

ECRE COUNTRY REPORT 2002: LITHUANIA

ARRIVALS

1. Total number of individual asylum seekers who arrived, with monthly breakdown and percentage variation between years:

Table 1:

Month	2001	2002	Variation +/- (%)
January	16	22	+37.5
February	18	12	-33.3
March	6	5	-16.7
April	31	2	-93.5
May	50	13	-74.0
June	20	11	-45.0
July	6	33	+450.0
August	10	34	+240.0
September	25	33	+32.0
October	25	39	+56.0
November	24	46	+91.7
December	25	44	+76.0
TOTAL	256	294	+14.8

Source: Migration Department, Ministry of Internal Affairs.

Comments: *Please not that all figures in this chapter refer to cases, not individual applications.*

2. Breakdown according to the country of origin/nationality, with percentage variation:

Table 2:

Country of origin	2001	2002	Variation +/- (%)
Russian Federation	180	242	+34.4
Afghanistan	57	17	-70.2
Turkey	0	11	-
Iraq	0	6	-
Ukraine	1	3	+200.0
Georgia	0	3	-
Stateless	0	3	-
Nigeria	0	2	-
Sri Lanka	5	1	-80.0
Iran	1	1	-
Azerbaijan	0	1	-
FRY	0	1	-
Canada	0	1	-
Netherlands	0	1	-
China	0	1	-
India	5	0	-100.0
Belarus	3	0	-100.0
Pakistan	2	0	-100.0
Tajikistan	1	0	-100.0
Moldova	1	0	-100.0
TOTAL	256	294	+14.8

Source: Migration Department, Ministry of Internal Affairs.

Comments: During 2002 there was a slight increase in applications for asylum by Russians from Chechnya, which was related to the ongoing conflict.

3. **Persons arriving under family reunification procedure:** None (2001: None).

4. **Refugees arriving as part of a resettlement programme:**

Lithuania does not operate any resettlement programmes.

5. **Unaccompanied minors:** 7 (2001: 25).

RECOGNITION RATES

6. **The statuses accorded at first instance as an absolute number and as a percentage of total decisions:**

Table 3:

Status	2001		2002	
	First instance Number	%	First instance Number	%
No status awarded	58	22.9	24	22.9
Convention status	3	1.2	1	0.9
Humanitarian status	192	75.9	80	76.2
TOTAL	253	100	105	100

Source: Migration Department, Ministry of Internal Affairs.

Comments: In Lithuania, the administrative appeal courts are entitled to return applications to the first instance (that is, the Migration Department) for re-examination, without granting any status.

7. **Refugee recognition rates (1951 Convention: as an absolute number and as a percentage of total decisions) according to country of origin:**

Table 4:

Country of origin	2001		2002	
	First instance Number	%	First instance Number	%
Russia	-	-	1	1.2
Afghanistan	3	14.3	-	-
TOTAL	3	1.2	1	0.9

Source: Migration Department, Ministry of Internal Affairs.

RETURNS, REMOVALS, DETENTION AND DISMISSED CLAIMS

8. **Persons returned on safe third country grounds:** None (2001: 1).

9. **Persons returned on safe country of origin grounds:** None (2001: None).

10. **Number of applications determined inadmissible:** 4 (2001: 5).

11. **Number of asylum seekers denied entry to the territory:** 4 (2001: 5).

12. Number of asylum seekers detained, the maximum length of and grounds for detention: 1 (2001: 32).

In 2002 a foreigner was detained in order to take action with regard to his deportation. According to the Lithuanian Law on Refugee Status the maximum length of detention is one year. Thirty-one Afghan asylum seekers were detained in 2001 for the maximum period of a year, the purpose of which being to ascertain whether they had used forged identity documents.

13. Deportations of rejected asylum seekers: 32 (2001: 13).

14. Details of assisted return programmes, and numbers of those returned:

Those without means and who wanted to return voluntarily did so under the IOM Voluntary Return Programme during 2001 and 2002, although information regarding specific numbers was unavailable.

15. Dublin Convention practice comments:

Lithuania is not party to the Dublin Convention.

SPECIFIC REFUGEE GROUPS

16. Developments regarding refugee groups of particular concern:

Afghanistan

After 11 September 2001 a group of thirty-one Afghan asylum seekers were recognised as being a threat to public order in Lithuania, and were thus detained for the period of a year before receiving deportation decisions. While in late 2001 Afghans began to be deported, beforehand Afghans had never received deportation decisions, and had in fact usually received humanitarian status. Deportations were suspended, however, until the humanitarian situation in Afghanistan improves.

Iraq

Lithuania continues to process asylum applications from Iraq, although deportations are suspended until the humanitarian situation in Iraq improves.

LEGAL AND PROCEDURAL DEVELOPMENTS

17. New legislation passed:

On 15 January 2002 the amendments to the Law on Refugee Status were adopted. New provisions concerning alternative measures to detention, the maximum term of detention, separated children, and access to territory came into force on 6 February 2002.

