

International  
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European  
Migration  
Network

# Children in Migration: National Report of Lithuania 2019

## 2020/3

EMN STUDY

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EMN is a Network composed of the European Commission and National Contact Points (EMN NCPs) in each Member State, and in Norway, which aims to collect, analyse and provide up-to date, objective, reliable and comparable information on migration and asylum. By the decree of the Government of Republic of Lithuania International Organization for Migration Vilnius Office acts as the national coordinator for the EMN activities in Lithuania.

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**Children in Migration:  
National Report of  
Lithuania 2019**

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# 1.

Swift and comprehensive identification and protection

## 1.1 IDENTIFICATION AND REGISTRATION OF MINORS

1.1.1 During the identification and registration procedure of a minor, does Lithuania ensure that an official with adequate training in dealing with minors is present?

☒ Yes

Explanation	Applicable groups of minors
<p>Whenever an unaccompanied minor (i.e. a child who is not accompanied by parents or legal guardians) is identified, both at the border and in the territory of the Republic of Lithuania, a representative of the State Child Rights Protection and Adoption Service (Child Rights Service) and a person providing state-guaranteed legal aid, namely, a lawyer, participate in further procedures, i.e. both in an initial interview and other interviews and in age assessment, if such is performed<sup>1</sup>.</p> <p>It should be noted that the staff of the Child Rights Service are trained in how to work with children, considering their specific needs, vulnerabilities, etc., and ensuring the best interests of the child.</p> <p>Moreover, the lawyers providing state-guaranteed legal aid are winners of a tendering procedure for the provision of legal aid in migration cases (in the area of asylum and irregular migration) and have experience in this area and have received various training in migration law.</p>	<p><input checked="" type="checkbox"/> accompanied minors/families with children</p> <p><input checked="" type="checkbox"/> separated children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p> <p><input type="checkbox"/> UAM not applying for asylum who remain outside the asylum/migration/(child) protection-system<sup>2</sup></p>

<sup>1</sup> Point 4 of the Description of the Procedure for Assessment of the Age of Non-asylum Seeking Unaccompanied Minor Foreigners Identified in the Republic of Lithuania, Accommodation and Taking of Other Procedural Actions in Respect Thereof and Provision of Services Thereto approved by Order No A1-229/1V-289/V-491 of the Minister of Social Security and Labour of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 23 April 2014; points 22, 26, 64, 99 and 137 of the Description of the Procedure for Granting and Withdrawing Asylum in the Republic of Lithuania approved by Order No 1V-131 of the Minister of the Interior of the Republic of Lithuania of 24 February 2016.

<sup>2</sup> In the Lithuanian legal system, there is no such category of unaccompanied minors, as all unaccompanied minor foreigners are subject to asylum or other migration procedures. Therefore, the questionnaire will not provide an overview of this group.

Explanation	Applicable groups of minors
<p>Officers and employees of the State Border Guard Service (SBGS) and the Migration Department annually participate in training in the areas of migration and unaccompanied minors. Training for SBGS officers is also organised by the Office of the United Nations High Commissioner for Refugees in Lithuania.</p> <p>In the case of accompanied minors or families with children, the additional representatives who are present in the case of unaccompanied minors (i.e. a representative of the Child Rights Service and the person providing state-guaranteed legal aid) do not participate in the procedures and actions carried out. When children are accompanied by parents/guardians, it is considered that their parents/guardians represent them and thus ensure their interests, therefore no additional guarantees are provided in respect of such minors.</p>	

☐ No

1.1.2 Please describe the procedure used for the registration and identification of minors, including safeguards? Are there any specific procedures in case when a minor with specific protection needs is identified? For victims of trafficking – please see 1.3.

Explanation	Applicable groups of minors
<p>Regarding unaccompanied minors not applying for asylum:</p> <p>Having identified an unaccompanied minor foreigner who is staying in Lithuania or having taken over an unaccompanied minor foreigner from another institution or body, officers of the SBGS carry out the following actions: immediately inform by phone and e-mail or fax about the unaccompanied minor foreigner the Child Rights Service and its</p>	<p><input type="checkbox"/> accompanied minors/families with children</p> <p><input type="checkbox"/> separated children</p> <p><input type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>

Explanation	Applicable groups of minors
<p>territorial unit, the Refugee Reception Centre (RRC), where these minors are later accommodated and taken into guardianship, inform the lawyers providing legal aid indicating when an interview is to be conducted, carry out a personal search of the unaccompanied minor and a check of his/her documents and belongings, conduct an interview of the unaccompanied minor by filling out a report of the interview of the unaccompanied minor foreigner (providing data on identity, education, criminal record, identity documents in the person's possession, place of residence, family members, circumstances of entry, reasons for entering the country, the intention to return to the country of origin and other additional information). During the interview, the unaccompanied minor foreigner is familiarised with his/her rights and the purpose of the interview. An officer of the SBGS takes a photograph of the unaccompanied minor and electronically scans a specimen signature of the unaccompanied minor who has attained the age of 14 years, with the exception of the cases when the unaccompanied minor foreigner is unable to sign due to incapacity or physical disability; collects the fingerprints of the unaccompanied minor foreigner who has attained the age of 14 years or the unaccompanied minor foreigner who claims being below the age of 14 years, but there are reasonable doubts as to his/her age; verifies the data on the unaccompanied minor and his/her family members or other legal representatives in the Lithuanian registers; enters the available data on the unaccompanied minor in the Register of Foreigners and immediately notifies this to the National Health Insurance Fund and the territorial unit authorised by the Child Rights Service in writing or by electronic means<sup>3</sup>.</p>	

<sup>3</sup> Point 4 of the Description of the Procedure for Assessment of the Age of Non-asylum Seeking Unaccompanied Minor Foreigners Identified in the Republic of Lithuania, Accommodation and Taking of Other Procedural Actions in Respect Thereof and Provision of Services Thereto approved by Order No A1-229/1V-289/V-491 of the Minister of Social Security and Labour of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 23 April 2014.

Explanation	Applicable groups of minors
<p>The identity of a person is established based on the documents presented by the foreigner or, in their absence, based on the explanations provided by the foreigner.</p> <p>However, it should be noted that in the case of these minors, there is no vulnerability assessment during an interview. Therefore, in the absence of the vulnerability assessment, a situation may arise in which a vulnerable unaccompanied minor will not receive the necessary assistance or measures, as the need for assistance will not become apparent during the interview.</p>	

Explanation	Applicable groups of minors
<p><b>Regarding unaccompanied minors applying for asylum:</b></p> <p>Having identified an unaccompanied minor foreigner who is staying in Lithuania and has applied for asylum in Lithuania, officers (staff) of the SBGS or the Migration Department carry out the following actions: immediately inform about the unaccompanied minor foreigner the Child Rights Service and its territorial unit, the Refugee Reception Centre, where these minors are later accommodated and taken into guardianship, inform the lawyers providing legal aid indicating when an interview is to be conducted, carry out a personal search of the unaccompanied minor and a check of his/her documents and belongings, conduct an initial interview of the unaccompanied minor by filling out a report of the initial interview of the asylum applicant (providing data on identity, education, identity documents in the person's possession, place of residence, family members, circumstances of entry, reasons for applying for asylum, vulnerability assessment and other additional information). During the interview, the unaccompanied minor</p>	<p><input type="checkbox"/> accompanied minors/families with children</p> <p><input type="checkbox"/> separated children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>

Explanation	Applicable groups of minors
<p>foreigner is familiarised with his/her rights and the purpose of the interview. During the interview, a photograph of the unaccompanied minor is taken, and an electronic scan is performed of the fingerprints of the unaccompanied minor who has attained the age of 14 years and his/her specimen signature, with the exception of the cases when the unaccompanied minor foreigner is unable to sign due to incapacity or physical disability; the available data on the unaccompanied minor are entered in the Register of Foreigners.<sup>4</sup></p> <p>The identity of a person is established based on the documents presented by the foreigner or, in their absence, based on the explanations provided by the foreigner.</p> <p>The choice of the manner of communication with an asylum applicant takes into account, inter alia, his/her cultural background, gender, sexual orientation, gender identity and vulnerability. During an interview, communication with a minor applying for asylum is carried out in a manner appropriate to his/her age and maturity.<sup>5</sup></p>	

Explanation	Applicable groups of minors
<p><b>Regarding accompanied minors applying for asylum:</b></p> <p>An interview of a minor applying for asylum is conducted where there are grounds for believing that his/her story may influence the assessment of the data provided during an interview of the full-aged family members of such an asylum applicant who have entered the Republic of Lithuania and have lodged applications for asylum together with</p>	<p><input checked="" type="checkbox"/> accompanied minors/families with children</p> <p><input type="checkbox"/> separated children</p> <p><input type="checkbox"/> UAM recorded within the asylum system</p> <p><input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>

<sup>4</sup>Points 22 and 26 of the Description of the Procedure for Granting and Withdrawing Asylum in the Republic of Lithuania approved by Order No 1V-131 of the Minister of the Interior of the Republic of Lithuania of 24 February 2016.

