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Prieglobsčio, migracijos ir integracijos fondas

INFORMATION FOR ASYLUM SEEKERS

You have submitted an application to grant you asylum in Lithuania, since you believe that you cannot return to your country because of the risk of experiencing persecution, war or violence. From the moment of submitting an application you are considered to be an asylum seeker. This grants you certain special rights, but does not exempt you from an obligation to follow the requirements of the Constitution of the Republic of Lithuania, laws and other legal acts. **This booklet contains information, which is important for you, so please get acquainted with it.**

RESPONSIBILITY FOR EXAMINING AN APPLICATION

The fact that you have applied for asylum in Lithuania does not guarantee that your application will be examined here. If you have family members in another country of the European Union, have arrived to Lithuania from another country of the European Union or have or previously had a visa or a residence permit of that country, then this country may be responsible for examining your application for asylum. In such case, it may be decided not to examine your application and to transfer you to a responsible country, which will then examine your application. If it's established that Lithuania should decide on your application for asylum, this will mean that you can stay in Lithuania and your application will be examined here. Then the assessment of your application will start immediately.

A more detailed information about establishing the responsible country is provided in another specialised booklet:



WHEN AND HOW WILL I BE ABLE TO EXPLAIN ON WHY DO I NEED ASYLUM?

Right after submitting an application the officers of an institution that you have submitted your application to will conduct **the initial interview**, take the documents that you possess, take your picture and take your fingerprints. The goal of this initial interview is to collect data about you and your family members, who have arrived together with you, the route for arriving to the Republic of Lithuania, data, related to the determination of a European country, which is responsible for examining your application, as well as to find out your motives for submitting an application and your status in other countries.

Before making a decision on asylum application employees of the Migration Department will meet with you for **the substantive interview**, the purpose of which is to give you an opportunity to provide a detailed explanation about your motives on why do you apply for asylum as well as to submit all the documents that you possess and have not submitted before, which could corroborate your story. For an employee of the Migration Department, who is performing the questioning, this will be an opportunity to receive from you the information necessary to access whether you meet the grounds for granting asylum, established in the laws of the Republic of Lithuania, as well to collect other data required for making a decision on asylum application. If necessary, the Migration Department will organise an additional interview. If necessary, during all of the interviews you will be provided with an interpreter free of charge.

WHO AND HOW WILL EXAMINE MY APPLICATION?

According to the laws of the Republic of Lithuania, before making a decision on asylum application, a detailed, independent and impartial assessment must be conducted. Assessment of an application for asylum is a complex administrative procedure, which has a detailed description, provided in the laws. Examination of your application will be conducted and a decision will be made by the Migration Department. The Migration Department will examine the information that you have submitted and will collect additional information about the circumstances that you base your application on. When all of the necessary information is collected, the Migration Department will assess whether you satisfy the requirements for granting asylum, as defined in the laws of the Republic of Lithuania, and make an appropriate decision. You will receive all of the decisions made by the Migration Department in your regard.

WHERE WILL I BE ABLE TO STAY WHILE WAITING FOR THE DECISION BY THE MIGRATION DEPARTMENT?

During the examination of your application, you have a right to stay in Lithuania. If you have submitted your application to the control point at the border or in the transit zone, then, in some cases, you may be asked to wait for the decision of the Migration Department in the institution where you have submitted your application. Otherwise, if you wish to do so, you may be allowed to stay in your chosen location in the territory of Lithuania at your own costs. If you change the place of your residency, you must immediately notify the Migration Department in writing. If you cannot afford to bear the expenses of residing in Lithuania independently, the Migration Department will accommodate you in the accommodation centre for asylum seekers, where you will be able to not only reside, but to get food, monetary allowance for petty expenses, to get the emergency medical assistance, psychological help and social services. In case it is established that for certain personal circumstances or reasons you are vulnerable or have special needs, you will be provided with reception conditions meeting those needs.

WILL THE LAWYER PARTICIPATE IN MY INTERVIEW?

