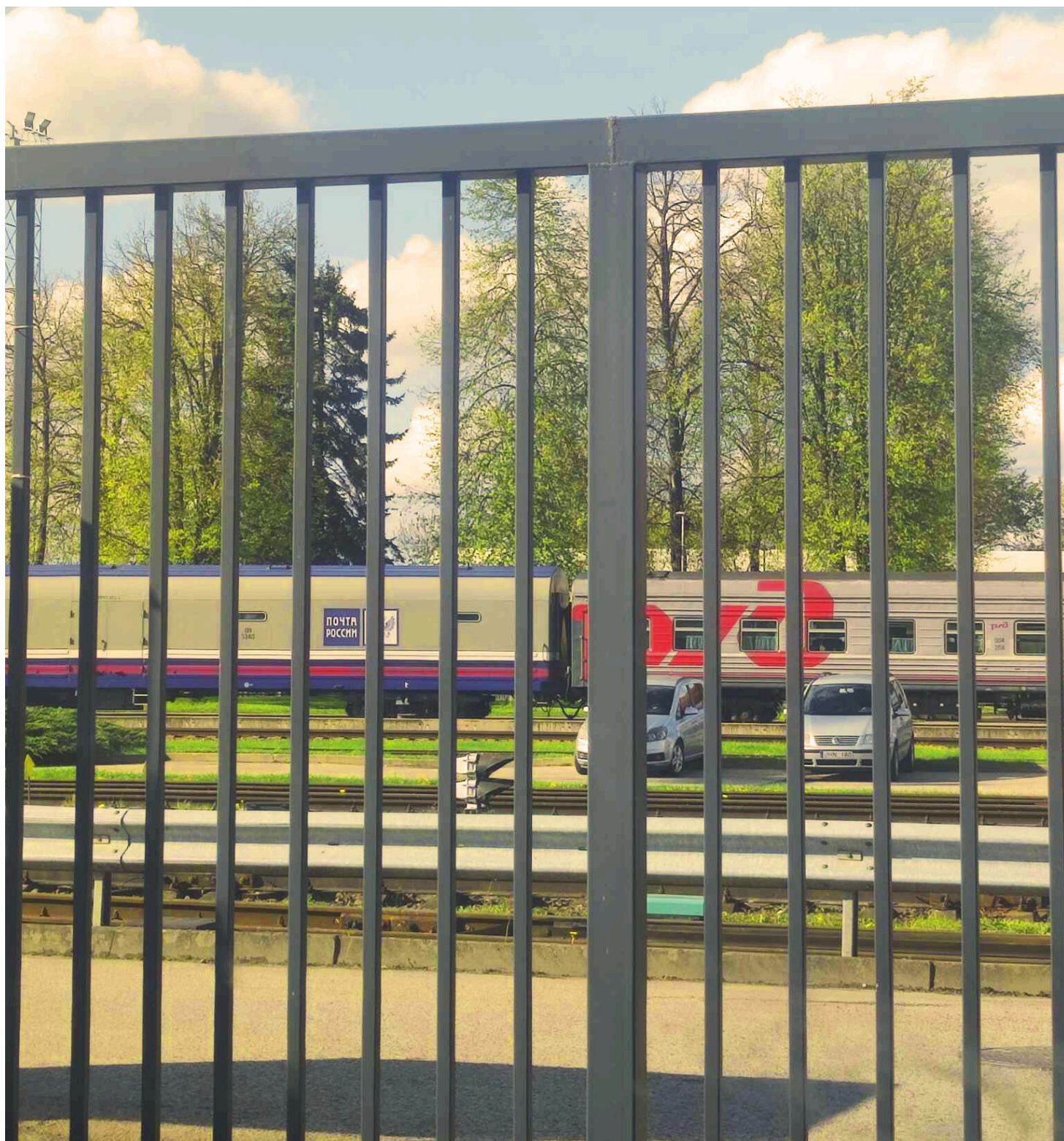




Lietuvos
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Kryžius



UPDATE 2024

**ACCESS TO THE ASYLUM PROCEDURE AT
THE DIPLOMATIC MISSIONS OF THE REPUBLIC
OF LITHUANIA ABROAD AND AT THE BORDER
CHECKPOINTS OF THE STATE BORDER GUARD
SERVICE**



I. EMERGENCY AND ITS IMPACT

A nation-wide state-level emergency due to a mass influx of foreigners declared on 2 July 2021 continues. As of today, the emergency remains in force for over 42 months. Of all the state-level emergencies declared in Lithuania, only the state-level emergency due to landslides on Mount Gediminas posing a threat to the remains of Upper Castle, which was declared more than 7 years ago and still not lifted, has lasted longer. Other protracted state-level emergencies, e. g due to African swine fever outbreaks (2014-2016) or the threat of the spread of COVID-19 (2020-2022), lasted for a shorter period, while the duration of the remaining ones had not exceeded 8 months[1].

The criteria for extreme events, based on which it is decided whether there is a "mass influx of foreigners" in Lithuania, are set out in Annex 2 to the "Description of the Procedure for Notification and Exchange of Information on an Event, Extreme Event, Special Event, Emergency Situation, or Crisis" approved by the Resolution of the Government of the Republic of Lithuania No. 1317 of 29 December 2022 "On Implementation of the Law of the Republic of Lithuania on Crisis Management and Civil Protection". According to this document, a "mass influx of foreigners into the territory of Lithuania" is established on the basis of six independent criteria. Five of them are quantitative indicators (here accompanied by additional factual information for the relevant period):

- *30 or more people per day cross the state border of the Republic of Lithuania at an unidentified place, at an unidentified time, or in an unidentified manner, within the territory of a single frontier station.* According to the data provided by the State Border Guard Service (hereinafter referred to as the SBGS)[2] on foreigners attempting to enter Lithuania from Belarus in an irregular manner, in 2024 the number of such foreigners reached the aforementioned critical threshold (on the border with Belarus as a whole, not limited to the area of operation of a single frontier station) only twice - on 20 July (40 people) and on 11 September (30 people).
- *100 or more asylum applications are submitted within 3 days.* According to data published by the Migration Department (hereinafter referred to as the MD)[3], an average of 30 asylum applications per month were submitted in 2024, with the lowest number in October (17 applications) and the highest number in March (49 applications).

[1] Based on information provided by CivSauga.lt. Available at: <https://civsauga.lt/ekstremaliuju-situaciju-valdymas/ekstremalioji-situacija/>

[2] According to "Statistics on Non-Admitted Illegal Migrants", SBGS. Available at: <https://vsat.lrv.lt/lt/naujienos/neileistu-neteisetu-migrantu-statistika/>

[3] According to "Asylum Statistics", MD. Available at: <https://migracija.lrv.lt/lt/statistika/menesine-migracijos-statistika/prieglobscio-statistika/>

- *More than 360 foreigners are accommodated in the Foreigners' Registration Centre.* According to data provided to the Lithuanian Red Cross (hereinafter referred to as the LRC) by the Foreigners' Registration Centre during regular monitoring visits, the average number of foreigners simultaneously accommodated or detained in the Centre in 2024 was around 90.
- *More than 500 foreigners are accommodated in the Refugee Reception Centre.* According to the data provided to the LRC by the Refugee Reception Centre during regular monitoring visits, the average number of foreigners residing in all 3 facilities of the Centre (Rukla, Vilnius, and Girionys) in 2024 was around 300 at any given time, no overcapacity was recorded in any of the facilities, with around half of the places allocated for the accommodation of foreigners occupied in all the facilities.
- *200 or more foreigners entitled to temporary protection arrive per day for at least 3 consecutive days.* According to the data published by the State Data Agency[4], this critical threshold has not been reached since the second quarter of 2022, and in 2024 the average number of daily arrivals of such foreigners did not exceed 40 people.

