

Country factsheet Lithuania

Based on its 2010 Work Programme, the European Union Agency for Fundamental Rights (FRA) carried out a study on access to justice for asylum seekers. This study illustrates the perspective of asylum seekers on two specific issues relating to the asylum procedure, namely information on the procedure itself and access to remedies against a negative decision.

The FRA interviewed almost 900 asylum seekers throughout the European Union. The information received has been analysed taking into account the relevant national legal provisions and the responses to a questionnaire on information received from national asylum authorities. The research has resulted in two comparative reports, the first on the duty to inform and the second on access to effective remedies.

This factsheet complements these two comparative studies by providing some basic background information, including statistics and relevant domestic legal provisions relating to the issues covered in the two reports.

1. Statistics

Statistics on asylum applications (Total and top 10 nationalities)

2009 Top 10 Nationalities		2008 Top 10 Nationalities	
Total	450	Total	520
Russian Federation	245	Russian Federation	400
Georgia	75	Afghanistan	15
Sri Lanka	20	Belarus	15
Belarus	15	Cuba	10
Afghanistan	15	Georgia	10
Iraq	15	Uzbekistan	10
Pakistan	10	Cameroon	5
Uzbekistan	10	Congo, the Democratic Republic of the	5
Stateless	10	Ethiopia	5
Cameroon	5	Iraq	5

Statistics on first instance asylum decisions (Total positive decisions - top five nationalities)

2009							
	Geneva Convention Status	Subsidiary protection status	Humanitarian ¹	Rejected	Total number of decisions	Total positive decisions	Recognition rate ² %
Total	10	30	n.a.	100	145	40	27.6
Russian Federation	5	20	n.a.	60	85	25	29.4
Afghanistan	0	5	n.a.	0	5	5	100.0
Sri Lanka	0	5	n.a.	0	5	5	100.0
Georgia	0	0	n.a.	20	20	0	0.0
Belarus	0	0	n.a.	0	5	0	0.0

Statistics on final decisions (Total positive decisions - top five nationalities)

2009							
	Geneva Convention Status	Subsidiary protection status	Humanitarian ¹	Rejected	Total number of decisions	Total positive decisions	Recognition rate ² %
Total	0	5	n.a.	50	55	5	9.1
Russian Federation	0	5	n.a.	30	35	5	14.3

Notes: These tables are based on categories used by Eurostat. The way Eurostat presents its data may not necessarily correspond to categories used at national level. This can particularly be the case with statistics provided under 'humanitarian status'. For a more detailed understanding of the data, the reader is invited to consult national statistics at: <http://www.migracija.lt/index.php?-1724871424>.

Data has been rounded to the nearest 5. Due to the rounding, the sum of individuals may not necessarily match the given total. 0 means less than 3; n.a. = not available.

¹ Covering persons granted authorisation to stay for **humanitarian reasons** under national law by administrative or judicial bodies. It includes persons who are not eligible for international protection as currently defined in the first stage legal instruments but are nonetheless protected against removal under the obligations that are imposed on all Member States by international refugee or human rights instruments or on the basis of principles flowing from such instruments.

² The **recognition rate** corresponds to the proportion of positive first instance or final on appeal decisions out of the total number of decisions in 2009. Positive decisions include the provision of refugee status, subsidiary protection and humanitarian protection (where data is available).

Source: [Eurostat](#), Data extracted on 01 September 2010.

2. Background Information

Asylum act¹

[Law on the Legal Status of Aliens \(2004\)](#)

Asylum authorities

First instance authority

[Migration Department](#)

Second instance authority

[Vilnius Regional Administrative Court](#)²

3. Duty to inform asylum seekers

The Law on the Legal Status of Aliens enumerates, in general terms, the rights and duties that the asylum applicant shall have in the course of examination of an asylum application (Article 71). In order to inform the asylum seekers, a brochure is provided at places where the foreigners may apply for asylum.

In August 2010, the Migration Department under the Ministry of the Interior provided the following information to the FRA as regards written information materials.

Written information materials	Information leaflet translated into 5 languages.
Provided when?	At the registration of the application and during the first instance interview.
Provided by whom?	At the time of lodging the application – by the State Boarder Guard Service, the Migration Services and Foreigner’s Registration Centre. During the first instance interview – by the Asylum Affairs Division of the Migration Department under the Ministry of Interior.
Has an evaluation of information tools been carried out?	No.

¹ The legal information in this factsheets has been updated to reflect the situation on 1 September 2010.

