enter or leave the territory of the Centre as well as control of motor vehicles which are allowed to enter and leave the territory of the Centre with the aim to ensure its activities.

III. ACCOMMODATION AT THE CENTRE

7. Detained foreigners or detained asylum seekers who shall be accommodated in the Centre by a court decision shall be delivered to the Centre by officers from the State Border Protection Service or police. A competent officer from an institution delivering a person shall notify in advance the head of the Centre or an authorised representative about the time of delivery of the persons set forth in this paragraph and other circumstances relating to their delivery.

8. An officer from an institution delivering a person to the Centre shall submit a file of the detained person which must include:

1) an official report about the circumstances of detention;

2) detention record;

3) records on search of a person and his/her belongings;

4) finger prints of a person;

5) photographs of a person;

6) questionnaire of a foreigner and record on violation of administrative law;

7) other documents and data which can be helpful in determining the identity, the country of origin, etc.;

8) a court decision to accommodate a detained foreigner at the Centre.

9. The personal file of a detained asylum seeker must contain, apart from the documents set forth in items 1-8 of Paragraph 8, the following:

1) an official report about the circumstances relating to filing the application for refugee status;

2) application for refugee status or record of verbal request for refugee status;

3) record of interview;

4) Migration Department decision to allow such person to enter or stay in the territory of the Republic of Lithuania.

10. Asylum seekers who have entered the territory of the Republic of Lithuania or are staying there legally can arrive at the Centre themselves and submit the application for refugee status. In such a case, they shall submit all the documents they have.

11. Asylum seekers who have entered the territory of the Republic of Lithuania or are staying there legally having submitted the application for refugee status at other state institutions can arrive at the Centre themselves. In case of necessity or on their own request, they can be accompanied by State Border Protection Service officers or police officers. A responsible officer from Migration Department shall co-ordinate with the head of the Centre or an authorised representative the time of arrival of asylum seekers at the Centre and other related circumstances.

12. Asylum seeker, accommodated at the Centre by the decision of the Migration Department, having arrived at the Centre must submit his/her identification documents. The responsible officer from the institution which accepted the request for refugee status shall transfer his/her personal file to the Centre. This file must include the following:

- 1) an official report about the circumstances relating to submission of application;
- 2) application for refugee status or record of verbal request for refugee status;
- 3) record on preliminary interview;
- 4) Migration Department decision on legal status of the person and his/her accommodation at the Centre.

13. Upon admission of a detained foreigner or detained asylum seeker, the guard of the Centre, if necessary, shall conduct a search of the person and his/her belongings and complete the record of examination of person and his/her belongings.

14. The things, which according to Paragraph 20 are prohibited from keeping by persons, shall be stored at the Centre according to the order established by the head of the Centre as long as the person stays there.

15. Persons accommodated at the Centre shall be transferred to common lodgings after medical examination, during which it is verified that they are not sick with open tuberculosis, sexually transmitted infections, intestine infections, they do not carry the agents of contagious diseases.

The doctor of the Centre shall carry out the medical examination.

16. The person who is being accommodated at the Centre shall be familiarised with the internal rules of the Centre, his/her rights and duties in a language that s/he understands and shall sign for that.

IV. RIGHTS OF PERSONS ACCOMMODATED AT THE CENTRE

17. Persons accommodated at the Centre shall have a right to:

- 1) live in the Centre free of charge, use the services offered by it;
- 2) receive the information about his/her legal status in the Republic of Lithuania;
- 3) obtain legal assistance guaranteed by the state;
- 4) apply for medical services to the doctor of the Centre;
- 5) receive and send unlimited number of letters;
- 6) receive unlimited number of printed media or books and parcels;
- 7) purchase food stuffs, clothes and other necessities;
- 8) receive and send postal orders and money;
- 9) recruit an attorney for whose services he/she will pay;
- 10) use paid telephone services which are offered in the residential territory;
- 11) use video and audio players, radio and TV sets which are within their ownership;
- 12) own personal belongings which are not prohibited according to the established order;
- 13) perform religious rituals;
- 14) upon the permission of the head of the Centre, meet with the persons visiting him/her in the territory of the Centre;
- 15) complain to the head of the State Border Protection Service concerning the application of disciplinary sanctions imposed on him/her;
- 16) according to the order established by the Ministry of Education and Science, minor asylum seekers - go to school, on the invitation of international and non-governmental organisations, participate in the events organised in the Republic of Lithuania outside the territory of the Centre.