The sixth criterion for establishing a "mass influx of foreigners into the territory of Lithuania" is essentially qualitative: *"there is a sufficient reason to believe that the crossing of the State border of the Republic of Lithuania at an unidentified place, at an unidentified time, or in an unidentified manner is artificially organized, encouraged, or permitted with the participation of neighboring States and/or their authorities, or persons acting with their knowledge"*. This criterion essentially allows for an emergency due to a mass influx of foreigners to be declared and kept in force, regardless of whether and how many foreigners are actually attempting to cross the state border or are present in the territory of Lithuania, as long as there are *"sufficient grounds for believing"* that irregular border crossings are *"permitted"* by neighboring states. It is likely that it is based on this particular criterion that the state-level emergency due to a mass influx of foreigners declared on 2 July 2021 has not yet been lifted, although in fact the "mass influx" is neither recorded at the border nor noticed in the accommodation centres.

Keeping an emergency in place allows the Government of the Republic of Lithuania to impose and/or apply additional restrictions and bans that would not be possible in the absence of an emergency. For instance, as early as in 2021, the Law of the Republic of Lithuania on the Legal Status of Foreigners was supplemented by Chapter X*2, which provides for a different regulation of the legal status of foreigners, including asylum seekers, to be applied when, *inter alia*, an emergency is declared due to a mass influx of foreigners. Under the current provisions of the said Chapter, *inter alia*, the conditions for entry of foreigners into the Republic of Lithuania remain restricted, the time-limit for lodging an appeal against a decision of the MD is halved, certain provisions relating to the suspension of the execution of an appealed decision (including a decision to refuse asylum) are not applicable, and certain rights of asylum seekers are restricted. According to the explanatory notes to the relevant draft amendments to the said law, when adopting the aforementioned restrictions, the necessity to tighten the applicable rules was being justified by the "large inflows of asylum seekers", due to which administrative and judicial authorities could no longer function in a regular manner and ensure all the rights of asylum seekers. These days, with the number of asylum seekers steadily dropping to the "pre-crisis" level and even below and, accordingly, with a long time having passed since the authorities last had to deal with the "large inflows", the restrictions introduced in 2021 remain in force without any factual basis, grounded exclusively in a legal circumstance – the unrevoked "emergency". It is as if mere *"believing"* (albeit on *"sufficient grounds"*) that the neighboring states *"permit"* irregular border crossings deems it impossible for Lithuanian authorities to function properly.

[4] According to "War refugees from Ukraine", Official Statistics Portal. Available at: <https://osp.stat.gov.lt/ukraine-dashboards>

In 2023, with the actual „mass influx of foreigners“ already over, Article 4 of the Law of the Republic of Lithuania on the State Border and Protection Thereof has been supplemented by paragraph 13 (applicable from 3 May 2023), which essentially provides that in the event of a declared state-level emergency due to a mass influx of foreigners, the Government may adopt a decision that *"foreigners who intend to cross or have crossed the state border in places not designated for that purpose or in places designated for that purpose, but violating the procedure for crossing the state border, and who are in a border area, shall not be admitted to the territory of the Republic of Lithuania"*, except in cases where the person is *"fleeing from armed conflicts specified in the Government's decision, as well as from persecution"* or *"seeking to enter the territory of the Republic of Lithuania for humanitarian purposes"*. In accordance with the aforementioned provision, on 3 May 2023, the Government adopted Resolution No. 2023-08339 "On the Protection of the State Border of the Republic of Lithuania in the Event of a Declared State-Level Emergency", which legalized the "non-admission" of foreigners to the territory of the Republic of Lithuania, but did not to specify the "armed conflicts", fleeing which would lead to the application of the exemption. The Ministry of the Interior of the Republic of Lithuania, which drafted the said resolution, stated in their submission[5] that *"given the current context of threats, there are no objective prerequisites for compiling a list of armed conflicts in case of which the provision on the non-admission of foreigners to the Republic of Lithuania does not apply, in order to avoid creating a pull factor for instrumentalized migration"*. Thus, one of the exceptions provided for in Article 4(13) of the Law on the State Border and Protection Thereof cannot even be applied in practice.

In addition to the aforementioned special provisions, Article 7(6) and Article 34(5)(2) of the Law of the Republic of Lithuania on Crisis Management and Civil Protection allow the Government, after declaring a state-level emergency, to *"impose on the population, on state and municipal institutions and bodies, on other institutions, on economic entities and business operators, restrictions on the freedom of movement of the person, on the right of property and home inviolability, on the freedom of economic activities, on the provision of public and administrative services, and on the right of strikes for the purpose of elimination of the state-level emergency and its consequences"*. However, according to Article 40(4)(1) of the same Law, *"only such restrictions and only to such an extent **as are necessary to eliminate a state-level emergency and its consequences** shall be imposed"*, i.e., the restrictions imposed must be directly linked to the reasons for the declaration of a particular emergency.

Pursuant, *inter alia*, to Article 7(6) of the Law of the Republic of Lithuania on Crisis Management and Civil Protection, on 21 February 2024 the Government of the Republic of Lithuania adopted Resolution No. 134 "On Amending Resolution of the Government of the Republic of Lithuania No. 517 of 2 July 2021 "On the Declaration of a State-Level Emergency and the Appointment of the Head of State-Level Emergency Operations"", which introduced additional restrictions (effective since 1 March 2024), such as:

- *restrictions on the number of permits for the carriage of passengers on regular trips via international transportation routes issued to carriers of the Republic of Belarus and the Republic of Lithuania (hereinafter referred to as "carriers") involved in the carriage of passengers by bus on regular trips via international transportation routes, which may not exceed 29 permits issued to carriers for the carriage of passengers on regular trips via international transportation routes valid at the same time;*
- *prohibition of the carriage of passengers by carriers on charter trips via international transportation routes by buses with more than 9 seats, including the driver's seat, without a permit for the charter carriage of passengers by bus.*

[5] See "On Submission of a Draft Government Resolution", Ministry of the Interior of the Republic of Lithuania. Available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/c1e9f3d1e8d011eda305cb3bdf2af4d8>

Although the restrictions imposed must be directly related to the reasons for the declaration of a state-level emergency, the Ministry of the Interior of the Republic of Lithuania's submission[6] explaining the proposal to impose the restrictions in question does not mention the words 'foreigners', 'mass' or 'influx' at any point in the chapters 'Objectives of the Draft Resolution' and 'The problem to be addressed'. Instead, the introduction of these restrictions is presumably linked to such objectives as *"to restrict (make more difficult) travel to the European Union for citizens of Belarus, which is participating in the aggression against Ukraine"* and *"to reduce the ability of the intelligence and security services of the Republic of Belarus to recruit citizens of the Republic of Belarus and of the Republic of Lithuania travelling to the Republic of Lithuania and the Republic of Lithuania, and to create a network of cooperators in the Republic of Lithuania"*, which are probably not directly related to the elimination of the "mass influx of foreigners" and its consequences.