<sup>5</sup>Point 99.1 of the Description of the Procedure for Granting and Withdrawing Asylum in the Republic of Lithuania approved by Order No 1V-131 of the Minister of the Interior of the Republic of Lithuania of 24 February 2016.



Explanation	Applicable groups of minors
<p>the asylum applicant or that the minor applying for asylum may provide data about the persecution which is imminent for him/her or the actions referred to in Article 87(1) of the Law on the Legal Status of Foreigners (hereinafter - LLSF). The interview of such a minor applying for asylum is conducted in the presence of at least one of his/her parents (adoptive parents) or another legal representative with whom the minor applying for asylum has entered the Republic of Lithuania, except for the cases where there are reasonable grounds for believing that the participation of these persons in the interview may prevent the minor applying for asylum from providing data on experienced or imminent persecution or the actions referred to in Article 87(1) of the Law on the Legal Status of Foreigners.</p> <p>Initial interviews of asylum applicants are conducted by SBGS officers (if an application for asylum is lodged at the border or at the Foreigners' Registration Centre (FRC)) and territorial units of the Migration Department (if an application for asylum is lodged already in the territory of the Republic of Lithuania), and further interviews within the asylum procedure are conducted by the staff of the Asylum Division of the Migration Department.</p> <p>The choice of the manner of communication with an asylum applicant takes into account, inter alia, his/her cultural background, gender, sexual orientation, gender identity and vulnerability. During an interview, communication with a minor applying for asylum is carried out in a manner appropriate to his/her age and maturity.<sup>6</sup></p>	

<sup>6</sup> Points 22.10, 99.1 of the Description of the Procedure for Granting and Withdrawing Asylum in the Republic of Lithuania approved by Order No 1V-131 of the Minister of the Interior of the Republic of Lithuania of 24 February 2016.

## 1.2 COLLECTION OF BIOMERIC DATA OF MINORS

1.2.1 During the identification and registration procedure, does Lithuania ensure that fingerprinting and biometric data collection of minors is done in a a) child-friendly and b) gender-sensitive way? (only for minors over the age of 14 years old<sup>7</sup>).

☒ Yes

Explanation	Applicable groups of minors
Yes, in part. Both on the basis of the Description of the Procedure for Examination of Applications for Asylum and the Description of the Procedure for Assessment of the Age of Non-asylum Seeking Unaccompanied Minor Foreigners Identified in the Republic of Lithuania, Accommodation and Taking of Other Procedural Actions in Respect Thereof and Provision of Services Thereto, the participation of a lawyer and a representative of the Child Rights Service is compulsory when interviewing and collecting biometric data of unaccompanied minors (both asylum applicants and those not applying for asylum). They can explain to a child why such actions are performed, what their significance is, etc. The representative is not chosen by gender, but if there was such a need, it would be considered.	<input type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

☐ No

<sup>7</sup> According to Art. 9(1) of the Eurodac Regulation, "Each Member State shall promptly take the fingerprints of all fingers of every applicant for international protection of at least 14 years of age." Below the age of 14, no fingerprints or biometric data are allowed to be collected.



## 1.3 (POTENTIAL) VICTIMS OF HUMAN TRAFFICKING

### 1.3.1 How and when does Lithuania identify that minors are (potential) victims of trafficking in human beings?

Explanation	Applicable groups of minors
<p>The legislation does not provide for any specific questions during an interview regarding possible trafficking in human beings.</p> <ul style="list-style-type: none"> <li>■ In the case of unaccompanied minors not applying for asylum, this information could be recorded if the child himself/herself indicates it.</li> <li>■ In the case of unaccompanied minors applying for asylum, information on trafficking in human beings could be recorded when performing a person's vulnerability assessment, with one of the vulnerability assessments being as follows – the asylum applicant may be a victim of trafficking in human beings.</li> <li>■ In the case of separated children – if they are within the asylum system, the rules apply as in the case of unaccompanied minors applying for asylum, whereas if they are outside the asylum system, the rules applicable to unaccompanied minors not applying for asylum apply.</li> </ul> <p>In the case of unaccompanied minors – if they are within the asylum system, the rules apply as in the case of unaccompanied minors applying for asylum, and it is not applicable to other cases.</p>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> accompanied minors/families with children</li> <li><input checked="" type="checkbox"/> separated children</li> <li><input checked="" type="checkbox"/> UAM recorded within the asylum system</li> <li><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</li> </ul>

### 1.3.2 Which authority(ies) do(es) the detection?

Explanation	Applicable groups of minors
<p>The legislation does not provide for any specific questions during an interview regarding possible trafficking in human beings.</p> <ul style="list-style-type: none"> <li>■ As regards unaccompanied minors who have not applied for asylum: such a fact could be established by an officer of the SBGS conducting the interview or by an employee of the RRC, when a minor is already hosted in the RRC.</li> <li>■ As regards unaccompanied minors who have applied for asylum: such a fact could be determined by an officer of the SBGS or an employee of the Migration Department conducting an initial interview or during other interviews by an employee of the Migration Department who have to assess the vulnerability of the asylum applicant. It could also be an employee of the RRC, when a minor is already hosted in the RRC.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> accompanied minors/families with children</li> <li><input checked="" type="checkbox"/> separated children</li> <li><input checked="" type="checkbox"/> UAM recorded within the asylum system</li> <li><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</li> </ul>

### 1.3.3 Which authority does the identification?

Explanation	Applicable groups of minors
<p>Identification is carried out by an institution which conducts an interview of a minor. In the case of unaccompanied minors not applying for asylum – the SBGS. In the case of unaccompanied minors applying for asylum and accompanied minors applying for asylum – the SBGS or the Migration Department.</p>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> accompanied minors/families with children</li> <li><input checked="" type="checkbox"/> separated children</li> <li><input checked="" type="checkbox"/> UAM recorded within the asylum system</li> <li><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</li> </ul>

1.3.4 If the minor who is identified as a potential victim is already hosted in a reception facility: Is the minor removed from the reception facility in those cases?

- ☐ Yes
- ☒ No

Explanation	Applicable groups of minors
All unaccompanied minors, regardless of their status (i.e. whether they have unlawfully entered Lithuania, are asylum applicants or have been granted asylum or have been issued a residence permit on any other ground), are hosted in the Refugee Reception Centre, which is appointed the guardian of a minor. Unaccompanied minors are not hosted in any other institution or body. Meanwhile, the accompanied minors reside with their parents.	<div><input type="checkbox"/> accompanied minors/families with children</div> <div><input checked="" type="checkbox"/> separated children</div> <div><input checked="" type="checkbox"/> UAM recorded within the asylum system</div> <div><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</div>

# 2.

## Providing adequate reception in the European Union

## 2.1 RECEPTION FACILITIES FOR MINORS

### 2.1.1 Does Lithuania have facilities adapted for hosting families with children during the asylum procedure or does Lithuania host families with children in general reception facilities and/or in another way?

