

International
Organization
for Migration

European
Migration
Network

Accurate, timely,
interoperable? Data
management in the
asylum procedure

2020/1

EMN STUDY

This publication was conducted under the European Migration Network (EMN) 2019–2020 Work Programme.

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

More information about EMN activities in Lithuania: www.emn.lt.

Contact details:

European Migration Network National Contact Point in Lithuania

A. Jakšto str. 12, 4th floor

LT-01105, Vilnius

Tel.: +370 5 2624897

Email: emnlithuania@iom.int

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SUMMARY

Situation. The Republic of Lithuania receives on average over 400 asylum applications per year (in 2016 – 425 applications, in 2017 – 599 applications, mostly lodged by foreigners from Syria, in 2019 – 646 applications, mostly lodged by foreigners from Tajikistan and Russia). Since 2009, the number of asylum applications in Lithuania has grown due to a significant increase in the number of Georgian nationals (their applications account for almost half of the mentioned applications), whereas the increase in the number of asylum applications observed since 2016 has been linked to the fulfilment of commitments to the European Union, such as resettlement of asylum applicants from Greece, Italy and Turkey. In 2019, few foreigners were resettled to the Republic of Lithuania, however the number of asylum applicants from Tajikistan and the Russian Federation has largely increased.

Legal framework. The main legal acts regulating the asylum procedure in the Republic of Lithuania are the Law on the Legal Status of Foreigners (the 'Law') and the Description of the Procedure for Granting and Withdrawing Asylum in the Republic of Lithuania (the 'Description of the Procedure').

Asylum procedure and its phases. Pursuant to the Law, an asylum application means a request made in any form by a foreigner with regard to granting asylum in the Republic of Lithuania. Legal acts of the Republic of Lithuania distinguish two phases of the asylum procedure: the lodging of an asylum application (the first phase) and the examination of an asylum application (the second phase). During the first phase a person who wishes to be granted asylum lodges an asylum application with an institution established by law, the application is immediately registered and the initial actions of the asylum procedure provided for in the Law and the Description of the Procedure are carried out. The asylum application may be lodged in the Migration Department under the Ministry of the Interior of the Republic of Lithuania (the 'Migration Department') or the State Border Guard Service under the Ministry of the Interior of the Republic of Lithuania (the 'State Border Guard Service'). The asylum application is deemed to have been received after a civil servant authorised by the receiving institution registers the asylum application and data on the asylum applicant in the Register of Foreigners. After the lodging of the asylum application, the applicant enjoys the rights and guarantees by the law provided for asylum applicants. During the second phase of the asylum procedure, application is examined and a decision on the granting of asylum is taken by the Migration Department.

Channelling of applications. In Lithuania, the channelling of asylum applications is stipulated in legal acts by virtue of two procedures: examination of an application as to substance and

examination of an application as to substance as a matter of urgency. A decision on a procedure for examining an asylum application is taken within 48 hours from the lodging of the application or from the transfer of the asylum applicant to the Republic of Lithuania from any EU Member State. The asylum application must be examined as soon as possible and not later than within 3 months, however this time limit may be extended for a period not exceeding 3 months where the investigation requires assessment of complex legal and/or factual circumstances. When the asylum application is examined as to substance as a matter of urgency, it must be examined within 7 working days, however, this time limit may be extended for a period not exceeding 3 working days where this is necessary due to the assessment of complex legal and/or factual circumstances. The Republic of Lithuania may also refrain from examining an asylum application for reasons established by law. Such decision may be taken within 48 hours, however, where it is impossible to properly assess the circumstances within the said time limit, this time limit may be extended by a decision of the Migration Department but not longer than for 3 working days.

Collection of data, registers and protection. Data on an asylum applicant is collected at the time of lodging of an asylum application and during the examination of the asylum application. In the framework of the asylum procedure, the data on the asylum applicant is collected by the authorities receiving and examining applications (the Migration Department and the State Border Guard Service). The data on the asylum applicant is collected during an interview with him/her, by analysing the documents submitted by him/her, as well as the information can be found in open sources (e.g. social media), which is relevant when assessing the asylum application and reasons for seeking asylum. At the lodging phase, databases of the Register of Foreigners, Eurodac and the State Border Guard Service information system are used for the purpose of collecting the data. The data collected during the lodging phase may be adjusted during the examination of the asylum application, as there are cases that the data collected in the first phase change in the second phase. When examining the asylum application, information about the asylum applicant is cross-checked in the databases of different levels – at national (the Register of Foreigners, the Lithuanian national second-generation Schengen Information System, national databases) as well as European and international levels (e.g., the database of Interpol's Secretariat General). The collected data is stored in the asylum applicant's personal file (on paper), in the database of the Register of Foreigners. Moreover, during the asylum procedure, information about the asylum procedure, its course, applicant's rights and duties, the collection, purpose and use of the data is provided orally to the asylum applicant in a language that he/she understands.