18. Asylum seekers, besides the above rights, shall have the following rights related to refugee status determination:

- 1) receive compensation for using public transport;
- 2) receive monthly cash allowance for minor expenses;
- 3) use the services of an interpreter;
- 4) process the documents and legalise them at the notary;
- 5) use medical services according to the order set up in the Centre;
- 6) communicate with representatives of the United Nations High Commissioner for Refugees in Lithuania.

V. DUTIES OF PERSONS ACCOMMODATED AT THE CENTRE

19. Persons accommodated in the Centre shall:

- 1) obey the laws of the Republic of Lithuania and the established order of staying in the Centre;
- 2) furnish truthful information about himself/herself and the circumstances of arrival at the Republic of Lithuania, present all the documents he/she has;
- 3) allow a doctor to examine his/her health;
- 4) refrain from violation of rights and lawful interests of other persons housed at the Centre;
- 5) maintain the order and cleanness in living place and territory, maintain personal hygiene;
- 6) perform other duties provided for by legal acts of the Republic of Lithuania.

VI. PROHIBITIONS AND RESTRICTIONS APPLIED TO PERSONS ACCOMMODATED AT THE CENTRE

20. Persons accommodated at the Centre shall be prohibited from:

- 1) producing, purchasing, keeping and distributing spirits, drugs, psychotropic, poisonous or other intoxicant substances as well as have spirits and other poisonous or intoxicant substances, and without the prescription of doctor, use narcotic and psychotropic medicine;
- 2) possessing weapons, ammunition, explosive, poisonous and quickly igniting substances, radio communication equipment, instruments, the use of which not according to their initial purpose can pose a threat to one's health and life;
- 3) wilfully leaving from residential and other territories of the Centre (this provision shall not be applied to persons set forth in item 3 of Paragraph 2);
- 4) wilfully changing a living place;
- 5) instigating or organising mutual disagreement, violating the internal rules;
- 6) damaging or destroying the Centre's property;
- 7) playing gambling games;
- 8) keeping pets and wild animals within the territory of the Centre.

Other prohibitions and restrictions provided for by laws can be applied to the persons accommodated at the Centre.

21. Persons accommodated at the Centre may be allowed by the decision of the head of the Centre to have cellular telephones, if that does not constitute threat to the security of the State, public order, does not create conditions to violate laws or commit crimes.

22. Asylum seekers shall leave the territory of the Centre after notifying about that the head of the Centre or an authorised representative.

23. Detained foreigners and detained asylum seekers shall be allowed to leave the territory of the Centre only accompanied by the staff of the Centre.

VII. APPLICATION OF DISCIPLINARY MEASURES

24. Person accommodated at the Centre shall be held responsible for violation of law in accordance with the order established by the laws of the Republic of Lithuania.

Persons who do not follow the established order of the centre may be:

1) repeatedly assigned for duty to maintain the order in the living place and the territory of the Centre;

2) isolated from other persons for no more than 24 hours for persistent breach of established requirements or persistent violation of internal order (except persons set forth in item 3 of Paragraph 2, which may be dismissed from the Centre);

3) isolated from other persons for no more than 48 hours, and in case of necessity, sent to relevant institutions, when they become dangerous due to mental, contagious disease or due to intoxication with alcohol, drugs or psychotropic substances.

25. In case of violation of the established order of the Centre, a report on violation of the order shall be drawn. It shall be drawn by the head of the Centre or an authorised officer.