During the asylum procedure, families with children can be hosted in a general reception facility, i.e. the FRC, RRC, which according to Lithuanian legal regulation hosts the persons who have been granted asylum, unaccompanied minors and vulnerable asylum applicants or families of asylum applicants with children. Families with minor children can also be hosted in alternative facilities (private dwellings) with mentoring and administration provided by NGOs (which have won project funding).

The FRC is a unit of the State Border Guard Service hosting the asylum applicants who are not subject to a restriction of liberty, also hosting detained asylum applicants and illegally staying foreigners. The FRC consists of a sector for non-detained persons, a sector for vulnerable persons and a sector for detainees. Asylum applicants are accommodated in the sector for non-detained persons. Single men and families with children and single women are accommodated separately, i.e. on separate floors. Vulnerable persons and families with children are accommodated in the sector for vulnerable persons. At the FRC, there is a children's playroom, a leisure area, a laundry room, a kitchen, a first-aid room, a psychologist's office.<sup>8</sup>

The RRC is a budgetary institution under the Ministry of Social Security and Labour. The Centre hosts the foreigners who have been granted asylum; unaccompanied minors, regardless of their status, and vulnerable asylum applicants. At the RRC, unaccompanied minors are accommodated separately from adults in the sector for unaccompanied minors. This sector has 3 accommodation rooms with a total capacity of 14 minors, as well as an occupational activity room, a kitchen with a dining room, a laundry room. Social workers and social worker assistants, a psychologist, a medical practitioner, the manager of the sector work with unaccompanied minors (along with other foreigners accommodated at the RRC). When accommodating unaccompanied minors, account is taken of their age, gender, country of origin, religious convictions and special needs. Adults, i.e. both the foreigners who have been granted asylum and asylum applicants, are accommodated in one sector. Families are accommodated together in rooms separately from other persons. At the RRC, there is a library, classrooms/offices; a psychologist's office, a children's playroom, a kitchen, a dining room/canteen, a laundry room.<sup>9</sup>

<sup>8</sup> Data provided by the Foreigners' Registration Centre and the Lithuanian Red Cross Society.

<sup>9</sup> Data provided by the RRC and the Lithuanian Red Cross Society.

### 2.1.2 Does Lithuania have facilities adapted for hosting unaccompanied minors during the asylum procedure or does Lithuania host unaccompanied minors in general reception facilities and/or in another way?

All unaccompanied minors, regardless of their status (i.e. whether they have unlawfully entered Lithuania, are asylum applicants or have been granted asylum or have been issued a residence permit on any other ground), are hosted in the Refugee Reception Centre, which is appointed the guardian of a minor. At the RRC, unaccompanied minors are accommodated separately from adults, i.e. in a separate sector for unaccompanied minors.

### 2.1.3 What measures are in place during the time of residence in reception facilities to prevent and respond to child abuse (e.g. reporting mechanisms; background checks; training for staff, etc.)?

Explanation	Applicable groups of minors
Social workers work with unaccompanied minors at the RRC. The staff working with unaccompanied minors, too, are trained in how to work with minors.	<input type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

### 2.1.4 Are unaccompanied minors who do not apply for international protection or those who are recorded within other migration procedures hosted in the same facilities as those described above?

☒ Yes

☐ No

### 2.1.5 Does Lithuania ensure that all reception facilities hosting minors (including in the hotspots where relevant) have staff who has received a child right training and/or are prepared to work with minors in a child-sensitive way?

☒ Yes

Explanation	Applicable groups of minors
All employees, both those of the SBGS and of the RRC, working with minors have to have received training on how to work with minors. Employees also continuously improve their qualifications and participate in training on various topics, including work with vulnerable persons, unaccompanied minors, minors, etc. <sup>10</sup>	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

☐ No

### 2.1.6 Does Lithuania take the presence of relatives in Lithuania into account when allocating an unaccompanied minor to a reception facility or other forms of accommodation?

☒ Yes

Explanation	Applicable groups of minors
An unaccompanied minor applying for asylum is, in accordance with the procedure established by the Minister of the Interior and the Minister of Social Security and Labour, accommodated with full-aged relatives, with a representative or at the Refugee Reception Centre, unless his/her representative objects to this. When deciding on the accommodation of the unaccompanied minor, account is taken of the views of the minor depending on his/her age and maturity <sup>11</sup> . Changes of the place	<input checked="" type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

<sup>10</sup> Data provided by the SBGS and the RRC.

<sup>11</sup> Article 79(4) of the Law of the Republic of Lithuania on the Legal Status of Foreigners.

Explanation	Applicable groups of minors
of residence of unaccompanied minors applying for asylum must be minimised. If possible, siblings must not be separated. In the event that a child's family members or relatives are identified and these persons are full-aged, such persons may, taking into account the best interests of the child, be appointed guardians of the child, and the child would be accommodated with these persons accordingly.	

2.1.7 Are there alternative (non-institutionalised) care systems available in Lithuania (e.g. foster/family-based care, community care) for unaccompanied minors?

- ☐ Yes  
☒ No

Explanation	Applicable groups of minors
All unaccompanied minors are covered by the institutional system of care.	<input checked="" type="checkbox"/> UAM recorded within the asylum system
In the event that a child's family members or relatives are identified and these persons are full-aged, such persons may, taking into account the best interests of the child, be appointed guardians of the child, and the child would be accommodated with these persons accordingly.	<input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

2.1.8 Is a monitoring system of reception facilities hosting minors in place in Lithuania in order to ensure minimum standards are fulfilled?

- ☒ Yes

Explanation	Applicable groups of minors
Yes, in part. Such monitoring is carried out by the Executive Committee of the United Nations High	<input checked="" type="checkbox"/> accompanied minors/families with children

Explanation	Applicable groups of minors
Commissioner for Refugees (UNHCR) in accordance with its international mandate in respect of asylum applicants. In Lithuania, the UNHCR has assigned the monitoring of reception conditions to the Lithuanian Red Cross Society. One of the functions of the Seimas Ombudsmen is also to carry out monitoring of places of detention, which include accommodation centres for foreigners. It should be noted, however, that in practice such monitoring is carried out only partially. In April 2020, monitoring was to be carried out by UNHCR representatives, but due to COVID-19 it was not possible to do so at the RRC. Moreover, in recent years, there have neither been any inspections carried out at the RRC by the Seimas Ombudsmen.	<input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

- ☐ No

## 2.2 ACCESS TO SERVICES/RIGHTS

2.2.1 Does the minor have access to healthcare and psychological support, regardless of their migration status?

- ☒ Yes

Explanation	Applicable groups of minors
All unaccompanied minors, regardless of the legitimacy of their stay in the territory of the Republic of Lithuania, shall have the following rights:  1) to be provided with free accommodation and be supported in the Republic of Lithuania; 2) to study according to a general education programmes or a vocational training; 3) to receive free medical; 4) to be provided with free social services;	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

Explanation	Applicable groups of minors
<p>5) to receive state-guaranteed legal aid; 6) to contact the representatives of non-governmental or international organisations of the Republic of Lithuania.<sup>12</sup></p> <p>As mentioned in previous replies, all unaccompanied minors are accommodated in the RRC. Persons resident in the RRC shall receive a monthly cash allowance for food and minor expenses. The unaccompanied minor travels together with the social worker to buy and decide together how to distribute this money. EUR 87,50 per month for food and small expenditure. Unaccompanied minors are also provided with seasonal clothing and footwear, basic hygiene items, household effects and equipment. The pupils are provided with all the facilities necessary for the school.</p> <p>The Centre provides psychologist and social worker counselling (which is not mandatory), Lithuanian and Lithuanian knowledge courses (trainings and courses are mandatory), professional skills assessment and job counselling, non-formal education courses, medical services and state-guaranteed legal aid. All these measures are addressed to all unaccompanied minors regardless of their status in Lithuania. Moreover, all foreigners (irrespective of whether they are or are not in possession of documents) in the FRC are entitled to free medical care, including accompanied minors.</p>	

☐ No

<sup>12</sup> Article 32(2) of the Law of the Republic of Lithuania on the Legal Status of Foreigners.