As if to justify the application of these restrictions, another chapter of the same submission by the Ministry of the Interior of the Republic of Lithuania, entitled "Implementation Mechanism", states that *"This restriction of economic activity is necessary to manage the state-level emergency due to the mass influx of foreigners, as there has been a trend of attempts of illegal migrants to enter Lithuania from the Republic of Belarus using carriage of passengers by buses to the Republic of Lithuania"*. Indeed, in April 2023, the SBGS informed[7] that a Congolese woman and an Egyptian man travelling on the Minsk-Vilnius shuttle bus had presented allegedly forged Belgian and Spanish residence permits. In July 2023, the SBGS informed[8] that a Pakistani national attempted to enter Lithuania by shuttle bus from Belarus, presenting forged Romanian documents. No other reports with similar content from the relevant timeframe, suggesting a new "trend", can be found in the public domain.

Another legal basis allowing the Government of the Republic of Lithuania to impose additional restrictions and bans during an emergency is Article 10 of the Law of the Republic of Lithuania on the State Border and Protection Thereof, which provides that in the event of a declared emergency, the Government *"may temporarily restrict or suspend the crossing of the state border or certain border checkpoints"*. Based on this provision, the Government of the Republic of Lithuania, by its Resolution No. 134 of 21 February 2024 "On Amending Resolution of the Government of the Republic of Lithuania No. 517 of 2 July 2021 "On the Declaration of a State-Level Emergency and the Appointment of the Head of State-Level Emergency Operations"", completely stopped the passage through the Lavoriškės and Raigardas border checkpoints (hereinafter referred to as "BCPs"), as well as the pedestrians' and bicyclists' travel through the Medininkai and Šalčininkai BCPs (all restrictions effective as of 1 March 2024). Finally, possibly based on the same provision of the Law of the Republic of Lithuania on the State Border and Protection Thereof, as of 1 March 2024, boarding and disembarking of train passengers at the Kena railway BCP and the Kybartai railway BCP has been banned, except in exceptional cases to be decided by the SBGS.

Unlike the Law of the Republic of Lithuania on Crisis Management and Civil Protection, the Law of the Republic of Lithuania on the State Border and Protection Thereof does not require that the restrictions imposed in connection with a declared emergency be related to the reasons for which the said emergency was declared. Therefore, e.g., the aforementioned submission prepared by the Ministry of the Interior of the Republic of Lithuania states that the ban on boarding and disembarking of train passengers is aimed at **"limiting the possibilities for third-country nationals to more conveniently and cheaply reach other Schengen countries by using the Kaliningrad transit train"**, which is probably not directly related to the elimination of the "mass influx of foreigners" and its consequences.

[6] See "On the resubmission of the Draft Government Resolution", Ministry of the Interior of the Republic of Lithuania. Available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/4438c721d08a11ee9269b566387cfech>

[7] See "A Congolese woman and an Egyptian man tried to enter the EU with fake residence permits", SBGS, 23 April 2023. Available at: <https://vsat.lrv.lt/lt/naujienos/kongiete-ir-egiptietis-i-es-bande-patekti-su-leidimu-gyventi-klastotemis/>

[8] See "Medininkai border checkpoint remains closed as Belarusians refuse entry to a Pakistani", SBGS, 9 July 2023. Available at: <https://vsat.lrv.lt/lt/naujienos/baltarusiams-neisileidziant-pakistaniecio-medininku-pasienio-punktas-lieka-uzdarytas/>

The outgoing XVIII Government of the Republic of Lithuania did not limit itself to the aforementioned restrictions and on 13 November 2024, this time on the proposal of the Ministry of Transport and Communications of the Republic of Lithuania[9], adopted Resolution No. 966 "On Amending Resolution of the Government of the Republic of Lithuania No. 517 of 2 July 2021 "On the Declaration of a State-Level Emergency, the Appointment of the Head of State-Level Emergency Operations, and the Strengthening of the Protection of the State Border of the Republic of Lithuania"". This Resolution introduced an additional restriction on the registration of freight vehicles leaving the Republic of Lithuania via the external border by road, which is hardly, if at all, related to the "mass influx of foreigners". Moreover, the previously mentioned restriction on the carriage of passengers on regular trips via international transportation routes for carriers of the Republic of Belarus and the Republic of Lithuania has been extended to include carriers from the Russian Federation (which is also noteworthy, given that the state-level emergency has been and continues to be declared "*due to the mass influx of foreigners from the Republic of Belarus*"[10]) and carriers of "other states" which carry or intend to carry passengers on a parity basis with carriers of the Republic of Belarus or the Russian Federation. At the same time, the restrictions on the carriage of passengers on charter trips via international transportation routes by buses are applied in general to all carriers from '*non-member states of the European Union and the European Economic Area*'. Finally, the ban on boarding and disembarking of train passengers at the Kena and Kybartai railway BCPs was extended to also include the Vilnius railway BCP. It should be noted that the aforementioned submission of the Ministry of Transport and Communications of the Republic of Lithuania explaining the additional restrictions does not once mention the words '*foreigners*', '*mass*' or '*influx*', but instead emphasizes such objectives as "*to regulate queues of freight vehicles at the border checkpoints*" or to "*reduce the possibility of recruitment of persons travelling to the Republic of Lithuania, the Republic of Belarus, and the Russian Federation by the intelligence and security services not only of the Republic of Belarus, but also of the Russian Federation*".

In 2022, the LRC started collecting information on the impact of the restrictions imposed in the context of the declared emergency on foreigners' access to the asylum procedure. The LRC started documenting known cases of foreigners in need of international protection seeking to apply for asylum at SBGS BCPs or diplomatic missions. Publicly available information and statistics are being continuously analyzed, and semi-structured qualitative interviews with foreigners or their legal representatives, experts and representatives of non-governmental organizations (hereinafter referred to as "NGOs") operating in and outside Lithuania are being conducted.

At the end of 2022, the first LRC analytical overview on access to the asylum procedure at the diplomatic missions of the Republic of Lithuania and SBGS BCPs was published[11]. At the end of 2023, an update on the situation in 2023 was published[12]. The current report, drafted in mid-January 2025, provides information on the 2024 developments that are relevant to the issue at hand, as well as updates on the cases monitored by the LRC.

