

POLICIES, PRACTICES AND DATA ON UNACCOMPANIED MINORS IN LITHUANIA

Lina Charauskaite
International Cooperation Department
Ministry of Interior of the Republic of Lithuania

Every child, just as any adult, holds the right to seek asylum under the 1951 Geneva Convention. Most unaccompanied children, however, are not in need of refugee status, according to the Geneva Convention. However, they are in great need of protection and assistance.

Overview of the situation

The number of unaccompanied minors (both asylum seeking and non-asylum seeking) in Lithuania is small. On average 6 unaccompanied minors per year lodge asylum applications. These minors usually come from Afghanistan due to the insecure situation in the country. The number of non-asylum seeking unaccompanied minors depends on a year. These minors usually arrive to Lithuania in groups from Vietnam. They usually introduce themselves as young persons aged 15-17 years and come for economic reasons. Lithuania is for these minors a transit country. Among destination countries, Poland is mentioned most often. In practice, these persons are most often reluctant to answer the questions posed to them regarding reasons for and ways of the entry into Lithuania. They most often abscond from the institution where they are accommodated.

Reception and accommodation

Since 2012, all unaccompanied minors have been **accommodated at a social institution - the Refugees Reception Centre**. There was no clear procedures for unaccompanied minors non-asylum seeking till 2014.

On 23 April 2014, Minister of Security and Labour, Minister of the Interior and Minister of Health of the Republic of Lithuania adopted procedure for non-asylum seeking minors, because Lithuania in 2013 faced a big groups of Vietnamese people introducing themselves as minors and without documents and didn't apply for asylum. So we had to react and to establish detailed procedures.

Such actions are taken in respect of a non-asylum seeking unaccompanied minor:

I. **officers** of a police institution or the SBGS **must perform the following actions:**

a) immediately inform by telephone or by electronic means of communication a municipal **State Child Rights Protection and Adoption Service under the Ministry of Social Security and Labour** (State Child Rights Protection and Adoption Service);

b) **perform an inspection** of the unaccompanied minor, his/her documents and belongings; make a photo of the minor;

c) **conduct an interview** of the unaccompanied minor. The interview must be attended by a lawyer, an interpreter and, where appropriate, a representative of a child's rights protection division. During the interview, the unaccompanied minor is familiarised with his/her rights and the purpose of the interview;

d) **collect the fingerprints** of the unaccompanied minor, if (s)he is over the age of 14 years, and transmit data to the national EURODAC unit. Fingerprints of the unaccompanied minor (under 14 years of age) are taken when there are reasonable doubts as to his/her age;

e) **check data** of the unaccompanied minor and his/her family members for more information about him/her in the following registers and systems:

- *Residents' Register;*
- *Register of Aliens;*
- *National Visa Information System;*
- *National second generation Schengen Information System;*
- *Register of Suspected, Accused and Convicted Persons and the Register of Preventive Measures Application;*
- *Departmental Register of Wanted Persons, Unidentified Bodies and Unknown Helpless Persons;*
- *Register of Habitoscopic Data.*

f) **enter data related to the unlawful stay of a minor into the Register of Foreigners**, if a decision is taken on the detention of the unaccompanied minor for up to 48 hours;

II. The State Child Rights Protection and Adoption Service immediately **takes a decision on the accommodation of an unaccompanied minor at the Refugees Reception Centre**. This decision is like legal instrument to accommodate those children in not detention center.

III. Migration Department must immediately **initiate a search for his/her family members or other legal representatives**. In practice, possibilities of the search for relatives are highly limited. Successful cases of the search for the relatives are mostly linked with the relatives living in EU countries, but such cases are few.

Refugees Reception Centre is the only institution in Lithuania providing accommodation for unaccompanied minors, regardless of whether they have applied for asylum or not. The transfer of a minor is organised by a police unit or a border guard unit. The Refugees Reception Centre provides conditions to access the services: emergency treatment, basic medical care, essential / specializes health care if required, psychological support; children have access to kinder garden and school, Lithuanian language; they get monthly allowances and other integration measures that are the same as for all persons who have been granted asylum in Lithuania.

Age assessment

The age of an unaccompanied minor can be determined in the following ways:

- 1) Based on the documents presented or his/her own words;
- 2) In the presence of reasonable doubts as to the age of the asylum seeking unaccompanied minor, an age assessment may be undertaken.

In practice, the age of an asylum seeking unaccompanied minors is usually recorded during an initial interview based on his/her own words.

An age assessment (X-ray test) may be performed only when there is a reasonable doubt as to an unaccompanied minor's age and only with his/her consent. The test's conclusion permits a margin of error of two years. In the event of such an error, the person is considered to be a minor. If the unaccompanied minor does not consent to undergo the age assessment, a decision on the necessity of the assessment or on the recognition of the person as an unaccompanied minor is adopted by the court.

Guardianship

In Lithuania, all unaccompanied minors are subject to the same guardianship procedure therefore the Refugees Reception Centre is appointed as the guardian of non-asylum seeking unaccompanied minors also. Guardians of unaccompanied minors are social workers who have completed the courses necessary for their qualification, but specific courses related to their work with such unaccompanied minors have not been organised.

Absconding

All unaccompanied minors are accommodated at the social institution without restricting their freedom of movement. Non-asylum seeking unaccompanied minors, whose main purpose of entry is transit through Lithuania, abscond from the Refugees Reception Centre in an overwhelming majority of cases and are likely to leave to other EU countries in order to be reunited with their families or for financial reasons.

Challenges

The absconding of non-asylum seeking unaccompanied minors from care institutions as the main challenge. They abscond, as the main reason for their arrival is transit through Lithuania to other Schengen countries. The ways of improving the current situation are being considered.