2.2.2 How long after having been brought to the attention of authorities does Lithuania provide access to inclusive education (primary/secondary/higher education/vocational training/early childhood education and care)?

Explanation	Applicable groups of minors
<p>According to Article 32(2)(2) of the Law of the Republic of Lithuania on the Legal Status of Foreigners, unaccompanied minor foreigners, regardless of the legitimacy of their stay in the territory of the Republic of Lithuania, have the right to study at general education and vocational training establishments. This right is stipulated in the Order of the Minister of Education and Science of the Republic of Lithuania on the Implementation at Schools of General Education of Education of Children of Foreigners Entering the Republic of Lithuania for Residence or Employment. According to points 1 and 2 of this Order, children of foreigners entering for residence or employment in the Republic of Lithuania, minor foreigners who have been granted temporary protection in the Republic of Lithuania, unaccompanied minor foreigners, regardless of the legitimacy of their stay in the territory of the Republic of Lithuania, are guaranteed education at schools of general education organised in compliance with the General Education Plans for Schools of General Education as approved by the Minister of Education and Science and other legal acts.</p> <p>All unaccompanied minors hosted in the RRC or accompanied minors hosted in the FRC attended school during the school year. Thus, unaccompanied minors, as well as accompanied minors applying for asylum who are staying in Lithuania automatically acquire the right to education at schools of general education and vocational schools, regardless of their status. For the children who are hosted in the RRC, the acquired learning outcomes and their conformity to the learning outcomes specified in the primary, basic and secondary education programmes of the Republic of Lithuania are determined during the first</p>	<p><input checked="" type="checkbox"/> accompanied minors/families with children</p> <p><input checked="" type="checkbox"/> separated children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>



Explanation	Applicable groups of minors
month of their accommodation (for those who enter the country in summer – by 1 September). Learning outcomes are determined by the host school (point 33.1 of the Description of the Integration Procedure). As soon as the learning outcomes of the children hosted in the RRC have been determined, they start attending a school of general education. <sup>13</sup> The children who reside together with their parents or guardians at the FRC start attending school immediately upon their accommodation at the FRC. <sup>14</sup>	

### 2.2.3 Are there any special measures to support access to education for the minor, including early childhood education?

☒ Yes

Explanation	Applicable groups of minors
Children of foreigners entering for residence or employment in the Republic of Lithuania, minor foreigners who have been granted temporary protection in the Republic of Lithuania, unaccompanied minor foreigners, regardless of the legitimacy of their stay in the territory of the Republic of Lithuania, are guaranteed education at schools of general education organised in compliance with the General Education Plans for Schools of General Education as approved by the Minister of Education and Science and other legal acts <sup>15</sup> . At schools, children are integrated according to their age, they are provided with educational assistance, they are intensively taught the Lithuanian language (they are given additional lessons in the Lithuanian language or they attend compensatory classes (groups).	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

☐ No

<sup>13</sup> Data provided by the RRC.

<sup>14</sup> Data provided by the FRC.

<sup>15</sup> By the Order of the Minister of Education and Science of the Republic of Lithuania on the Implementation at Schools of General Education of Education of Children of Foreigners Entering the Republic of Lithuania for Residence or Employment.

### 2.2.4 At what point in time does Lithuania assess the specific vulnerability and special needs of minors? When admitting them in the reception centre/in the identification procedure/status determination procedure/other?

Explanation	Applicable groups of minors
In the case of unaccompanied minors not applying for asylum, vulnerability is assessed when they are accommodated at the RRC. <sup>16</sup>	<input checked="" type="checkbox"/> accompanied minors/families with children <input checked="" type="checkbox"/> separated children
In the case of unaccompanied minors applying for asylum, vulnerability is assessed when conducting an initial interview because a part of the vulnerability assessment needs to be assessed and filled out at this time, as well as when they are accommodated at the RRC. <sup>17</sup>	<input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures
In the case of unaccompanied minors applying for asylum, vulnerability is also assessed during an initial interview. <sup>18</sup>	

<sup>16</sup> Data provided by the RRC.

<sup>17</sup> Points 22.10 and 34 of the Description of the Procedure for Granting and Withdrawing Asylum in the Republic of Lithuania approved by Order No 1V-131 of the Minister of the Interior of the Republic of Lithuania of 24 February 2016

<sup>18</sup> Ibid.



# 3.

Ensuring swift and comprehensive access to status determination procedures and implementation of procedural safeguards

## 3.1 GUARDIANSHIP

### 3.1.1 How is the guardianship system for unaccompanied minors organised in Lithuania?

Explanation	Applicable groups of minors
<p>In Lithuania, the appointment of a guardian to an unaccompanied minor foreigner is stipulated in Article 32(1) of the LLSF, which provides that unaccompanied minor foreigners, regardless of the legitimacy of their stay in the territory of the Republic of Lithuania, must be taken into temporary guardianship/curatorship in accordance with the procedure established by legal acts of the Republic of Lithuania for the period of their stay. Lithuania has implemented an institutional care model according to which a social institution, namely, the RRC, is appointed as a guardian/curator of unaccompanied minors.</p> <p>The fact of identification of an unaccompanied minor is reported to the Child Rights Service of the administration of the municipality in whose territory the unaccompanied minor foreigner has been identified and its territorial unit as well as the RRC. The Child Rights Service takes a decision on the minor's accommodation at the RRC not later than within 6 hours<sup>19</sup>, and the unit of the Child Rights Service organises, within 3 days, the procedure of appointment of a representative for the unaccompanied minor foreigner in accordance with the procedure laid down by legal acts. A decision on the accommodation of unaccompanied minor applying for asylum is taken by the Migration Department.<sup>20</sup></p>	<p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>

<sup>19</sup> Point 20 of the Description of the Procedure for Assessment of the Age of Non-asylum Seeking Unaccompanied Minor Foreigners Identified in the Republic of Lithuania, Accommodation and Taking of Other Procedural Actions in Respect Thereof and Provision of Services Thereto approved by Order No A1-229/1V-289/V-491 of the Minister of Social Security and Labour of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 23 April 2014.

<sup>20</sup> Point 2 of the Rules for Accommodation of Unaccompanied Minors Applying for Asylum at the Refugee Reception Centre approved by Order No 1V-31/A1-28 of the Minister of the Interior of the Republic of Lithuania and the Minister of Social Security and Labour of the Republic of Lithuania of 2 February 2005.

Explanation	Applicable groups of minors
All unaccompanied minors, irrespective of their status, are subject to the same procedure for taking into guardianship.	
It should be noted that the situation has not changed since the submission of the 2017 EMT study <sup>21</sup> .	

### 3.1.2 For unaccompanied minors applying for asylum, at which stage of the international protection procedure a representative/guardian is designated/appointed?

The fact of identification of an unaccompanied minor is reported to the Child Rights Service of the administration of the municipality in whose territory the unaccompanied minor foreigner has been identified and its territorial unit, as well as the RRC and the Migration Department on the asylum application lodged by the unaccompanied minor. The Migration Department takes a decision on the minor's accommodation at the RRC, and the unit of the Child Rights Service of the municipality in whose territory the RRC is located organises, within 3 days, the procedure of appointment of a representative for the unaccompanied minor foreigner in accordance with the procedure laid down by legal acts. Thus, priority is given to the appointment of a representative and he is appointed at the initial stage.

### 3.1.3 If applicable, for unaccompanied minors not applying for asylum, at which stage after the unaccompanied minor reports to or is detected by authorities is a representative/guardian designated/appointed?

The same procedure applies as to unaccompanied minors applying for asylum, i.e. as indicated in reply to Question 3.1.2.