[9] See "On Submission of a Draft Resolution of the Government of the Republic of Lithuania", Ministry of Transport and Communications of the Republic of Lithuania. Available at: <https://e-seimas.lrs.lt/portal/legalAct/lt/TAK/87c0b7b0a1a311ef9db2c9aaf9c67042>

[10] See paragraph 1 of the Resolution of the Government of the Republic of Lithuania No 517 of 2 July 2021 "On the Declaration of a State-Level Emergency, the Appointment of the Head of State-Level Emergency Operations, and the Strengthening of the Protection of the State Border of the Republic of Lithuania": "*1. To declare a nation-wide state-level emergency due to a mass influx of foreigners from the Republic of Belarus.*"

[11] See "Access to the Asylum Procedure at the Diplomatic Missions of the Republic of Lithuania Abroad and at the Border Checkpoints of the State Border Guard Service", December 2022. Available at: <https://redcross.lt/wp-content/uploads/2024/10/Prieiga-prie-prieglobscio-proceduros-diplomatinese-atstovybese-ir-PKP-LT.pdf>

[12] See "Access to the Asylum Procedure at the Diplomatic Missions of the Republic of Lithuania Abroad and at the Border Checkpoints of the State Border Guard Service. Update 2023", December 2023. Available at: <https://redcross.lt/wp-content/uploads/2024/10/PRIEIGA-PRIE-PROCEDUROS-LT-2023-1.pdf>

II. LODGING ASYLUM APPLICATIONS AT THE SBGS BCP: 2024 HIGHLIGHTS

Before jumping to analysis of the 2024 situation, here's an overview of the forementioned significant developments that might have potentially affected access to the asylum procedure at the SBGS BCPs.

1. Two international road BCPs on the border with Belarus are closed. Starting 1 March 2024, two more^[13] BCPs operating on the border with Belarus were closed - Lavoriškės (Vilnius district) and Raigardas (Druskininkai municipality)^[14]. Thus, for the better part of the year, arrival from Belarus was possible only through the two remaining international road BCPs – Medininkai BCP (Vilnius district) and Šalčininkai BCP (Šalčininkai district). Another one – Papelekis BCP (Švenčionys district) – though still operational, is reserved exclusively for vehicles carrying oversized and heavy cargo and having a permit issued in accordance with the procedure established by the Road Law of the Republic of Lithuania, meaning that the arrival of foreigners in need of international protection through this particular BCP is highly unlikely if not impossible.

2. Entry on foot and by bicycle is prohibited. Simultaneously with the closure of two more BCPs, the Government has banned the pedestrians' and bicyclists' passage through the Medininkai BCP and Šalčininkai BCP on the border with Belarus. Thus, a person who does not own a road transport vehicle is left with few options – either to hire a driver who has the right to enter Lithuania, or resort to public transportation and travel by bus. For more information on the modalities of entry, see the section *„Unsuccessful entry attempts and obstacles on the Belarusian side“*.

3. Boarding and disembarking of train passengers at the railway BCPs is prohibited. Pursuant to the Government Resolution, boarding and disembarking of train passengers at the Kena railway BCP (on the border with Belarus), the Kybartai railway BCP (on the border with the Russian Federation), and the Vilnius railway BCP is banned, except in exceptional cases left to the purview of the SBGS. This particular restriction is targeted at the passengers of the train transiting through the territory of the Republic of Lithuania from the territory of the Russian Federation to the Kaliningrad region of the Russian Federation and back. From the legal point of view, the possibility of making an application for asylum while traveling on the Kaliningrad transit train remains; however, in 2024, the LRC has not received any reports of asylum applications being registered at the Kybartai or Kena railway BCPs (for more information on the challenges related to the disembarkation restrictions, see the section *„Arrivals across the border with Russian Federation“*).

[13] Passage through 12 checkpoints on the border with Belarus and Russia (Ramoniškiai–Pogranichny, Nida–Morskoe, Adutiškis–Moldevichi, Krakūnai–Geraneny, Eišiškės–Dotishki, Rakai–Petulevtsy, Norviliškės–Pitskuny, Latežeris–Pareche, Švendubrė–Privalka, Nida–Rybachy, Jurbarkas–Sovetsk, Rusnė–Sovetsk) was suspended from 1 May 2022, and passage through 2 more checkpoints on the border with Belarus (Šumskas–Losha and Tverečius–Vidzy) – from 18 August 2023.

[14] See „Lavoriškės and Raigardas border checkpoints are to be closed starting March 1st“, SBGS, 21 February 2024. Available at: <https://vsat.lrv.lt/lt/naujienos/nuo-kovo-1-d-uzdaromi-lavoriskiu-ir-raigardo-pasienio-kontroles-punktai/>

4. Carriage of passengers on regular and charter trips is restricted. The Government Resolution also limited the number of routes available for carriers of the Republic of Belarus and the Russian Federation carrying or intending to carry passengers by bus on regular trips via international transportation routes, as well as for carriers of the Republic of Lithuania and other states that, on a parity basis with carriers of the Republic of Belarus or the Russian Federation, carry or intend to carry passengers by bus on regular trips via international transportation routes between the Russian Federation or the Republic of Belarus and the Republic of Lithuania or through the Republic of Lithuania in transit to (from) the Russian Federation or the Republic of Belarus, to 29 routes. In addition, the daily traffic schedule may include no more than one forward trip by one of the carriers and no more than one return trip by one of the carriers. All carriers from outside the European Union (hereinafter referred to as the EU) and European Economic Area are also prohibited from carrying passengers on charter trips via international transportation routes by buses with more than 9 seats, including the driver's seat, without a permit for the charter carriage of passengers by bus via international routes.

As less and less legal pathways allowing to physically arrive at the SBGS BCPs remain, the prospects of foreigners reaching the said locations and exercising their right to seek asylum are also steadily diminishing. Below are the statistics on asylum applications lodged at the BCPs located at the external borders with Belarus and the Russian Federation in 2024^[15] (based on the reports provided by the SBGS).

Asylum applications made at the SBGS BCPs in 2024 and comparison with previous years (data collected by the LRC)

Asylum applications made at the SBGS BCP's (external border with BLR and RUS)					
2022		2023		2024	
Border with BLR	Border with RUS	Border with BLR	Border with RUS	Border with BLR	Border with RUS
RUS – 55	BLR – 24	TJK – 6	BLR – 17	CUB – 11	BLR – 6
TJK – 21	RUS – 14	RUS – 1		IRQ – 5*	
BLR – 6	UKR – 2			TJK – 4	
UKR – 5				UZB – 4	
AZE – 3					
90	40	7	17	24	6
130		24		30	

The three-letter codes from the International Organization for Standardization's ISO 3166 standard (ISO 3166-1 alpha-3) are used to represent the names of the countries in the table: AZE – Azerbaijan, BLR – Belarus, CUB – Cuba, IRQ – Iraq, RUS – Russian Federation, TJK – Tajikistan, UKR – Ukraine, UZB – Uzbekistan.