If you wish, you may invite a lawyer to represent your interests in the meetings with the employees of the Migration Department or other state institutions of Lithuania. If you want for a lawyer to participate in your interview, but you cannot afford the costs of legal assistance, please inform the institution conducting the interview. In such case, the services of a lawyer will be provided to you free of charge. You can also request free legal aid from non-governmental organisations that are providing such services and assisting asylum seekers, for example from Lithuanian Red Cross Society, whose contact information is provided in this booklet. Please keep in mind that the participation of a lawyer does not exempt you from an obligation to participate in the interview personally and to submit all the information necessary.

DO I NEED TO INDICATE HOW MUCH MONEY I'VE GOT?

Yes, upon submitting an application for asylum you should indicate the funds at your disposal as well as inform the Migration Department in writing about all of the income that you receive (except for the monetary allowance of the asylum seeker) within 3 working days after receiving them. In case it is established that you have enough funds for the services, which were granted to you for free (including the accommodation and legal aid), you will be obliged to cover the expenses incurred by the state.

HOW LONG DOES IT TAKE TO MAKE A DECISION?

Usually, assessment of an application for asylum is conducted and a decision is made not later than within 3 months from the day of submitting an application. If the Migration Department needs some additional time in order to assess your application properly, you will be informed about it immediately.

COOPERATE WITH THE MIGRATION DEPARTMENT

The quality of the assessment by the Migration Department and the validity of the decision taken depend not only on the professional qualifications of the employees of the Department, but also on your own efforts made to substantiate your application. Do not forget that you were the one who turned to us for help; therefore, we expect you to act in good will, be patient and respect the laws of Lithuania. You should cooperate with the Migration Department during the examination of your application and attend the meetings at an appointed time, be sincere while talking about the reasons why you are seeking asylum and submit all of the documents, which could corroborate your story, as soon as possible. Even if you cannot submit any documents, the Migration Department will access your story and may decide to grant you asylum if your story is detailed, consistent, coherent and plausible. If you do not cooperate with the Migration Department during the examination of your application, miss the appointments or refuse to answer the questions asked during the interviews, withhold important information or relevant documents, submit forged documents or misleading, false information, in any other way interfere with a proper assessment of your case, the Migration Department will may have reasonable doubts concerning your credibility and because of that refuse granting you asylum.

ADDITIONAL EXAMINATIONS

If the Migration Department has reasonable doubts regarding your age or family relations with people who have arrived together or are residing in Lithuania, you may be offered to undergo age determination or DNA test. These tests may only be performed with your consent, though refusing to undergo such a test may have negative effect on the assessment of your story.

If your motives for applying for asylum are linked to physical violence you have experienced in the past, the Migration Department may offer you to undergo medical examination, which may also be performed only with your

consent. In case the Migration Department did not offer you to undergo medical examination, but you believe that the results of such examination could substantiate your story, you have a right to arrange for a medical examination at your initiative and your own cost, as well as to submit its results to the Migration Department.

WHO WILL BE ABLE TO ACCESS THE INFORMATION I PROVIDED IN MY APPLICATION?

Even though a decision on your application for asylum will be made by the Migration Department, other state institutions of Lithuania also take part in the asylum procedure and may, if necessary, get access to the information that you have provided. This information, however, will not be made public or submitted to your country. The fact that you have applied for asylum in Lithuania and the motives of your application will not be revealed either by the Migration Department or by another state institutions of Lithuania, lawyers or translators assisting you during the process. All of the persons and institutions mentioned are obliged to ensure the confidentiality of the information that you have provided and would be held liable for revealing it.

WILL I BE ABLE TO WORK OR ATTEND SCHOOL DURING THE EXAMINATION OF MY APPLICATION?

During the examination of an application for asylum you **will not be able to work**, since merely the fact that you have submitted an application does not encompass the right to work. If you have minor children or you yourself are a minor, please keep in mind that **minor asylum seekers have a right to attend school or vocational training institution**. In order to exercise this right, please contact the social worker of the accommodation centre or representatives from non-governmental organisations that provide assistance to asylum seekers.

