

Executive Summary

This study, carried out under the European Migration Network (EMN) 2009 annual programme, analyzes the scale, motives and issues related to arrivals, stay in Lithuania and return to the country of origin of unaccompanied minors foreign nationals from third countries, the study evaluates their reception, return and integration policy and practice in Lithuania, reviews most frequent problems, and provides ways to tackle them.

Legal status of unaccompanied minors in Lithuania came to be regulated by the law in 2004 when the Law on the Legal Status of Aliens was passed. The law distinguishes unaccompanied minors as a separate category of migrants. Later, Lithuania's membership in the European Union (EU) expedited the regulation of issues related to reception, integration and expulsion of unaccompanied minors as well as their adjustment to general principles of protecting unaccompanied minors applied in the EU. For a number of years, efforts were made to improve the practice of identifying, receiving, integrating and returning unaccompanied minors.

Groups of unaccompanied minors: the research has distinguished two groups of unaccompanied minors: unaccompanied minors seeking asylum and unaccompanied minors not seeking asylum. In the course of the research it was established that legal status of these groups and existing practice applied in their respect differs considerably. Status, reception, accommodation and return issues concerning unaccompanied minors seeking asylum are legally defined. Legal status and procedures applied in respect of unaccompanied minors not seeking asylum are not clearly defined. Insufficient legal regulation does not ensure proper protection of unaccompanied minors who do not seek asylum (for example, in order to expel them from the country, they can be detained in police custody), for this reason it is important to improve legal regulation, to clearly defined procedures applied to them (especially on the issue of their accommodation and expulsion/return).

Statistics: During 2000-2008, in Lithuanian, there were 137 unaccompanied minors seeking asylum registered. Since 2001 there was a steady decline in trends observed. The majority of unaccompanied minors arrive in Lithuania from Russia/of Chechen nationality (56%), Afghanistan (17%), and Belarus (4,4%). Half of the arrivals are 16-18 years old and boys predominate. The majority of unaccompanied minors come to Lithuania driven by the fear of war and personal feeling of insecurity. Statistical data on unaccompanied minors not seeking asylum is not collected and throughout the research authors provide only fragmentary figures on this topic.

Identification: unaccompanied minors are most often identified by officers of the State Border Guard Service under the Ministry of the Interior (therein below SBGS) border check-points. When identifying and conducting primary questioning of unaccompanied minors at the border crossing, border guards might run into difficulties due to [lack of] interpreters, because border checkpoints are not supplied with necessary equipment and do not have specially trained officials, who could every time properly question unaccompanied minor. If unaccompanied minor is granted asylum procedure, these problems are resolved, because the Migration Department under the Ministry of the Interior (therein below the Migration Department) has the possibility to conduct questioning in unaccompanied minors mother tongue, even using interpreters from other countries.

Care: The Law states that unaccompanied minors, from the moment they are identified, must be appointed a guardian who would represent minor's interests. The guardian must take care of the child throughout the whole period of his/her stay. In practice, an official guardian of unaccompanied minor is appointed only after (s)he settles in the Refugee Reception Center. During primary questioning, a guardian is not yet appointed. A staff member of the local Child's rights protection agency is invited to take part in the questioning. However, one can come across cases, when participation of a staff member is not ensured. If unaccompanied minor does not submit asylum application, the procedure of his/her expulsion is set in motion, (s)he is not appointed a guardian and his/her interests are not properly represented.

Asylum procedure: Asylum granting procedure in Lithuania is regulated and corresponds to the EU *acquis*. After receiving asylum application of an unaccompanied minor, the authorized institution – within 24 hours – collects necessary information and submits it to the Migration Department, which within 48 hours takes the decision on granting the unaccompanied minor an entry to the country. The Law foresees that unaccompanied minor seeking asylum cannot be denied an entry. Unaccompanied minors most often await the decision of the Migration Department at the border checkpoints or the Foreigners' Registration Center, which are not suitable for unaccompanied minors. Having established that asylum seeker is an unaccompanied minor, the Migration Department takes the decision to accommodate him/her at the Refugees' Reception Center. Later, the application of such unaccompanied minor to grant him/her protection is processed. The Law states that asylum application is processed up to 3 months, but applications of unaccompanied minors are processed faster. Until 2009 unaccompanied minors were granted subsidiary protection in Lithuania, that is, they were issued residence permit for 1 year with the possibility of extending it. Unaccompanied minors were never granted a refugee status.

Accommodation: Unaccompanied minors seeking asylum are accommodated at the Refugees' Reception Center. The Center has separate premises for accommodating unaccompanied minors, where up to 20 unaccompanied minors can reside at one time. During 2002-2008, there were 30 unaccompanied minors accommodated at the Center. One comes across cases when unaccompanied minors, whose age is difficult to establish, are also accommodated at the Foreigners' Registration Center, although it is not suitable for unaccompanied minors. The Law does not regulate the issue of accommodating unaccompanied minors not seeking asylum. They can be detained and accommodated at various institutions. Practice indicates that such unaccompanied minors most often are accommodated at the Foreigners Registration Center until they are expelled from the country.

Detention: the Law states that a foreign national who is younger than 18 years old, can be detained only in extreme case. However, detention of unaccompanied minors not seeking asylum is a common practice in Lithuania. Unaccompanied minors most often are detained at the Foreigners' Registration Center or in police custody. Both of these institutions are not suitable for unaccompanied.

Accommodation of unaccompanied minors in the Refugees' Reception Center: unaccompanied minors accommodated at the Refugees Reception Center are provided with all necessary social, educational, and medical services. Unaccompanied minors granted any form of protection can live in the Center until they turn 18 years old. Unaccompanied minor is allocated 169Lt (49EUR) monetary allowance for food and miscellaneous expenses. This sum is insufficient.

Integration in municipalities: State-sponsored integration in municipalities continues for twelve months. Later it is discontinued. This integration period is too short especially for individuals willing to continue their study in Lithuania.

Return: In Lithuania, the returns of unaccompanied minors are implemented according to general procedure, regardless of specific needs of unaccompanied minors. All returns/expulsions of minors is carried out by the state. Only formal efforts are put into verifying whether unaccompanied minor shall be properly cared for in the state, to which (s)he is being returned. Not a single unaccompanied minor was returned under voluntarily return programme.

Reintegration: Until 2009, reintegration of foreign nationals returned to the country of origin was not performed.

The research puts forward recommendations:

- To improve regulation of situation of unaccompanied minors and define in legislation procedures applied to them and responsible institutions;
- Analyze the issue of correspondence between benefits allocated to minors and incurred minimal expenses;
- To improve issues of return of unaccompanied minors asylum seekers and their integration (especially, identification of family members, proper evaluation of unaccompanied minor's care prospects in the state of return, assisting voluntary returns);
- To pay more attention to trainings of officers working with unaccompanied minors