**Iraqi family of five arrived at the BCP and made asylum applications, but their applications were never formally lodged and registered as it was established that the persons concerned were already subject to the asylum procedure (for details see below („Arrival of the Iraqi Family”) as well as in the chapter „Access to Asylum Procedure at the Diplomatic Missions”).*

[15] These statistics do not include asylum applications made or lodged at the BCPs of Vilnius and Kaunas international airports. It has been noticed that quite often asylum applications made at the BCPs of international airports are lodged elsewhere (e.g. after the person is transferred to the Foreigners Registration Centre of the SBGS) or vice versa – applications made elsewhere are lodged after the person is temporarily accommodated at the BCP of an international airport, therefore it is statistically difficult to correlate this category of applications with the subject of this report. In 2024, the LRC monitoring team has visited both Kaunas Airport (in April) and Vilnius Airport (in August), where asylum applications were being lodged, however the issues observed and recommendations provided were related exclusively to the reception conditions rather than access to the asylum procedure, which is the subject of this report.

As the data presented above shows, in 2024, the number of foreigners lodging asylum applications at the BCPs remained extremely low and very similar to the situation observed in 2023. However, there are several notable aspects specific to 2024:

- In 2023, most foreigners whose asylum applications were registered at the SBGS BCPs were citizens of Belarus and Tajikistan, however, in 2024, a number of less usual countries of origin emerged – such as Cuba, Iraq, and Uzbekistan.
- In 2024, not a single asylum application made by a citizen of the Russian Federation was registered by the SBGS BCPs. In 2023, only one such case was observed (an adult female).
- In 2024, the number of Belarusian citizens whose asylum applications were registered at the SBGS BCPs dropped significantly. In 2023, there were 17 such applications (absolute majority of all applications lodged at the SBGS BCPs), however, in 2024, there were only 6 or almost 3 times less than in the previous year.
- Unlike in 2023, more applications for asylum were lodged at the SBGS BCPs located at the border with Belarus rather than with the Kaliningrad region of the Russian Federation.
- In 2024, just like in the previous year, there were no asylum applications lodged at the SBGS BCPs by citizens of the countries from which they had directly arrived (i.e., at the BCPs located on the border with Russia there were no asylum applications lodged by Russian citizens, as there were no applications lodged by Belarusian citizens at the BCPs located on the border with Belarus).

To provide some illustration to these observations, which do not necessarily reflect the general trends prevailing in recent years, i.e., limited access to the asylum procedure and steadily decreasing number of asylum seekers in general, below are the accounts of specific circumstances related to the arrival of some asylum seekers.

Arrival of the Iraqi family. All five Iraqi asylum seekers who arrived through the SBGS BCP in 2024 are members of the same family. The family arrived in Belarus at the end of 2021 and lodged their asylum applications at the diplomatic mission of the Republic of Lithuania in Minsk in January 2022. Thus, even before arriving at the BCP in the summer of 2024, they had already been asylum seekers.

In April 2023, more than a year after the family had applied for asylum and well beyond the deadline for status determination provided for by the law, the MD formally refused them asylum. The family appealed to the court and, in August 2023, the Supreme Administrative Court of Lithuania upheld their appeal and ordered the MD to re-examine their asylum applications. In November 2023, the MD issued a new decision, once again rejecting their application. Once again, the family appealed against the decision to the court and, in July 2024, the Supreme Administrative Court of Lithuania once again upheld their appeal and ordered the MD to re-examine the asylum applications. All this time, the Iraqi family had remained in Belarus. According to them, they had to often change their place of residence and hide from local law enforcement because the time of their legal stay in Belarus had long expired.

In June 2024, the Iraqi family was apprehended by Belarusian officials for overstaying their visas and threatened with deportation. They were released after being issued “exit visas”, which stipulated a deadline by which the family had to leave Belarus. Fearing forced deportation, the Iraqi family attempted to leave Belarus through the BCP on the Polish border, but Polish officials did not grant them entry, stating that the Iraqis’ asylum applications were being processed in Lithuania, so they should either wait for the outcome in Belarus or go to Lithuania, which is responsible for processing their applications.

The family returned to Minsk, where they applied to the local migration service and managed to extend the “exit visas”. They were repeatedly instructed to leave the territory of Belarus voluntarily; otherwise, they would be subject to deportation. Having their “exit visas” extended, the family decided to go to Lithuania. Since arrival at the BCP is only possible by car or bus, they had hired a driver who had the right to enter Lithuania. In the second half of July 2024, the family managed to leave the Belarus territory (officials put exit stamps in their travel documents) and arrive at the Medininkai BCP, where they made asylum applications.

However, after consultations with the MD, the procedure for lodging and registering asylum applications was not initiated, since, according to the information provided by the MD, final decisions had not yet been made on the application submitted earlier (at the Embassy of the Republic of Lithuania in Belarus). At the same time, the MD refused to decide on the admission of asylum seekers to the territory of the Republic of Lithuania and their accommodation (see also the section *„Access to asylum procedure at the diplomatic missions“*).

With the MD refusing to make decisions within their purview (admission to the territory, accommodation, issuance of a foreigner registration certificate), the SBGS had no other option but to detain the family for no longer than 48 hours and to apply to the court for the application of an alternative measure to detention. By court’s decision, the asylum seekers were accommodated without any restrictions on their freedom of movement.

Arrival of the first group of Cubans. In March 2024, a Cuban woman reached out to the LRC monitoring team, indicating that she was in Belarus with her husband and 5 other people, including a 10-year-old girl (7 persons in total, all Cuban nationals). According to her, none of them had Schengen visas, but they were in need of international protection and would attempt to apply for asylum at the Medininkai BCP. The woman sent photos of her and other accompanying persons’ asylum applications written in Spanish. The LRC informed the SBGS about the planned arrival of asylum seekers.

After some time, the persons concerned reported that Belarusian officials were not allowing them to pass on foot, treating them disrespectfully, and threatening to send them back to Cuba. Drivers crossing the border to the Lithuanian side by car or by bus were refusing to give them a lift. The Cubans spent more than a day at the Belarusian side of the BCP, without access to food and shelter. Finally, Belarusian officials, considering the condition of the foreigners (there was a minor among them, and the woman who had reached out to the LRC was pregnant), picked out 4 persons and found a driver who agreed to take them across the border in his vehicle. After a few hours, the remaining 3 Cubans reported that they had also been put in a vehicle and allowed to leave Belarus. On the Lithuanian side, the SBGS registered all the asylum applications and, in accordance with the cooperation agreement, informed the LRC about the asylum applications lodged at the BCP. The Cubans were temporarily accommodated at the Medininkai BCP, in the premises designated for asylum seekers, and the asylum procedure was initiated.

Arrival of the second group of Cubans. In July 2024, a Spanish national reached out to the LRC regarding her sister with whom she had lost contact a few days earlier. According to her, the sister (a Cuban national) and her family members had attempted to enter Lithuania irregularly but were “pushed-back” by Lithuanian officials and, according to the latest available information, were stuck somewhere at the Lithuanian-Belarusian border. The group consisted of 4 family members (a woman (the sister), her husband, their adult son, and a minor daughter), plus another man (also a Cuban national) who joined them during the trip. None of them had proper travel documents allowing them to enter the EU. The woman who contacted the LRC indicated that her relatives no longer had food or water, and that the Belarusian officials were not allowing them to leave the forest. According to the woman, the minor child suffers from diabetes and needs medication. Through the efforts of the Spanish national, the European Court of Human Rights (hereinafter referred to as the ECHR) applied interim measures to

prevent further “pushbacks” of her relatives[16], however, at that point the contact with them was still not restored.