² Pursuant to Article 19(2)(7) of the Law on Administrative Proceedings, Vilnius Regional Administrative Court shall hear the appeals on asylum.

4. Effective Remedy

Type of procedures

The Dublin procedure, as an initial phase of the asylum procedure regulated by Articles 72 to 75, shall be finalized within 48 hours from the moment of lodging the asylum application (Article 72). If another country is responsible for examining the asylum application, the asylum seeker shall be granted the right to remain pending his/her transfer to the responsible country (Article 73).

Within the 48 hours time limit, the Migration Department shall decide on granting or refusing the right to remain³ pending the examination of the merits of the asylum application (Article 76(1)). A right to remain in the territory during the asylum procedure is not granted if the asylum seeker enters Lithuania from a safe third country (Article 77(1)) or if the application is considered manifestly unfounded.

The regular procedure shall be concluded within three months from the date of taking the decision on granting the right to remain, with the possibility of extension of another three months (Article 81). During the regular procedure applicants have the right to remain in the country.

Duty to state reasons for rejection and procedure to appeal

The asylum seekers are informed orally about the possibility to lodge an appeal against the decision. This is also stated in the decision copy, which is also provided to asylum seekers.

An asylum seeker must be notified of all decisions taken in respect of his/hers application in a language known to him/her and shall be provided with copies thereof (Article 82). Furthermore, the asylum seeker is informed orally about the possibility to lodge an appeal against the decision. This information is also included in the written decision provided to the applicant. Each asylum seeker is asked about his/her wish to lodge an appeal. If the asylum seeker does not express a wish to make an appeal immediately, he/she has 14 days for doing so, if he/she reconsiders.

Time limits for appeal

An alien may lodge an appeal against the decision taken in the asylum procedure with Vilnius Administrative Court within 14 days from the day of service of the decision (Article 138).

Type of procedure	Time limits	Right to remain
Regular procedure	14 days	Automatic suspensive effect.
Dublin procedure	14 days	No suspensive effect but the relevant administrative court may grant suspensive effect in the individual case.
Safe third country and accelerated procedure	14 days	Automatic suspensive effect.

³ For the sake of clarity and in line with Article 7 of the Asylum Procedure Directive, this factsheet uses right to remain for what is defined in the Law on the legal status of aliens the term as “temporary territorial asylum”.

Right to remain in the country during appeal

Article 139 of the Law on the Legal Status of Aliens guarantees a suspensive effect of an appeal against a decision of the Migration Department in the following cases: (i) when the asylum applicant is not granted a right to remain in Lithuania during the asylum procedure and is obliged to depart from the territory of Lithuania or is expelled from it to a safe third country or the country of origin, or (ii) when the alien is refused asylum and is obliged to depart from the territory, is expelled from it or returned to a foreign country, the examination of the asylum application is terminated or asylum is withdrawn. In other cases, the relevant administrative court may decide on the suspension of the implementation of the Migration Department's decision (Article 139(3)).

Legal Aid

The Law on the Legal Status of Aliens grants the possibility to asylum seekers to make use of state-funded legal aid while his/her asylum application is being examined, unless the laws of Lithuania provide otherwise (Article 71(1)(3)). This legal assistance extends to the procedure on the examination of an appeal before the court. If it appears, however, that the asylum seeker had sufficient resources for the exercise of his/her rights (listed in paragraph 1 of Article 71) the asylum seeker must refund the expenses incurred by the State (Article 71(5)).

Language assistance

The Law on the Legal Status of Aliens grants the asylum seeker, whose asylum application is being examined, the possibility to benefit, free of charge, from interpreter's services (Article 71(1)(5)). Proceedings before the administrative court shall be held and decisions made and announced in Lithuanian language. Persons who have no command of Lithuanian shall be assisted by an interpreter. The services provided by an interpreter shall be covered from the State budget (Article 9, [Law on Administrative Proceedings](#)).

Hearing

In accordance with the procedure established by the [Law on Administrative Proceedings](#), the judge who has recognized the appeal to be admissible shall make a motion to refer the case to be considered at a court hearing (Article 68). A case shall be considered at a hearing only when the parties to the proceedings were informed in advance by summons, notice or public announcement of the time and place of the hearing (Article 78(1)). Exceptionally, the proceedings before the Vilnius Regional Administrative Court may be conducted in writing (Article 137(4)).

The asylum seeker has the right to receive compensation for public transport used in the context of the examination of the asylum application (Article 71(1)(4), Law on the Legal Status of Aliens).