### 3.1.4 What is the procedure followed in order to appoint the guardian?

Explanation	Applicable groups of minors
The appointment of a guardian for an unaccompanied minor is stipulated in Article 32(1) of the LLSF, which provides that unaccompanied minor foreigners, regardless of the legitimacy of their stay	<input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system

<sup>21</sup> Approaches to Unaccompanied Minors Following Status Determination in Lithuania (2017), available at: <http://emn.lt/wp-content/uploads/2019/03/Studija-LT.pdf>.

Explanation	Applicable groups of minors
<p>in the territory of the Republic of Lithuania, must be taken into temporary guardianship/custody in accordance with the procedure laid down by legal acts of the Republic of Lithuania for the period of their stay in the Republic of Lithuania. Lithuania has introduced an institutional care model, and a social institution, namely, the RRC, is appointed as a guardian/custodian of unaccompanied minors. Upon accommodating an unaccompanied minor alien at the RRC, a territorial child rights protection division is informed. This division organises the procedure for taking the minor into temporary guardianship/custody within 3 days (points 32-35 of the Description of the Procedure Concerning Non-Asylum-Seeking Unaccompanied Minors).</p> <p>The procedure for appointing guardians/custodians of unaccompanied minors is also regulated by Book Three of the Civil Code of the Republic of Lithuania. According to Article 3.250(2) of the Civil Code, a state institution responsible for the protection of the rights of the child must, upon receiving information about a child in need of guardianship/custody, ensure that a temporary guardian/custodian is appointed within 3 days. Therefore, after the RRC informs a territorial child rights protection division about an unaccompanied minor, this division must ensure the appointment of a temporary guardian/custodian within 3 days. According to Article 3.264(1) of the Civil Code, when the child is taken into temporary guardianship/custody, the child's guardian/custodian is appointed by a decision/ordinance of a district/city municipal board/mayor on a recommendation of the state child rights protection institution of the respective district/city. Moreover, this Article stipulates that public and non-governmental organisations related to protection of the rights of the child may present recommendations regarding the appointment of a guardian to the state institution responsible for the protection of the rights of the child.</p>	<input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

Explanation	Applicable groups of minors
In practice, the RRC administration refers to Jonava District Municipality for taking into temporary guardianship/custody of an unaccompanied minor accommodated at the Centre. The director of the administration of Jonava District Municipality issues an order appointing the RRC as a temporary guardian/custodian. In practice, this procedure takes 3 working days. Upon appointing the RRC as a temporary guardian/custodian, the RRC administration appoints a social worker of the Centre responsible for the unaccompanied minor who has been taken into temporary guardianship/custody. It should be noted that one of the main functions of a social worker responsible for a child's guardianship is to facilitate contacts of unaccompanied minors with competent authorities and organisations (the Migration Department on issues of legal status, interpreters, etc.).	

### 3.1.5 Do you, as part of the selection procedure, also verify the criminal record of potential guardians?

☐ Yes

☒ No

Where a guardian is appointed in accordance with the legal regulation governing the legal status of unaccompanied minor foreigners, the criminal record is not subject to verification as the only possible guardian is a state institution, namely, the RRC.

In the event that the relatives of an unaccompanied minor foreigner are identified and wish to be appointed guardians, the general provisions regulating the taking of a minor into guardianship/curatorship apply, i.e. the same provisions that would apply also in the case of minor citizens of Lithuania. Based on this legal regulation, the guardian/curator of a child is selected taking into account his/her personal characteristics, health condition, the ability to be a guardian/curator, his/her relationship with the child who has lost parental care and the child's interests. According to Article 3.269 of the Civil Code of the Republic of Lithuania, the following persons may not be appointed guardians/curators of a child: 1) a person below the age of 21 years, unless it is a close relative who wishes to assume the guardianship of the child; 2) a person who has been recognised as legally incapable in this area or of limited capacity in this area; 3) a person from whom the child has been separated; 4) a person whose parental authority has been or was restricted; 5) a

person whose mandate as the child's guardian/curator has been previously terminated on the grounds provided for in Article 3.246(3) of this Code; 6) a person who has been convicted of a premeditated crime against humanity, human life, liberty, freedom of sexual self-determination and sexual inviolability, child and family, public security, morals, a crime endangering human life and health, a serious impairment to health, also a crime related to possession of narcotic or psychotropic, toxic or highly potent substances, irrespective of whether the conviction has expired or has been expunged in accordance with the procedure laid down by law. The right of the person convicted for other criminal acts to be appointed a guardian/curator of a child is to be determined by assessing the nature and gravity of the committed criminal act(s) and taking account of the child's interests; 7) a person of 65 and over, except for a close relative if he/she wishes to assume temporary guardianship of a child below the age of 10 years; 8) a person with a mental and behavioural disorder or other diseases, the list whereof is approved by the Government or an institution authorised by it; 9) a person whose contract for mutual cooperation and provision of services concluded with a guardianship organisation centre has been terminated due to improper execution by him/her.

### 3.1.6 Does Lithuania have a complaint system in place for minors in migration related to guardianship?

☐ Yes

☒ No

Explanation	Applicable groups of minors
In Lithuania, there is no complaint system for minors in migration related to guardianship.	<input type="checkbox"/> accompanied minors/families with children
Complaints can be submitted to the Office of the Ombudsman for Children, the main purpose of which is to create legal preconditions to ensure the implementation of the provisions of the United Nations Convention on the Rights of the Child and other legal acts related to the protection of the rights of the child in Lithuania, as well as to control the activities of state, self-government, non-governmental institutions and organisations and private persons which may result in violations of the rights and legitimate interests of the child <sup>22</sup> .	<input type="checkbox"/> separated children <input type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

<sup>22</sup> <http://vtaki.lt/lt/apie-mus/apie-vaiko-teisiu-apsaugos-kontrolieriaus-istaiga>

## 3.2 PROCEDURAL SAFEGUARDS IN THE ASYLUM PROCEDURE

### 3.2.1 How does Lithuania ensure the provision of information to minors on their rights and on procedures?

A representative of the Child Rights Service and a lawyer participate in an interview of an unaccompanied minor, and during the interview the minor is familiarised with his/her rights and the guarantees provided to him/her. The interview is conducted in a language which the minor understands in the presence of an interpreter.

### 3.2.2 Has Lithuania implemented procedures or measures to provide information in a child-friendly manner?

☒ Yes

Yes, in part. Legal acts do not establish special procedures or means of provision of information in a manner appropriate to the interests of the child. However, point 99.1 of the Description of the Procedure for Examination of Applications for Asylum establishes a general provision that a minor is to be interviewed in a manner appropriate to his/her age and maturity.

☐ No

### 3.2.3 Does Lithuania prioritise and/or fast-track the applications for international protection of unaccompanied minors?

☒ Yes

☐ No

#### 3.2.3.1 Please explain whether they are prioritised and/or fast-tracked.

Based on point 118 of the Description of the Procedure for Examination of Applications for Asylum, the Migration Department examines an application for asylum substantially in compliance with the time limits for the examination of an application for asylum as to substance laid down in Article 81(1) to (3) of the Law on the Legal Status of Foreigners (i.e. an application for asylum must be examined according to the general procedure within a period of 3 months, which may be extended by 3 months). The examination of applications for asylum lodged by unaccompanied minors applying for asylum is given priority over other pending applications for asylum, but no specific shortened time limits are foreseen.

### 3.2.4 Are the views of the minor taken into account throughout the procedure in Lithuania? (i.e. is the minor interviewed?)

