

LITHUANIA

ARRIVALS

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

Table 1:

Source: Migration Department, Ministry of Internal Affairs

Month	2002	2003	Variation +/- (%)
January	22	28	+27.3
February	12	13	+8.4
March	5	6	+20
April	2	24	+1,100
May	13	3	-76.9
June	11	14	+27.3
July	33	33	-
August	34	6	-82.4
September	33	9	-72.7
October	39	12	-69.2
November	46	32	-30.4
December	44	3	-93.2
TOTAL	294	183	-37.8

Please note 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:

Source: Migration Department, Ministry of Internal Affairs

Country	2002	2003	Variation +/- (%)
Russian Federation	242	91	-62.4
India	-	25	-
Afghanistan	17	17	-
Stateless	3	15	+400.0
Pakistan	-	14	-
Azerbaijan	1	5	+400.0
Ukraine	3	3	-
Vietnam	-	3	-
Sierra Leone	-	2	-
Iraq	6	1	-83.3
Georgia	3	1	-66.7
Iran	1	1	-
Yemen	-	1	-
Kyrgyzstan	-	1	-
Moldova	-	1	-
Lebanon	-	1	-
Belarus	-	1	-

ECRE COUNTRY REPORT 2003: LITHUANIA

Turkey	11	-	-100.0
Nigeria	2	-	-100.0
Sri Lanka	1	-	-100.0
Serbia and Montenegro	1	-	-100.0
Canada	1	-	-100.0
Netherlands	1	-	-100.0
China	1	-	-100.0
TOTAL	294	183	-37.8

During 2003 there was a decrease in asylum applications by Russians from Chechnya, which was related to limited access to Lithuanian territory.

3. Persons arriving under family reunification procedure

None (2002: None)

4. Refugees arriving as part of a resettlement programme

Lithuania does not operate any resettlement programmes.

5. Unaccompanied minors

24 (2002: 7)

RECOGNITION RATES

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

Table 3:

Source: Migration Department, Ministry of Internal Affairs

Statuses	2002		2003			
	First instance Number	%	First instance Number	%	Appeal Number	%
No status awarded	24	22.9	56	10.3	33	94.3
Convention status	1	1.0	3	0.6	-	-
Humanitarian status	80	76.2	485	89.2	2	5.7
TOTAL	105	100	544	100	35	100

The appeal stage includes decisions at Vilnius District Administrative Court at first instance and Lithuanian Supreme Administrative Court at second instance. Figures for the statuses accorded at appeal stage in 2002 are not available.

7. Refugee recognition rates (1951 Geneva Convention) according to country of origin, at first instance

Table 4:

Source: Migration Department, Ministry of Internal Affairs

Country of origin	2002		2003	
	First instance Number	%	First instance Number	%
Russian Federation	1	0.4	2	2.2
Ukraine	-	-	1	33.3
TOTAL	1	0.3	3	1.6

RETURNS, REMOVALS, DETENTION AND DISMISSED CLAIMS

8. Persons returned on safe third country grounds

5 (2002: 0); two stateless persons, one Ukrainian, one Russian and one Lebanese.

All individuals came from a 'safe third country': four arrived travelling through Poland, where they were returned, and one arrived from Belarus, where he had residency and where he was eventually returned.

9. Persons returned on safe country of origin grounds

There were no returns in 2003.

10. Number of applications determined inadmissible

5 (2002: 4)

See Section 8 above: all five persons were denied entry to Lithuania as they came from 'safe third countries'.

11. Number of asylum seekers denied entry to the territory

5 (2002 :4)

See Sections 8 and 10 above.

12. Number of asylum seekers detained, the maximum length of and grounds for detention

2 (2002: 1)

Two asylum seekers (one Azerbaijani and one Afghan) were detained in 2003. The asylum seeker from Afghanistan was detained for one year for having used a forged identity document (the Lithuanian Law on Refugee Status states that the maximum length of detention is one year). The asylum seeker from Azerbaijan was detained prior to deportation.

13. Deportations of rejected asylum seekers

42 (2002: 32)

Country of origin:

Russian Federation (16);

India (4)

Pakistan (3)

Afghanistan (2)

Azerbaijan (2)

Georgia (2)

Ukraine (2)

Vietnam (2)

China (1)

Iran (1)

Iraq (1)

Israel (1)

Kyrgyzstan (1)

Stateless persons (2)

1 Lebanese and 1 Nigerian were refused both refugee and humanitarian statuses and deported to their countries of origin.

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

There were no return programmes in 2003.

15. Number of asylum seekers sent back to the Member State responsible for examining the asylum application under the Dublin Convention (Dublin II Regulation)

Lithuania was not party to the Dublin Convention.