After some time, the Spanish national informed the LRC that contact with her sister and her family had been restored (after 8 days of silence). According to the data collected at a later stage, while in the border area, the Cubans had encountered Belarusian officials who did not allow them to retreat back to the Belarusian territory and “re-routed” them to the Latvian border. The persons concerned had crossed the Latvian border (irregularly), where, according to them, they encountered the local officials, who used violence against them (some of the individuals suffered serious injuries). Before pushing the Cubans back to Belarus, the Latvian officials also broke their phones. The Cubans managed to leave the forest area and encountered other foreigners who allowed them to use their phone.

Eventually, the Cuban family managed to purchase tickets and board a bus to Lithuania. Armed with the ECHR decision on interim measures prohibiting their return, they arrived at the Medininkai BCP. When leaving the Belarus territory, they did not encounter any difficulties. Once they were on the Lithuanian side, the Cubans were provided with necessary medical assistance; one of them was temporarily hospitalized and underwent surgery. The next day, SBGS informed the LRC about formal registration of their asylum applications.

Arrival of the Uzbek family. At the end of August 2024, the SBGS informed the LRC monitoring team that a family of Uzbek nationals – a woman with 3 children – had made an asylum application at the Medininkai BCP. The LRC monitored this case and collected relevant information.

The asylum seekers arrived at the Medininkai BCP by shuttle bus. According to the woman, there were some difficulties on the Belarusian side in explaining to the officials how she intended to enter Lithuania without proper travel documents. According to the woman, she did not disclose her plans to apply for asylum but rather convinced the Belarusian border guards that her husband, residing in Lithuania, would arrange the delivery of missing documents. Upon arrival at the Medininkai BCP, the woman applied for asylum. She also explained that her husband lives in Lithuania, owns a flat, currently waits for a decision on his asylum application. The SBGS officials registered the application and temporarily accommodated the family in a room designated for asylum seekers.

This section does not go into details of arrival of Tajik nationals who applied for asylum at the SBGS BCP assisted by a Lithuanian lawyer hired by their relatives. It cannot be ruled out that both the latter circumstance and other secondary factors mentioned in this section (e.g., the possibility of traveling by car, the ECHR interim measures, or a family member living in Lithuania) somehow facilitated the possibility of foreigners to smoothly lodge asylum applications at the SBGS BCPs. However, available data do not allow for generalized conclusions regarding the significance of such circumstances. In the following section, we will overview some completely opposite experiences of people seeking asylum.

[16] See „ECHR applied interim measures in the case B.O. and others v. Lithuania“. Ministry of Justice of the Republic of Lithuania. Available at: <https://tm.lrv.lt/lt/veiklos-sritys-1/atstovavimas-eztt/naujienos-2/ezt-byloje-bo-ir-kiti-pries-lietuva-pritaike-laikinasias-apsaugos-priemones/>

Unsuccessful entry attempts and obstacles on the Belarusian side

When assessing the obstacles that foreigners encounter while passing through Belarusian-controlled BCPs, two essential conditions stand out: 1) a person must travel by a vehicle (public transport or a private car) with a driver who has the right to leave the territory of Belarus; 2) a person must have proper travel documents authorizing their stay in the territory of Belarus for a specified period of time (thus a person is not at risk of being detained when crossing the border), but it's not necessarily required to meet the criteria for legal entry to a neighboring country (see, e.g., the forementioned case of Iraqi nationals, who were allowed to exit Belarus to both Lithuania and Poland with "exit visas" issued by Belarus, but without a Schengen visa).

In 2024, the LRC had received information about several failed attempts of foreigners intending to apply for asylum in Lithuania to leave Belarus through the BCPs. In the first case, the obstacle was absence of proper travel documents; in the second – the unavailability of a vehicle to cross the border with.

At the end of August 2024, the LRC monitoring team was contacted by a Somali national residing in Belarus. According to him, at the end of 2023, he applied for asylum in Belarus, but the Department of Citizenship and Migration of the Republic of Belarus refused him asylum, and later the court rejected his appeal as well. Having received an "exit visa" valid for six days and fearing forced deportation to his country of origin, the Somali decided to leave Belarus and apply for asylum in Lithuania. He purchased an international bus ticket and planned to arrive at the Kameny Log - Medininkai BCP. The LRC provided the person with relevant legal information on the procedure for making an asylum application in Lithuania, after that he had not contacted the LRC again. Later, during communication with a representative of a Polish NGO advising foreigners stranded in Belarus and seeking international protection[17], the LRC received unconfirmed information that a Somali national may have been detained at the border on the Belarusian side during a document check after it was suspected that his passport was forged.

In early September 2024 the same Polish NGO shared with the LRC a story about a family of Afghan nationals, including 3 children, who had also planned to enter Lithuania via a BCP. According to the said NGO, the Afghan citizens, just like the aforementioned Somali national, received Belarusian "exit visas", essentially obliging them to leave Belarus by a specific date. The persons tried to buy international bus tickets but were unable to do so since the companies selling the tickets required them to provide visas authorizing entry to Lithuania. According to the representative of the Polish NGO, unable to purchase tickets, the Afghanis found a taxi driver who agreed to take them to the border with Lithuania and help them board a random car or bus in the queue. Since the driver did not have a Schengen visa, he could not drive all the way to the Kameny Log BCP and had to let the passengers out in the vicinity of the checkpoint. However, neither him nor the Afghanis themselves were able to find a car or a bus driver willing to take them across the border. According to the NGO representative, eventually Belarusian officers arrived at the scene, checked the foreigners' documents, and ordered them not to disrupt traffic and to leave. The Afghan family had no other choice but to turn back since they could not cross the border without a vehicle.

Still, even after successfully overcoming the challenges on the Belarusian side, people are not always able to exercise their right to asylum. In 2024, the LRC received information about an unsuccessful attempt to apply for asylum at the SBGS BCP, or rather two attempts by the same family that occurred within a period of one week.

In the second half of October 2024, a family of Iraqi nationals (husband, wife, and their minor daughter) reached out to the LRC and indicated that they had been unable to lodge asylum applications upon arrival at the

[17] The conversations took place on 5 and 6 September 2024. By mutual agreement, the identity of the Polish NGO is not disclosed.

Lithuanian BCP. The foreigners had “exit visas” issued by Belarusian authorities, hired a driver with a vehicle, and, upon arrival at the Kameny Log – Medininkai BCP, successfully passed the control of the Belarusian border guards. On the Lithuanian side, things became more complicated.

The persons concerned reported that they had attempted to apply for asylum and provided evidence (photos, videos, documents, etc.) substantiating their need for international protection. However, the SBGS officers ignored their request, affixed the Medininkai BCP entry stamp on their passports, cancelled it by a cross in ink, and wrote the letter “C” next to it (indicating the grounds on which a foreigner is refused entry – “has no valid visa or residence permit”[18]). According to the Iraqis, they were (quoted) “*given papers to sign*”, but did not receive copies of the written refusals of entry at the border.