☒ Yes

☐ No

#### 3.2.4.1 How this is done and if the interview is carried out in a child-friendly way by trained staff.

An unaccompanied minor is always interviewed in the form of a conversation, with a representative of the Child Rights Service and a lawyer participating in the interview. Meanwhile, if a minor is accompanied, an interview of the minor applying for asylum is conducted if there are grounds for believing that his/her story may influence the assessment of the data provided during an interview of the full-aged family members of such an asylum applicant who have entered the Republic of Lithuania and have lodged applications for asylum together with the asylum applicant or that the minor applying for asylum may provide data about the persecution which is imminent for him/her or the actions referred to in Article 87(1) of the Law on the Legal Status of Foreigners. The interview of such a minor applying for asylum is conducted in the presence of at least one of his/her parents (adoptive parents) or another legal representative with whom the minor applying for asylum has entered the Republic of Lithuania, except for the cases where there are reasonable grounds for believing that the participation of these persons in the interview may prevent the minor applying for asylum from providing data on experienced or imminent persecution or the actions referred to in Article 87(1) of the Law on the Legal Status of Foreigners.

The choice of the manner of communication with an asylum applicant takes into account, inter alia, his/her cultural background, gender, sexual orientation, gender identity and vulnerability. During an interview, communication with a minor applying for asylum is carried out in a manner appropriate to his/her age and maturity (point 99.1 of the Description of the Procedure for Examination of Applications for Asylum). For example, an interview with an unaccompanied minor applying for asylum accommodated at the RRC was organised in a library, it was attempted to formulate questions in a comprehensible way, in simple words, and the interview was also attended by a social worker. In practice, however, there have been cases when an interview of a minor was conducted in a manner that was unfavourable to the child, by providing concepts which the child did not understand, which resulted in confusion during the interview.<sup>23</sup>

## 3.3 AGE ASSESSMENT

### 3.3.1 What are the age assessment methods and procedures used in Lithuania?

As a general rule, age is assessed based on the documents in a foreigner's possession or, in their absence, on the basis of the person's explanations. In case of doubt as to the age of an unaccompanied minor, an age assessment test is carried out. The only method used to assess

<sup>23</sup> \_Data provided by lawyers providing state-guaranteed legal aid

the age of an unaccompanied minor in Lithuania is an X-ray examination. According to the ruling of the Supreme Court of Lithuania of 14 July 2015 in civil case No e3K-3-412-690/2015, such an age assessment test is considered to be sufficient in legal practice.

An institution or body whose officials have identified an unaccompanied minor foreigner whose age has been the subject of reasonable doubt refers, within 48 hours from his/her identification, to the nearest personal health care institution equipped with radiological diagnostic equipment for carrying out X-ray diagnostic examinations (personal health care institution) regarding the X-ray diagnostic examination of the unaccompanied minor foreigner. The personal health care institution makes X-ray images of both hands and wrists and the anterior chest, which includes the right (or left) shoulder and the sternal end of the collarbone (it is preferable for the sternal ends of both collarbones to be visible on the X-ray image). In the absence of the possibility to make X-ray images of the above-mentioned areas or if it is suspected that persons are below the age of 12 years, it is necessary to consult with professionals of the State Forensic Medicine Service regarding the possibility to assess their age by examining ossification points in other areas (by making X-ray images of either teeth, vertebrae, pelvis or leg bones). The costs of the X-ray examination are covered by the institution or body which has referred to the personal health care institution for carrying out this examination.<sup>24</sup>

When carrying out the actions related to age assessment, account is taken of age and gender aspects and respect for the dignity of the person is ensured, and the best interests of the child are a primary consideration in all actions concerning the minor. The age assessment test of an unaccompanied minor foreigner is undertaken only with the consent of his/her representative. Where the conclusion of the age assessment test indicates a margin of error of up to two years, the person is considered to be a minor if the lower limit of the specified biological age range is up to 18 years of age.<sup>25</sup>

### 3.3.2 How does Lithuania ensure that the least invasive method for age assessment is used (e.g. use of EASO guidelines for age assessment, etc.)?

The legal act regulating age assessment stipulates that an age assessment test is to be carried out upon provision of information to the foreigner whose age is being assessed in a language which he understands concerning the test procedure and the possible consequences, while respecting the person's dignity and choosing the least invasive methods. However, this legal act, as mentioned above, provides for only one possible method of age assessment, namely, an X-ray diagnostic examination, and does not provide for any other methods.

<sup>24</sup> Point 16 of the Description of the Procedure for Assessment of the Age of Non-asylum Seeking Unaccompanied Minor Foreigners Identified in the Republic of Lithuania, Accommodation and Taking of Other Procedural Actions in Respect Thereof and Provision of Services Thereto approved by Order No A1-229/1V-289/V-491 of the Minister of Social Security and Labour of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 23 April 2014

<sup>25</sup> Points 14 and 15 of the Description of the Procedure for Assessment of the Age of Non-asylum Seeking Unaccompanied Minor Foreigners Identified in the Republic of Lithuania, Accommodation and Taking of Other Procedural Actions in Respect Thereof and Provision of Services Thereto approved by Order No A1-229/1V-289/V-491 of the Minister of Social Security and Labour of the Republic of Lithuania, the Minister of the Interior of the Republic of Lithuania and the Minister of Health of the Republic of Lithuania of 23 April 2014

## 3.4 FAMILY REUNIFICATION<sup>26</sup>

### 3.4.1 Is family reunification possible for unaccompanied minors and separated children?

☒ Yes

Explanation	Applicable groups of minors
<p>The right to family reunification in Lithuania is different for unaccompanied minors depending on whether or not they have been granted asylum (subsidiary protection or refugee status<sup>27</sup>).</p> <p>Where an unaccompanied minor has been granted asylum, he has the opportunity to reunite with his/her parents. It should be noted that under effective legal acts, an unaccompanied minor who has been granted asylum does not have the right to reunification with his/her adoptive parents/guardians or siblings.</p> <p>Meanwhile, the unaccompanied minors who have not been granted international protection do not have the right to reunification either with parents or with adoptive parents, brothers/sisters, i.e. such minors cannot be joined by their parents, who cannot obtain a residence permit in Lithuania on the grounds that an unaccompanied minor resides in Lithuania.</p> <p>All unaccompanied minors have the right to reunite with their spouse or children (points 2 and 5 of Article 43(1) of the LLSF), however the family members indicated by unaccompanied minors must, in order to obtain a temporary residence permit in Lithuania, meet the conditions for issuing permits as set out for all third-country nationals, i.e. the person</p>	<p><input checked="" type="checkbox"/> separated children</p> <p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>

<sup>26</sup> This section refers both to family reunification under the Dublin Regulation (No 604/2013) and the Family Reunification Directive 92003/86/EC).

<sup>27</sup> Article 43(1)(4) of the LLSF.



Explanation	Applicable groups of minors
who is to be joined must have resided in Lithuania for 2 years; the person entering the country must have a statutory income (1 amount of the minimum monthly wage rate for a month, suitable residential premises, health insurance cover). Meanwhile, the family members of the unaccompanied minors who have been granted international protection are not subject to these conditions if they apply for the issue of a permit within 3 months from the granting of international protection.	

☐ No

#### 3.4.1.1 What efforts are being made to speed-up the family reunification procedures, prioritising unaccompanied and separated children?

Explanation	Applicable groups of minors
According to Article 32(3) of the LLSF, having received information about an identified unaccompanied minor foreigner, the Migration Department must, together with the organisations indicated in point 6 of paragraph 2 of this Article (i.e. non-governmental organisations of the Republic of Lithuania and international organisations) and a representative of the unaccompanied minor foreigner, immediately organise a search for his/her family members and, not later than within 2 working days from the receipt of information on the identified unaccompanied minor foreigner, issue a foreigner's registration certificate to him/her. Thus, according to legal regulation, the search for family members starts immediately, though in practice it usually ends with no result, as unaccompanied minors usually abscond (disappear) from the RRC as early as in the first week, which means that the search for family members is terminated, and it is only in very rare cases that the family members of an unaccompanied minor are found and he/she is transferred to	<input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

Explanation	Applicable groups of minors
<p>them. When searching for the family members of an unaccompanied minor other than an asylum applicant, the state authorities of his/her country of origin are addressed.<sup>28</sup></p> <p>It should also be noted that the Lithuanian Red Cross Society assists persons, including unaccompanied minors, in searching for their family members. The Lithuanian Red Cross Society (LRCS) is a member of the Restoring Family Links network of the International Committee of the Red Cross, which assists individuals in finding and restoring family links with family members in other states.<sup>29</sup></p>	

#### 3.4.1.2 At what stage are needs and possibilities for reunification with family members assessed? Can you please indicate which authority carries out this assessment?