SPECIFIC REFUGEE GROUPS

16. Developments regarding refugee groups of particular concern

Refugee women

During 2003, the UNHCR office in Lithuania initiated a project called 'Combating Sexual Gender-based Violence'. This project aimed to set up mechanisms to prevent sexual violence in reception facilities and housing provided for refugees in cities during the integration period. As part of the project work on sexual violence against refugee women in Lithuanian reception and registration centres, seminars for the staff of centres were given.

From 16 June 2003 to 31 December 2003, the Lithuanian Red Cross carried out a project called 'Refugee Women: Facilitating Solutions'. The project aims were to:

- set up a Refugee Women's Self-Assistance Centre;
- mainstream gender-, age- and trauma-sensitive approaches amongst the staff of reception facilities and integration counsellors;
- contribute towards refugee women's access to regular social security and health care systems;
- contribute towards refugee women's empowerment by expanding their social space and facilitating their access to information related to integration, vocational training and employment arrangements;
- and contribute towards setting up mechanisms for the prevention of sexual violence in reception centres and provided housing in cities.

LEGAL AND PROCEDURAL DEVELOPMENTS

17. New legislation passed

There was no legislation relevant to asylum passed in 2003.

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

There were no changes in refugee determination, appeal or deportation procedures in 2003.

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

The Lithuanian Supreme Administrative Court made two important decisions concerning the asylum appeals procedure.

In the first decision of 17 July 2003 the Lithuanian Supreme Administrative Court stated that the Vilnius District Administrative Court, as an institution considering a first appeal, must be actively involved during the examination of an appeal from an asylum seeker. The Vilnius District Administrative Court

must itself collect additional evidence in the case, such as country of origin information. Official information from UNHCR was recognised to be evidence in asylum cases.

The second decision of 29 July 2003 held that if an immigrant was refused a temporary residence permit on humanitarian grounds because the Lithuanian Security Department considered him/her a danger to Lithuanian public order and security, the Vilnius District Administrative Court must examine the factual circumstances under which the Lithuanian Security Department made this decision.

20. Developments in the use of the exclusion clauses of the 1951 Geneva Convention in the context of the national security debate

According to practice in Lithuania, where asylum seekers fail to meet the criteria outlined in the 'inclusion clauses' to qualify for protection, 'exclusion clauses' need not be invoked. However, a number of immigrants were refused temporary residence permits on humanitarian grounds and received deportation orders because the Lithuanian Security Department considered them a threat to Lithuanian public order and security.

21. Developments regarding readmission and cooperation agreements

During 2003, Lithuania entered into one readmission agreement with the Russian Federation (ratified on 31 May 2003). At present, Lithuania has readmission agreements with 22 countries.

THE SOCIAL DIMENSION

22. Changes in the reception system

There were no changes in the reception system in 2003.

23. Changes in the social welfare policy relevant to refugees

There were no changes in the social welfare policy in 2003.

24. Changes in policy relating to refugee integration

There were no changes in policy related to refugee integration in 2003.

25. Changes in family reunion policy

There were no changes in family reunion policy in 2003.

OTHER POLICY DEVELOPMENTS

26. Developments in resettlement policy

There were no developments in resettlement in 2003.

27. Developments in return policy

There were no developments in return policy in 2003.

28. Developments in border control measures

After Lithuania introduced a simplified visa regime for Russians, under which nationals of the Russian Federation who travel to the Kaliningrad region by transit trains via Lithuania must obtain visas, Chechens were prevented from entering Lithuania. However, they complained that border guards ignored their asylum applications if they tried to submit them at the Lithuanian-Belarus border.

29. Other developments in refugee policy

In 2003, a new Law on the Legal Status of Aliens was drafted and debated in parliament and finally came into force on 30 April 2004. This law replaces the Law on Refugee Status, which was applied only to asylum seekers claiming on Convention grounds and the Aliens Law, which was applied to foreign nationals who claimed on humanitarian grounds. It also includes provisions from the Dublin Convention. It introduces new forms of protection such as 'temporary protection', which would be

granted by the Government in cases of a mass influx. In addition to Convention status, it enshrines a supplementary form of protection to be granted in cases of *non-refoulement*.

POLITICAL CONTEXT

30. Government in power during 2003

A coalition Government consisting of Social Democrats (the former Communist Party) and Social Liberals was in power throughout 2003. The Prime Minister is a Social Democrat.

31. Governmental policy vis-à-vis EU developments

The issue of asylum was widely discussed in parliament during 2003. The new Law on the Legal Status of Aliens was drafted as part of the preparations for Lithuania's accession to the EU. (See Section 30 above)

32. Asylum in the national political agenda

See Section 31 above.