On 13 February 2002 the Social Security and Labour Minister passed the Order and Conditions of Foreigners' Accommodation in the Refugee Reception Centre, the Order for Organisation of Foreigners' Occupation and Application of Disciplinary Measures to Them, the Order of Implementation of Foreigner's Right to Receive Monthly Allowance for Minor Expenses, and the Order to Receive Compensation for Using Public Transport.

On 29 March 2002 the Social Security and Labour Minister passed the Regulations of Refugee Reception Centre.

On 10 June 2002 the Internal Affairs Minister passed the Regulations of Submission, Examination, Deciding of/on Foreigners Applications for Temporal Residence Permit in the Lithuanian Republic, and Issuance of Temporal Residence Permit in the Lithuanian Republic.

18. Changes in refugee determination procedure, appeal or deportation procedures:

According to the amendments to the Law on Refugee Status (adopted on 15 January 2002), administrative courts have to examine appeals against decisions not to grant refugee status issued in the accelerated procedure within ten days, and appeals against decisions issued in the general procedure within thirty days. No such terms had been established before.

19. Important case-law relating to the qualification for refugee status and other forms of protection:

The Lithuanian Supreme Administrative Court issued two important decisions concerning detention. The first decision, issued on 14 June 2002, maintains that if the period of detention appointed by the court expires, the Foreigners Registration Centre must release a foreigner independently, without having to apply to the court for an additional release order. The second decision, issued on 10 April 2003, holds that if the deportation of a foreigner is suspended for reasons of 'non-refoulement', a foreigner is at liberty to choose his or her own place of residence, and cannot be detained.

20. Developments in the use of the exclusion clauses of the Refugee Convention in the context of the national security debate:

According to practice in Lithuania, where asylum seekers fail to fulfil the 'inclusion clauses' (that is, those criteria needing to be fulfilled in order to qualify for protection), exclusion clauses need not be invoked. On the other hand, a number of foreigners were refused humanitarian status and received orders for deportation, as the Lithuanian Security Department recognised them as being dangerous to Lithuanian public order and security.

21. Developments regarding readmission and cooperation agreements:

Lithuania did not enter into any new readmission agreements during 2002, but maintains readmission agreements with twenty countries.

THE SOCIAL DIMENSION

22. Changes in the reception system:

According to the amendments to the Law on Refugee Status, adopted on 15 January 2002, during the asylum procedure separated children are accommodated in the Refugee Reception Centre.

According to the Order of Implementation of Foreigner's Right to Receive Monthly Allowance for Minor Expenses, as well as the Order to Receive Compensation for Using Public Transport (both passed on 13 February 2002), applicants are entitled to receive a monthly allowance for minor expenses incurred during the asylum procedure, and to receive compensation for the use of public transport related to their application.

23. Changes in the social welfare policy relevant to refugees:

According to the Regulations of Submission, Examination, Deciding of/on Foreigners Applications for Temporal Residence Permit in the Lithuanian Republic, and Issuance of Temporal Residence Permit in the Lithuanian Republic (both passed on 10 June 2002), foreigners have personal identity codes on their temporary residence permits, enabling them to claim their social entitlements.

24. Changes in policy relating to refugee integration:

According to the Regulations of Refugee Reception Centre, passed on 29 March 2002, the Refugee Reception Centre has the function of organising social integration. This had previously been the function of the Social Security and Labour Ministry.

25. Changes in family reunion policy:

According to the amendments to the Law on Refugee Status, adopted on 15 January 2002, refugee children have the right to family reunion in Lithuania. Such rights had previously only been established for adult refugees.

OTHER POLICY DEVELOPMENTS

26. Developments in resettlement policy:

Lithuania does not operate any resettlement programmes.

27. Developments in return policy:

There were no significant developments in return policy in 2002.

28. Developments in border control measures:

In 2002 a serious problem arose in terms of limited access to Lithuanian territory. A number of complaints were received from asylum seekers claiming that border guards tried to ignore asylum applications.

29. Other developments in refugee policy:

At present a new Aliens Law is being drafted, in order to replace two distinct existing laws (the Refugee Law and the Aliens Law). This law will come into force at the time of Lithuania's accession to the EU in May 2004, although there is still no final draft version of this law.

POLITICAL CONTEXT

30. Government in power during 2002:

The government in Lithuania consists of a coalition of Social Democrats and Social Liberals.

31. Governmental policy vis-à-vis EU developments:

See paragraph 29 above.

32. Asylum in the national political agenda:

Asylum has not been widely discussed within the political agenda. However, in both the towns where accommodation centres are situated (that is, Pabrade and Jonava) there were some incidents precipitating negative attitudes towards asylum seekers. In Pabrade, the Chairman of Parliament Paulauskas, during his recent presidential election campaign, stressed that immigration laws should be reviewed in order to make them stricter. Mayor Liutkus of Jonava also discussed measures for effective control of asylum seekers.