WAIT FOR THE DECISION FROM THE MIGRATION DEPARTMENT REGARDING YOUR APPLICATION

If you leave Lithuania during the examination of your application for asylum or the Migration Department is not able to contact you for any other reason, the examination of your application will be suspended. This means that the Migration Department will not be able to finish the examination and make a decision on your application. Later, the examination of your

application may be terminated, and in this case the examination will not be renewed even if you request the renewal. Any new application for asylum that you will submit will be considered a subsequent application and may be examined under a stricter procedure. If you believe that you need asylum, please wait for the decision of the Migration Department. If you decide not to wait for the decision of the Migration Department and apply for asylum in another country of the European Union, that country may return you to Lithuania in order to complete the examination of your application here. If you no longer want asylum in Lithuania, please inform the Migration Department in writing. In such case, your application will not be examined any further and you will have to return to your country.

WHAT CAN I DO IF I DO NOT AGREE WITH A DECISION MADE BY THE MIGRATION DEPARTMENT?

If you do not agree with the decision made by the Migration Department, you can lodge an appeal to Vilnius Regional Administrative Court within 14 days from receiving this decision. It is very important to lodge an appeal within the indicated period of time. During appeal procedures, you will have a right to legal assistance and, if necessary, interpreter services. Legal assistance means that you will have a right to have a lawyer, who will prepare your documents and will represent you in court. If you want to challenge the decision of the Migration Department, but cannot afford the costs of legal assistance, please contact the Migration Department.

CAN I APPEAL AGAINST THE DECISION ON MY DETENTION IN THE SAME WAY?

The Migration Department does not make decisions on detention and is not deal with detention issues. If you are detained, it means that this decision was made by the court and only the court is able to change it. In case you do not agree with the decision of the court to detain you, you have a right to lodge an appeal against such decision to the Supreme Administrative Court of Lithuania. If there were reasonable grounds for your detention, but you think that those reasons have already disappeared, you also have a right to apply to the Regional Court at your place of residence, with a request to reconsider the decision on detention. During these procedures, you have a right to legal assistance and, if necessary, from a translator. If you want to challenge the decision on detention, but cannot afford the costs of legal assistance, please contact the Migration Department.

IMPORTANT CONTACT INFORMATION:

Migration Department

L. Sapiegos str. 1, 10312 Vilnius,
Tel. +370 5 271 7112
E-mail: md.rastine@vrm.lt
<http://www.migracija.lt>

Foreigners' Registration Center

Vilniaus str. 100, 18177 Pabradė, Švenčionys district
Tel. +370 3 87 53401
E-mail: urc.sekretore@vsat.vrm.lt

Refugees Reception Center

Karaliaus Mindaugo str. 18, 55283 Rukla, Jonava district
Tel. +370 3 497 3377, +370 698 48776
E-mail: centras@rppc.lt
<http://www.rppc.lt>

Office of the United Nations High Commissioner for Refugees (UNHCR) in the Republic of Lithuania

A. Jakšto str. 12, 01105 Vilnius, Tel. +370 5 210 7416
E-mail: kules@unhcr.org
<http://www.unhcr.se/lt/home.html>
UNHCR provides information and advice concerning asylum procedure and assistance available to asylum seekers and refugees in Lithuania.

International Organization for Migration (IOM) Vilnius

Office A. Jakšto str. 12, 01105 Vilnius
Tel. +370 5 261 0115
E-mail: iomvilnius@iom.lt
<http://www.iom.lt>
IOM provides assistance in voluntary return, which is exercised in conformity with the needs of a person and guarantees safe journey back home. IOM also provides reintegration assistance to persons who need help settling down in their countries of origin.

Lithuanian Red Cross Society

A. Juozapavičiaus str. 10A, 09316 Vilnius,
Tel. +370 5 212 7322, +370 686 30 050
E-mail: info@redcross.lt
<http://www.redcross.lt>
Lithuanian Red Cross Society provides legal and humanitarian aid as well as assistance in tracing family members and relatives.

