

In summary, the proposed changes to the Law on the Legal Status of Aliens¹ would mean the following:

- Any migrant crossing the border of Lithuania irregularly, given that the Migration Department under the Ministry of the Interior (further – the Migration Department) makes the decision to examine their application for asylum as a matter of urgency or decides not to examine their application, is **not considered as admitted into the territory of the Republic of Lithuania** (there are **no exceptions for vulnerable groups, including the unaccompanied minors**). This provision is not tied to the state of emergency, therefore it will also apply after the state of emergency has ended.²
- Examination as a matter of urgency will also be applied in cases when asylum applications are submitted by **unaccompanied minors** as well as **persons who have been tortured, raped or experienced other types of severe psychological, physical, sexual violence**.
- **If the state of emergency is declared**, the Migration Department could only make the decision to admit affected persons into the territory of the Republic of Lithuania 28 days after the end of the state of emergency (there are **no exceptions for vulnerable groups, including the unaccompanied minors**).
- Any migrant who is not admitted into the territory of the Republic of Lithuania will be accommodated at the border control points, transit zones, State Border Guard Service, without the right to freedom of movement within the territory of the Republic of Lithuania, i.e., migrants are *de facto* detained without the decision of the court (there are **no exceptions for vulnerable groups, including the unaccompanied minors**). This provision is not tied to the state of emergency, therefore it will also apply after the state of emergency has ended.
- If the decision to admit an asylum seeker into the territory of Lithuania is made, but their application of asylum is examined in substance as a matter of urgency, the asylum seeker will be placed at sites of temporary accommodation, without the right to the freedom of movement within the territory of the Republic of Lithuania, i.e., migrants are *de facto* detained without the decision of the court (there are **no exceptions for vulnerable groups, including the unaccompanied minors**).
- **If the state of emergency is declared**, only the right to the material conditions of reception and necessary medical aid and state guaranteed legal aid is ensured; yet, **other rights may be restricted**, including the right to **receive information** about the rights and duties of an asylum seeker as well as the consequences of non-compliance during the period of examination of the asylum application in a language which he or she understands, as well as the right to receive information related to the examination of the asylum application, the right to **psychological assistance** and **social services** at the State Border Guard Service, the Refugees Reception Centre or a different site of accommodation; the opportunity to approach and meet representatives of the United Nations High Commissioner for Refugees (UNHCR) and with organisations providing advice or counselling to asylum seekers in privacy; if the asylum seeker is considered

¹ Proposed Amendments to the Law on the Legal Status of Aliens of the Republic of Lithuania, 9 July 2021, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAP/67f57ba0e0d111eb866fe2e083228059>.

² The state of national emergency due to an increase in asylum seekers crossing the Lithuanian-Belarusian border irregularly has been declared on 2 July 2021.

to belong to the vulnerable groups, he or she may not have the conditions adapted to their special needs, if such conditions cannot be guaranteed due to objective reasons.

- The Migration Department **is not obliged to inform** the migrant on the order in which his or her asylum application is examined.
- **The grounds for detention of asylum seekers are broadened**, by including a ground to detain an asylum seeker when he or she arrives to the territory of the Republic of Lithuania by crossing the border of the Republic of Lithuania irregularly while the state of emergency is declared.
- **A new appeals procedure based on a pretrial order is launched**, which determines especially short deadlines for appealing the decision on an asylum application and that the appeal does not stop implementation of the decision as well as allows to **organise deportation to the country of origin** just after the decision on application is made by the Migration Department. The appeal of the decision must be submitted to the Migration Department within 7 days, which is then examined by the Migration Department within 7 days. The appeal does not stop implementation of the decision, which means that even in cases of appealing the decision the deportation to the country of origin will be organised. The decision of the Migration Department can be appealed in 7 days to the Regional Administrative Courts, the decision of which is final and non-appealable. This provision is not tied to the state of emergency, therefore it will also apply after the the state of emergency has ended.

Examination of the applications for asylum in the Republic of Lithuania submitted before the Law comes into effect will be finished and decisions on them will be made in accordance with the provisions of this Law.