Explanation	Applicable groups of minors*
Family reunification matters are the responsibility of the Migration Department. The Migration Department together with NGOs or international organisations search for family members, take decisions on family reunification.	<input checked="" type="checkbox"/> separated children <input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

<sup>28</sup> Data provided by the Migration Department.

<sup>29</sup> Data provided by the Lithuanian Red Cross Society.

3.4.1.3 Is family tracing of the unaccompanied minors initiated, and if so at what stage of the procedure and by whom?

Explanation	Applicable groups of minors*
Upon identifying an unaccompanied minor, a search for his/her family members is commenced. Thus, the search starts at the initial stage (see answers in Section 3.4).	<div><input checked="" type="checkbox"/> separated children</div> <div><input checked="" type="checkbox"/> UAM recorded within the asylum system</div> <div><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</div>

3.5 DUBLIN PROCEDURE

3.5.1 How Dublin family reunification procedures are carried out in your country – timing, types of evidence of family links collected, etc.)?

When an unaccompanied minor applying for asylum is in Lithuania and it is established that his/her family members are in another EU state (i.e. they have applied for asylum or reside in that state on other grounds), the Migration Department immediately submits a request to the competent authorities of that state to assume the responsibility for examining the minor’s asylum case. In practice, there have not been any such cases in the last few years. In case when an unaccompanied minor is in another EU country and his/her parents are in Lithuania, and accordingly another EU country submits a request to Lithuania to assume responsibility for this unaccompanied minor, Lithuania complies with such a request and the unaccompanied minor is transferred to Lithuania in accordance with the Dublin procedure. There was one such case in Lithuania in 2019, and a child whose parents had applied for asylum in Lithuania was transferred from Greece.<sup>30</sup>

<sup>30</sup> Information provided by the Migration Department and the Lithuanian Red Cross Society.



# 4.

Detention for the purpose of return of unaccompanied minors and families with children in the European Union

## 4.1 UNACCOMPANIED MINORS

4.1.1 Does Lithuania place unaccompanied minors in detention for the purpose of return?

☒ Yes

Explanation	Applicable groups of minors
In accordance with Article 2 (18 <sup>3</sup> ) of the LLSF, unaccompanied minors are considered vulnerable persons. Article 114(4) of the LLSF provides that vulnerable persons and families with foreign minors may be detained only in an exceptional case, taking into account the best interests of the child and vulnerable persons. Therefore, unaccompanied minors could theoretically be detained, but in practice unaccompanied minors are not detained but placed in the RRC.	<input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

☐ No

4.1.2 Are there alternatives to the administrative detention of unaccompanied minors available in Lithuania?

☒ Yes

Explanation	Applicable groups of minors
According to the LLSF, unaccompanied minors may be subject to alternatives to detention, i.e. accommodation in the URC without restricting their freedom, but in practice, as mentioned above, such a measure is generally not applied, as unaccompanied minors are not detained.	<input checked="" type="checkbox"/> UAM recorded within the asylum system <input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

☐ No

#### 4.1.2.1 If yes, can you please explain which are those alternatives and under which conditions they are granted.

Explanation	Applicable groups of minors
See above.	<input type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

## 4.2 FAMILIES

### 4.2.1 Does Lithuania place families with children in detention for the purpose of return?

☒ Yes

According to the legal regulation of Lithuania, vulnerable persons and families with minor foreigners may be detained only in exceptional cases, taking into account the best interests of the child and of the vulnerable persons<sup>31</sup>. It should be noted that the interests of children are taken into account also in the case-law when dealing with the issues related to the detention of children and their parents. In a case of 2012, the district court found that the foreigner has a young son, born on 28-02-2011, who cannot be detained and must live with his mother. In another case, the court stated that the foreigner has 3 young children who have to live with their mother<sup>32</sup>. After having been accommodated at the FRC of the SBGS under the Ministry of the Interior of the Republic of Lithuania, she has never breached the established rules. The foreigner's spouse D.B. has declared his place of residence (sensitive data), therefore the court considers that in this case, it is possible and expedient to grant an alternative to detention<sup>33</sup>.

According to the case-law, families of illegally staying foreigners are usually detained in cases when there is no possibility to grant alternatives to detention, i.e. persons do not have a place to live at and do not have the means to arrange for the residential premises, therefore, there is no other possibility than detaining such a family, as there is no centre or any other institution in

<sup>31</sup> Article 114(4) of the LLSF.

<sup>32</sup> Decision of Švenčionys District Local Court of 15 March 2012 in administrative case No A-453-617/2012.

<sup>33</sup> Decision of Švenčionys District Local Court of 27 April 2012 in administrative case No A-624-617/2012.

Lithuania to be assigned for accommodation of illegally staying foreigners. It should be noted that in 2018, the Ombudsman for Children drew the attention of the Ministry of the Interior to the issues of detention of foreigners' children and proposed to take into account the best interests of the child and ensuring of such interests when formulating state policy in the area of migration and developing the system of alternatives to detention for migrant families with children<sup>34</sup>. However, there is still no such alternative to detention that families with children could be accommodated without restricting their freedom at an appropriate institution, e.g. the FRC, which is particularly relevant for the families of illegally staying migrants with children who do not possess sufficient means.

☐ No

### 4.2.2 Are alternatives to the administrative detention of families with children for the purpose of return available in Lithuania?

☒ Yes

☐ No

#### 4.2.2.1 Can you please explain which are those alternatives and under which conditions they are granted.

Article 115(2) of the LLSF provides for the following alternatives to detention:

- 1) the foreigner must, regularly at the fixed time, report at the Migration Department or the State Border Guard Service;
- 2) the foreigner must, by electronic means of communication, inform at the fixed time the Migration Department or the State Border Guard Service about his/her whereabouts;
- 3) entrusting of the guardianship of foreigner to a citizen of the Republic of Lithuania or a foreigner lawfully residing in the Republic of Lithuania, where this person undertakes to take care of and support the foreigner;
- 4) accommodation of the foreigner at the State Border Guard Service without restricting his/her freedom of movement.

According to Article 115(1) of the LLSF, these alternatives to detention may be granted by the court taking into account the fact that the foreigner's identity has been established, he represents no threat to national security and public policy, assists the court in determining his/her legal status in the Republic of Lithuania and other circumstances. As noted in the case-law of the Supreme Administrative Court of Lithuania, the application of these measures is possible only if, in addition to the requirements for the application of such measures, the requirements set for detention are also met: in the absence of grounds for the foreigner's detention, the foreigner

may not be subject either to detention itself or to measures alternative to it<sup>35</sup>. An analysis of the case-law of Lithuanian courts shows that families with minor children are usually not detained if they have a place to reside at or have the means to arrange for the residential premises.

## 4.3 VOLUNTARY AND FORCED RETURNS

### 4.3.1 Does Lithuania carry out voluntary returns of unaccompanied minors?

☒ Yes

Explanation	Applicable groups of minors
<p>An unaccompanied minor is to be returned only if he/she is duly taken care of in the foreign country to which he/she is returned taking into consideration his/her needs, age and level of independence (Article 129(1) of the LLSF). A decision on the return of an unaccompanied minor foreigner is taken where the unaccompanied minor foreigner is in possession of a valid travel document, his/her parents or other legal representatives have been found or, in the event of a failure to find them, the foreign institutions responsible for the guardianship or protection of children agree to receive the unaccompanied minor foreigner (point 22 of the Return Description).</p> <p>In addition, the issue of the return of an unaccompanied minor foreigner is dealt with in cooperation with foreign states and international organisations under concluded international treaties (Article 129(3) of the LLSF).</p>	<div><input checked="" type="checkbox"/> UAM recorded within the asylum system</div> <div><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</div>

☐ No

<sup>35</sup> Ruling of the Supreme Administrative Court of Lithuania of 9 May 2013 in administrative case No N575-56/2013.