Caritas of Vilnius Archdiocese

Odminių str. 12, 01122 Vilnius
Tel.: +370 5 261 1014
E-mail: info@vilnius.caritas.lt
<http://www.vilnius.caritas.lt>

WHERE IS IT ESTABLISHED WHAT RIGHTS AND DUTIES ASYLUM SEEKERS HAVE?

The main rights and duties of asylum seekers, which are indicated in this booklet, are established in paragraphs 1–3 of Article 71 of the Law on the Legal Status of Aliens of the Republic of Lithuania:

Article 71. Rights and Duties of an Asylum Seeker in the Republic of Lithuania

1. Asylum seeker has the following rights in the Republic of Lithuania:

- 1) to use material reception conditions, when residing in the accommodation places assigned by the institutions of the Republic of Lithuania, detention places as well as control points at the border and transit zones;
- 2) to receive information about his rights and duties free of charge as well as the consequences of non-compliance with them during the examination of an application to grant an asylum, as well as information, related with the examination of an application to grant an asylum;
- 3) to manage and formalise notarised documents relating to the examination of an application to grant an asylum;
- 4) to make use of legal aid guaranteed by the state, following the order, established by the Minister of the Interior;
- 5) to receive compensation for the use of means of public transport where the use is linked to the examination of an application to grant an asylum;

- 6) to make use of the interpreter's services free of charge;
 - 7) to receive free emergency medical care, psychological aid and social services at the Foreigners' Registration Centre or Refugee Reception Centre;
 - 8) to receive a monthly monetary allowance in the amount of 10 percent of the state-funded income in the manner laid down by the Minister of Social Security and Labour and the Minister of the Interior;
 - 9) to apply to the representatives of United Nations High Commissioner for Refugees Board and other organisations, which provide specialised legal aid or consultations for the asylum seekers and to meet them under conditions, which would ensure privacy (including control points of the border or transit zones);
 - 10) after being assigned to vulnerable persons, to use reception conditions, which would meet their specialised needs;
 - 11) to use other reception conditions and rights, which are guaranteed to him, following the international agreements of the Republic of Lithuania, laws and other legal acts.
2. Asylum applicants who are minors, shall be entitled to study at schools following the general education or vocational programme(s), following the order, established by the Minister of Education and Science. This right shall be ensured immediately and not later than within 3 months from the day of submitting an application to grant an asylum. An asylum seeker, who had started studying as a minor, has a right to finish general education or vocational programme(s), even in such case, if he became an adult, while studying.
3. Duties of an asylum seeker:
- 1) to uphold the Constitution, laws and other legal acts of the Republic of Lithuania;
 - 2) to fulfil the duties prescribed for the asylum seeker by the decisions of the Migration Department and the court;
 - 3) to allow the performance of health screening;
 - 4) to submit all the available documents and realistic full explanation of the motives of an application to grant an asylum, the asylum applicant's personality as well as the circumstances of his entry and stay in the Republic of Lithuania and to cooperate with the civil servant and employees of the competent institutions during the examination of the asylum application;
 - 5) during the questioning of a state institution or an organisation, which received alien's application to grant the asylum, to declare in writing in free format the resources and assets owned in the Republic of Lithuania as well as to declare to the Migration Department in writing in free format the funds, which were received during the period when the right was given to stay in the Republic of Lithuania and to do it within three days after receiving them;
 - 6) to immediately inform the Migration Department about the changes of the residential place, in case the Migration Department made a decision to allow residing in the chosen place of residence.

Other rights and duties that are mentioned in this booklet are established in paragraph 1 of Article 22¹, paragraph 3 of Article 67, paragraph 5 of Article 71, paragraph 3 of Article 82¹, paragraph 1 of Article 117, paragraph 1 of Article 118 and Article 136 of the same Law.

This booklet contains summarised information about the procedures of granting an asylum, main rights and duties of the asylum seekers as well as possible consequences for not complying with these duties. The sole purpose of this booklet is to provide information, as it does not create/entail in itself any rights or legal obligations. If you need additional explanations of the information provided in this booklet or want to find out more about the assessment of your application, please contact the Migration Department.