26. Record concerning the violation of the order shall be the basis for the adoption of the decision on application of disciplinary measures. The decision shall be taken by the head of the Centre or an authorised officer.

27. The decision shall be made in writing within the record on the violation of the order. The record together with official statements of the staff of the centre shall be attached to the personal file. The application of the above measures shall be registered in the journal, the form of which shall be approved by the head of the Centre.

28. On the sound basis, the head of the Centre or an authorised officer can change or repeal the former decision (in case of illness or in other cases) with regard to application of disciplinary measures.

VIII. HEALTH CARE OF A PERSON

29. Primary health care and emergency aid shall be guaranteed to the persons accommodated at the Centre, including a possibility of inoculation pursuant to the national programme of immunisation carried out in the Republic of Lithuania.

30. Health care of a person shall be organised according to the laws regulating health care of the Republic of Lithuania.

31. Primary health care services shall be provided by a general practitioner, doctor or nurse.

32. Emergency aid services shall be provided by health care institutions according to the order established by the laws and other legal acts of the Republic of Lithuania.

33. Patients and persons who are suspected to be ill with dangerous or especially dangerous contagious diseases shall be hospitalised and (or) isolated, examined and (or) treated according to the order established by the Law on Prevention and Control of Contagious Diseases of the Population of the Republic of Lithuania (News, 1996, No 104-2363) and other legal acts.

34. Persons having arrived from territories infected with especially dangerous disease agents can be declared as subjects of partial quarantine according to the order established by the Ministry of Health Care.

35. Psychological services shall be provided to the persons who experienced torture or rape, minors, single women and the elderly.

36. Disinfection, disinsection and deratisation shall be carried out on a regular basis in living places and communal, canteen, subsidiary, storage premises pursuant to the hygiene standards and rules to meet the established requirements.

37. Primary health care services shall be covered from the state budget of the Republic of Lithuania, allocated to the State Border Protection Service at the Ministry of the Interior.

38. Expenditure for primary health care services provided for persons accommodated at the Centre by public health care institutions shall be covered from the state budget of the Republic of Lithuania allocated for health care of the persons detained by the police and which, according to the order established by the Government of Lithuania or an authorised institution, is at the disposal of State Patient Fund.

IX. MATERIAL SUPPLY AND ORGANIZATION OF OCCUPATION

39. Persons accommodated in the living premises of the Centre shall be entitled to use the household and other equipment installed in such premises.

40. Persons shall receive food three times per day according to the standards established by the Government of the Republic of Lithuania.

41. Whenever possible, the persons can be supplied with clothes and foot-wear free of charge.

42. The bedclothes for the persons accommodated at the Centre shall be changed according to the established schedule, but not less frequent than once in 10 days.

43. While organising free time of the persons, the staff of the Centre shall establish conditions for:

- 1) visiting the Centre's library;
- 2) participating in sports competitions;
- 3) participating in cultural events;
- 4) engaging in needlework;
- 5) performing religious rituals;
- 6) developing the knowledge about health care issues.

44. The living territory of the centre shall be cleaned by the persons living in it. The persons responsible for doing it shall be appointed according to the schedule.

X. LEAVING FROM THE CENTRE

45. Persons may leave the Centre:

- 1) voluntarily;
- 2) on the basis of the decision obligating the person to leave or to deport him/her from the Republic of Lithuania;
- 3) on the basis of other decisions concerning them, issued by relevant institutions;
- 4) upon the establishment of a legal stay of the persons in the Republic of Lithuania.

46. Whenever possible, the staff of the centre shall accompany the persons accommodated at the Centre who are leaving voluntarily to the border control post.

The persons who are deported from the Republic of Lithuania shall be accompanied to the border control post by the staff of the centre.

47. Documents, things taken from him/her and stored according to the order established in Paragraph 14, with the exception of those set forth in items 1 and 2 of Paragraph 20, shall be returned to the person leaving the Centre, who may be also upon his/her wish, issued a document confirming the period of stay at the Centre.