The family returned to Minsk, where they turned to organizations providing assistance to refugees. The Belarusian authorities issued them new “exit visas”, obliging them to leave the country by the specified date. Once again, the Iraqis arrived at the border with Lithuania and, once again, they successfully passed the check by Belarusian border guards (their “exit visas” were cancelled during the border crossing). However, on the Lithuanian side (Medininkai BCP), the family again encountered difficulties. According to the Iraqis, the officials of Medininkai BCP interviewed them but did not register their asylum applications, although the foreigners emphasized that they were at risk of being sent back to Iraq and that it was unsafe for them to return. Once again, the Lithuanian border guards issued the family with documents refusing entry at the border (this time, copies were handed out). According to the people themselves, the SBGS officers instructed them to apply for asylum at the Lithuanian Embassy in Minsk.

After a second failed attempt to apply for asylum at the SBGS BCP, the Iraqi family returned to Belarus. Later, the persons concerned contacted the LRC while already in their country of origin.

Arrivals across the border with the Russian Federation

As mentioned in the overview of general trends, in 2024, the number of asylum applications lodged at the BCPs located on the border with the Kaliningrad region of the Russian Federation continued to decrease. This particular route was traditionally chosen mostly by Belarusian and (until autumn 2022) Russian nationals.

In 2024, only five cases (a total of 6 persons, all – Belarusian nationals) of asylum applications lodged at the Kybartai road BCP were recorded. Considering that persons traveling via this route undergo the extensive check by Russian officials before reaching Lithuanian officials, it is likely that Belarusians who are banned from travelling abroad (especially those with a Belarusian-language stamp „У выезде адмоўлена“ (“exit prohibited”) in their passports) are afraid of being detained at the Russian border and handed over to Belarusian officials, and therefore choose other routes, including irregular crossing of the state border of the Republic of Lithuania.

People who are in the territory of the Russian Federation and are in need of international protection also have the opportunity to cross the Lithuanian border by transit train passing through the territory of Lithuania from the Kaliningrad region of the Russian Federation (or in the opposite direction) and make an asylum application to the officers of the SBGS during the border check. However, only those having a valid Schengen visa or other document allowing entry into the EU (e.g., residence permit) are allowed to purchase tickets for this train, except for citizens of the Russian Federation, who are issued with facilitated rail transit documents (FRTD). Thus, apart from citizens of the Russian Federation, this mode of arrival is available exclusively to those foreigners who meet the entry conditions set out in the Schengen Borders Code[19].

As mentioned, in 2024, the Government banned boarding and disembarking of passengers at the Kybartai and Kena railway BCPs, where the transit train stops for border control, as well as at the Vilnius railway BCP. In practice this means that a person in need of international protection, even if traveling, e.g., with a valid Schengen visa, is not allowed to leave the transit train unless in exceptional cases within a purview of the SBGS. Of course, such a person has the opportunity to express their wish to apply for asylum during the border check performed by Lithuanian officers. However, the very environment in which contact with SBGS officers occurs does not ensure confidentiality and privacy, and people do not feel safe, especially without any guarantee that their situation will ultimately qualify for an exception.

The LRC has no data on Russian nationals attempting to apply for asylum in Lithuania while transiting by train in 2024. The LRC also has no data on all the instances when an exception has been applied and passengers of the transit train were allowed to disembark in the territory of Lithuania.

In 2024, the LRC observed several cases when persons in need of international protection (all – Belarusian citizens) requested to be allowed to disembark from the transit train, appealing to the persecution they face in their country of origin. In the spring of 2024, the LRC recorded two cases of Belarusian women who sought to enter Lithuania on the transit train Kaliningrad-Moscow, and, in the autumn of 2024 – three separate cases of

[18] Pursuant to point (d) of Part A of Annex V to the Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code), *‘for third-country nationals whose refusals of entry are not to be registered into the EES, affix an entry stamp on the passport, cancelled by a cross in indelible black ink, and write opposite it on the right-hand side, also in indelible ink, the letter(s) corresponding to the reason(s) for refusing entry, the list of which is given on the standard form for refusing entry as shown in Part B of this Annex. <...>’*. Part B of the same Annex contains a standard form for refusal of entry at the border, where, *inter alia*, the grounds for refusal of entry are provided, including *‘(C) has no valid visa or residence permit’*.

[19] See paragraph 1 of Article 6 (Entry conditions for third-country nationals) of the Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code). Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02016R0399-20240710>

Belarusian men travelling on this train. In all observed cases, the persons had a visa issued by a Schengen state or a Lithuanian residence permit; some of them had written applications for asylum prepared in case they were not allowed to disembark on the basis of their documents. In all the above cases, persons were granted an exception and allowed to get off the train, but only on the basis of their documents, as their asylum applications were never registered. Some people said that the SBGS officers explained to them that, if necessary, they could lodge an asylum application, e.g., at the MD branch in Vilnius or, if they decided to travel further to another EU state – in the country of their destination. According to the people interviewed, their primary objective was to stay in the EU territory. They already had the documents authorizing such stay, thus applying for asylum was not a priority, but rather an alternative in case the documents they had were not enough. The LRC is also aware that, at the end of 2024, a woman with dual citizenship (Belarus and an EU country) was allowed to disembark from the transit train, however, this particular case was neither closely monitored nor followed-up.

Apart from the cases mentioned, the LRC also recorded a much more complicated situation that a Belarusian national in need of international protection faced shortly after the ban on disembarking at the Kybartai and Kena railway BCPs was introduced. The person was traveling on the Kaliningrad-Moscow transit train, holding a visa issued on humanitarian grounds by a Schengen country. According to him, during border checks at both the Kybartai and Kena railway BCPs he repeatedly told the SBGS officers that he could not return to Belarus and asked to be allowed to disembark or apply for asylum. Nevertheless, he was told that the procedure had changed, and passengers are no longer allowed to disembark. No exception was applied to him at either the Kybartai or Kena railway BCPs, the asylum application registration procedure was also not initiated. Unable to get off the train, the person had to continue his journey and returned to Belarus. Later, while clarifying the circumstances of this case, the SBGS representatives indicated to the LRC that the person concerned demanded to be allowed to disembark on the basis of his visa and never asked for asylum.

Soon after, the aforementioned Belarusian attempted to enter Lithuania again via the same route. On his second attempt, an exception was applied, and he was allowed to disembark at the Kybartai railway BCP. Still, as in the cases discussed earlier, an exception was made on the basis of the available documents rather than asylum application. Since this incident, the LRC did not record any cases when people in need of international protection were not allowed to disembark the transit train in 2024.



III. ACCESS TO ASYLUM PROCEDURE AT THE DIPLOMATIC MISSIONS

According to the information provided by the MD, no new asylum applications were submitted at the diplomatic missions or consular offices of the Republic of Lithuania in 2024, nor were there any procedural changes related to the procedure for submitting and examining such applications. In 2024, 5 decisions to refuse asylum in the Republic of Lithuania were issued to foreigners who had submitted asylum applications at the diplomatic mission of the Republic of Lithuania in Minsk (the aforementioned Iraqi family of five (*see below*)). By the end of 2024, the MD had no pending asylum applications submitted at the diplomatic missions of the Republic of Lithuania.