# 5.

Ensuring durable solutions for minors

## 5.1 INTEGRATION

5.1.1 Is there a specific policy or strategy on the integration of minors in wider society (e.g. through sport, leisure or other cultural activities, etc.)?

☐ Yes

☒ No

Explanation	Applicable groups of minors
n/a	<input type="checkbox"/> accompanied minors/families with children <input type="checkbox"/> separated children <input type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

5.1.1.1 Please provide details on significant new developments introduced in 2019 (if any).

Explanation	Applicable groups of minors
n/a	<input type="checkbox"/> accompanied minors/families with children <input type="checkbox"/> separated children <input type="checkbox"/> UAM recorded within the asylum system <input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures

5.2 RESETTLEMENT

5.2.1 Does Lithuania prioritise (e.g. through quotas, fast-track procedures) the resettlement of unaccompanied minors or families with minors to Lithuania?

- ☐ Yes
- ☒ No

Explanation	Applicable groups of minors
It should be noted that Lithuania did not prioritise unaccompanied minors or families with children. In 2020, Lithuania intended to relocate several unaccompanied minors from Greece, but due to COVID-19 and the announced quarantine, the relocation has not yet taken place <sup>36</sup> .	<div><input type="checkbox"/> accompanied minors/families with children</div> <div><input type="checkbox"/> UAM recorded within the asylum system</div> <div><input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</div>

5.2.2 Please describe briefly the reception procedure on arrival in the territory in Lithuania for resettlement.

Explanation	Applicable groups of minors
It should be noted that Lithuania did not prioritise unaccompanied minors or families with children. In 2020, Lithuania intended to relocate several unaccompanied minors from Greece, but due to COVID-19 and the announced quarantine, the relocation has not yet taken place <sup>36</sup> .	<div><input checked="" type="checkbox"/> accompanied minors/families with children</div> <div><input checked="" type="checkbox"/> UAM recorded within the asylum system</div> <div><input type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</div>

<sup>36</sup> Information provided by the Ministry of Social Security and Labour of the Republic of Lithuania.

# 6.

## Undocumented/ irregularly staying minors

### 6.1.1 Does Lithuania provide access to education, healthcare, housing or psychological support to irregularly staying children with families?

☒ Yes

Yes, in part, because all unaccompanied minors, regardless of their status, are entitled to education, healthcare, including psychological assistance, as well as social services, accommodation, an allowance for food and other necessary needs. However, if there is a family with minor children illegally staying in the Republic of Lithuania, the law stipulates that such children cannot attend school, because education is guaranteed only for persons being in possession of residence permits (though in practice such children often do attend school depending on the length of their stay). Moreover, the persons illegally staying in Lithuania, including children, in the cases when they are accompanied, are guaranteed only emergency medical care under general legal acts, i.e. such care when life is in danger, but no other medical care is provided under legal acts, nor is psychological assistance or provision with housing.

☐ No

# 7.

## Transition into adulthood

7.1.1 Where migrant children are entitled to stay for the fact of being unaccompanied minors, what happens when they turn 18? Please describe, both in legal and practical terms. Please also consult the 2017 EMN Study on Approaches to Unaccompanied Minors following status determination.

Explanation	Applicable groups of minors
<p>Upon attaining the age of majority, i.e. at the age of 18, an unaccompanied minor no longer has the right to reside at the RRC and must move out of it.</p> <p>If this is an unaccompanied minor who has been granted asylum, in practice he/she must move out after 3 months from attaining the age of majority, as he/she is considered to be receiving integration support for another 3 months. When such a person moves out, he receives a lump-sum installation allowance equal to 11 amounts of state-supported income, i.e. EUR 1375. Other unaccompanied minors do not receive such support and the period of 3 months. If an unaccompanied minor has not been granted international protection, but has been issued a temporary residence permit in Lithuania because he/she could not be returned, the return procedure will commence upon attaining the age of majority, and if he/she has another ground entitling him/her to remain in Lithuania (e.g. is studying, is employed, etc.), he/she will move out of the RRC and will reside on his/her own.</p> <p>There have not been any changes since the submission of the 2017 EMT study<sup>37</sup>.</p>	<p><input checked="" type="checkbox"/> UAM recorded within the asylum system</p> <p><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</p>

<sup>37</sup> Approaches to Unaccompanied Minors Following Status Determination in Lithuania (2017), available at: <http://emn.lt/wp-content/uploads/2019/03/Studija-LT.pdf>.



7.1.2 Does Lithuania provide any type of support (e.g. housing, education, employment, psychological support) for the transition to adulthood of unaccompanied minors legally residing in Lithuania?

☒ Yes

Explanation	Applicable groups of minors
In practice, an unaccompanied minor who has been granted asylum is given 3 months to move out of the RRC upon attaining the age of majority, as he/she is considered to be receiving integration support for another 3 months. When such a person moves out, he/she receives a lump-sum installation allowance equal to 11 amounts of state-supported income, i.e. EUR 1375.	<div><input type="checkbox"/> UAM recorded within the asylum system</div> <div><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</div>

☐ No

# 8.

## Cross-cutting actions

### 8.1.1 What kind of data do relevant authorities in Lithuania collect specifically regarding children in migration?

Explanation	Applicable groups of minors
<p>The Migration Department collects all data on foreigners, both adults and minors. This is a central authority in the area of migration, which takes decisions, collects and summarises statistical data, and administers the Register of Foreigners. These data include family ties, country of origin, age, gender, ground on which the person is in the territory of Lithuania, issued and withdrawn residence permits in Lithuania, address of the place of residence, departure from Lithuania (when the person is returned or removed).</p> <p>It should also be noted that data on unaccompanied minors are also available to the RRC for the duration of a child's stay, as the institution has a personal file for such a child when the unaccompanied minor is accommodated at the RRC. Later, when the child departs or absconds from Lithuania, the personal case is transferred to the Migration Department.</p>	<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> accompanied minors/families with children</li> <li><input checked="" type="checkbox"/> separated children</li> <li><input checked="" type="checkbox"/> UAM recorded within the asylum system</li> <li><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</li> </ul>

8.1.2 During the reporting period, did Lithuania implement any EU-funded programmes prioritising the protection of unaccompanied minors and/or families with children?

- ☐ Yes
- ☒ No

Explanation	Applicable groups of minors
In 2019, there were no specific programmes or projects for unaccompanied minors or for the protection of families with children in Lithuania; various activities contributing to integration, which include both children and families with children, are included in joint integration service projects provided by the RRC and NGOs (the Lithuanian Red Cross Society, Caritas). For example, the RRC had specific activities for children and young people, such as a day camp, various events organised at integration centres, provision of social, psychological counselling, legal counselling, etc. <sup>38</sup>	<ul style="list-style-type: none"><li><input checked="" type="checkbox"/> accompanied minors/families with children</li><li><input checked="" type="checkbox"/> separated children</li><li><input checked="" type="checkbox"/> UAM recorded within the asylum system</li><li><input checked="" type="checkbox"/> UAM not applying for asylum but recorded within other migration procedures</li></ul>

<sup>38</sup> Information provided by the Ministry of Social Security and Labour of the Republic of Lithuania.

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European Migration Network (EMN) is a network composed of migration and asylum experts from EU Member States, Norway and the European Commission. Its main objective is to collect, analyse and provide up-to-date, objective, reliable and comparable information on migration and asylum to policy makers at EU and Member State level and the general public.

The EMN National Contact Point (NCP) in Lithuania is composed of representatives from the Ministry of the Interior, the Migration Department, the State border guard service as well as the International Organization for Migration (IOM) Vilnius office which acts the national co-ordinator for the EMN activities in Lithuania. EMN NCP in Lithuania also collaborates with other entities from governmental as well as non-governmental institutions working in the area of migration.

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