The story of one Iraqi family was covered in the 2022-2023 reports, as well as in the section on lodging asylum applications at the BCPs (*see above*). The family in question submitted their asylum applications at the diplomatic mission in Minsk in January 2022 and arrived in Lithuania in July 2024. Them being already in Lithuania, the MD issued the third decision to refuse them asylum, which they appealed to the court. While preparing this report, in mid-January 2025, the LRC found out that the Supreme Administrative Court of Lithuania had rejected their appeal by the final decision. Thus, as of the beginning of 2025, there are no more foreigners who have submitted asylum applications to the Lithuanian diplomatic mission in Minsk for whom the final decision of the MD has not yet been issued.

As already mentioned, the MD refused to address the question of accommodation for this family of asylum seekers, essentially taking the position that they had had neither the right nor the need to come to Lithuania and were obliged to wait for a final decision on their asylum applications in Belarus. In this regard, it should be noted that the “embassy procedure” is merely and exclusively a national procedure, falling beyond the Common European Asylum System[20], thus it should not be an obstacle for individuals to have effective, easy and rapid access to the EU procedure for granting international protection, i.e., to apply for asylum at the BCP or in the territory in accordance with the established procedure and thus initiate an asylum procedure regulated at the EU

[20] Neither Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection, nor Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection, apply in cases when asylum applications are lodged in the diplomatic missions of the Member States. According to Article 3 of the aforementioned directives, they apply only to applications for international protection made in the territory, including at the border, and do not apply to requests for diplomatic or territorial asylum submitted to representations of Member States. Thus, the procedure whereby foreigners are given the opportunity to apply for asylum at a diplomatic mission does not fall within the scope of the EU asylum *acquis* and, accordingly, cannot be considered as implementing the obligations arising from this *acquis*.

level, as opposed to strictly nationally. Having assessed the reasoning of the Court of Justice of the EU in case C-823/21, it cannot be ruled out that in this situation, the denial of the opportunity to submit an application for international protection on the territory of Lithuania or at the border (as was the case in the situation at hand, where the asylum applications were not registered at the Medininkai BCP) and the adherence to the position that such an opportunity is granted on the condition that foreigners have not previously submitted an application for asylum at the Lithuanian embassy, would be incompatible with Lithuania's obligations under the EU acquis. However, in this context, what is relevant is not so much the access of this Iraqi family to the asylum procedure per se, but rather their access to the reception conditions that must be provided to all asylum seekers.

The responsible authorities did not dispute the fact that the family of 5 asylum seekers from Iraq were asylum seekers. However, while being recognized as asylum seekers, they were still not guaranteed all the rights that are laid down in the Republic of Lithuania Law on the Legal Status of Foreigners. For instance, despite repeated appeals, the MD categorically refused to issue these people with foreigner's registration certificates, claiming that they were "*not admitted to the Republic of Lithuania*". According to Article 140*10 of the Republic of Lithuania Law on the Legal Status of Foreigners, a foreigner's registration certificate is issued to an asylum seeker of any age, and the only exception establishing a causal link between the issuance of a certificate and the *de jure* admission of the person to the territory of Lithuania is designed exclusively (and explicitly) for those asylum seekers who have crossed the state border of the Republic of Lithuania in irregular manner. In the case at hand, the family of asylum seekers from Iraq had not crossed the state border irregularly (they arrived at the BCP in accordance with the established procedure and approached Lithuanian officials), therefore, the aforementioned exception could not be applicable to them.

In this regard, it should also be noted that, pursuant to Article 140*8(2) of the same law, the MD is only authorized to decide on admission of an asylum seeker to the Republic of Lithuania *if a foreigner lodges an application for asylum at a border crossing point, in a transit zone or in the territory of the Republic of Lithuania after illegally crossing the state border*. The aforementioned provision does not foresee any other scenario where the MD would be authorized to issue a decision to admit an asylum seeker to the Republic of Lithuania. When assessing the situation of the family of asylum seekers from Iraq, it is worth noting that they had submitted their asylum applications in accordance with the established procedure at the Embassy of the Republic of Lithuania in Minsk, and not at a BCP, in the transit zone or in the territory of the Republic of Lithuania. Also, as already mentioned, this family had not irregularly crossed the state border of the Republic of Lithuania, but rather arrived at the BCP in accordance with the established procedure and from that moment on remained within the control of the Lithuanian institutions. In this unique situation the aforementioned family found itself trapped in, the Republic of Lithuania Law on the Legal Status of Foreigners simply does not provide the MD with the authority to decide on their admission to the Republic of Lithuania. If their application for asylum had been registered in the BCP, the MD would have acquired such authority, however, since the application of these Iraqi citizens was not registered at the BCP, the MD did not acquire the relevant authority, i.e., it could not decide on their admission to the Republic of Lithuania. Accordingly, any exceptions conditioned by the decision taken by the MD regarding the admission of asylum seekers to the Republic of Lithuania should not have been applicable to this family.

Due to the same alleged "non-admission" to the territory of the Republic of Lithuania, the family of asylum seekers from Iraq was not granted the cash allowance provided to asylum seekers. Pursuant to Article 71(3) of the Republic of Lithuania Law on the Legal Status of Foreigners, *asylum applicants, with the exception of asylum applicants subject to a decision of the Migration Department to admit into the Republic of Lithuania and where such a decision has not yet been taken, shall be paid a monthly cash allowance in the amount of 10 per cent of state-supported income*. It's sufficiently clear that the only exception foreseen concerns asylum seekers who are "*subject to a decision of the Migration Department to admit into the Republic of Lithuania and where such a decision has not yet been taken*", however, as explained above, in the case at hand, the MD had no authority to issue decisions of such

nature, thus the foreigners should not have been considered as asylum seekers who are “*subject to a decision of the Migration Department to admit into the Republic of Lithuania*”.

While the law provides for the possibility for foreigners to apply for asylum at the Embassy of the Republic of Lithuania in Minsk, the relevant procedures in Lithuanian national law – the procedure for examining such asylum applications, the reception conditions and guarantees for the foreigners who have submitted applications at the aforementioned embassy – have never been properly regulated, which made the described situation possible. Accordingly, in a situation where institutions categorically refuse to apply general provisions designed for all asylum seekers, while separate regulations specifically designed for persons who have submitted asylum applications at diplomatic missions simply do not exist, *ad hoc* decisions regarding such persons are made in an improvised manner and without a proper legal basis, further exposing the existing procedural gaps.

The LRC does not have any further updates on the access to the asylum procedure at Lithuanian diplomatic missions. Considering that no new asylum applications have been registered at the Embassy of the Republic of Lithuania in Minsk since 2022, and having in mind that final decisions have already been taken on all applications submitted at the aforementioned embassy, it is highly likely that in the forthcoming 2025 report, the LRC will no longer provide updates on the “embassy procedure”, but will rather focus exclusively on access to the asylum procedure at the SBGS BCPs.



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