0.

Impact of COVID-19

Question (further – Q) 0. Did your (Member) State introduce any major change(s)/ reform(s) related to data management due to the COVID-19 pandemic?

Yes

After the Republic of Lithuania declared quarantine due to COVID-19¹, the Director of the Migration Department issued an order approving a procedure for organising the work of the Migration Department during quarantine. The order established that during quarantine, persons wishing to apply for asylum were registered by phone at 8 707 67000 or by e-mail to info@migracija.gov.lt. At the time of registration, they had to indicate the reasons for applying for asylum and their address, contact details and how to contact them after quarantine in order to conduct initial interviews. During this temporary procedure, a person's wish to be granted asylum was only registered, his/her application was not considered as lodged and the foreigner did not acquire the status of the asylum applicant. However, in order to ensure that foreigners obtain the status of the asylum applicant without waiting for the end of quarantine, initial asylum procedures were commenced in full compliance with all safety requirements.

No

¹ In Lithuania, quarantine was declared on 16 March 2020, see Government of the Republic of Lithuania Resolution No 207 declaring quarantine on the territory of the Republic of Lithuania, <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/deaf8694663011eaa02cacf2a861120c>

1.

The asylum procedure

1.1 OVERVIEW OF THE ASYLUM PROCEDURE

Q1. Does your (Member) State clearly distinguish in national legislation among the abovementioned phases of making, registering and lodging of an application?

Yes

No

There are two legal acts regulating the asylum procedure in the Republic of Lithuania, namely, the Law² and the Description of the Procedure³. The asylum procedure in the Republic of Lithuania begins with the phase of lodging of an asylum application. Legal acts of the Republic of Lithuania stipulate that a foreigner's asylum application may be lodged: 1) at border crossing points or within the territory of the Republic of Lithuania where the border legal regime is valid – with the State Border Guard Service; 2) within the territory of the Republic of Lithuania (except for the cases referred to in point 1) – with the State Border Guard Service or the Migration Department.

The asylum application is deemed to have been lodged when the foreigner (or his/her legal representative) lodges it with the abovementioned state institutions or agencies. From the lodging of the asylum application, the applicant enjoys the rights and guarantees provided for asylum applicants. If the asylum application is lodged with an institution other than the institution stipulated by the Law and/or not in compliance with the requirements laid down in that Law, the application is returned to the foreigner not later than within 2 working days from the time when it is established that the received application is an asylum application, informing the foreigner of the procedure for lodging asylum applications. This information is provided to the foreigner in writing in a language that he/she can reasonably be expected to understand. A copy of the reply to the foreigner is forwarded to the institution specified in the Law according to the foreigner's place of stay, which immediately enables the foreigner to lodge an asylum application.

The institution which has received the application carries out the initial actions of the asylum procedure:

- takes the asylum application from the asylum applicant, indicates in the asylum application or, if the application has not been lodged in writing, in the record of this application, the date, time and place of its lodging;
- collects all available documents and travel tickets of the asylum applicant;
- carries out, with respect for human dignity, a personal search of the asylum applicant and a check of person's belongings;
- interviews the asylum applicant and, on the basis of the submitted documents and the collected information, assesses whether the asylum applicant has special needs;

² <https://www.e-tar.lt/portal/lt/legalAct/TAR.42837E5A79DD/asr>

³ <https://e-seimas.lrs.lt/portal/legalAct/lt/TAD/0a918630dc0311e59019a599c5cbd673/asr>

- takes the fingerprints of the asylum applicant who has reached the age at least of 14 years;
- provides the asylum applicant with all the necessary information⁴;
- takes a picture of the asylum applicant;
- registers the asylum application and the data on the asylum applicant in the database of the Register of Foreigners. If the application has been lodged with the State Border Guard Service, the collected information will be forwarded to the Migration Department, which determines the manner in which the asylum application will be examined.

The initial actions of the asylum procedure are carried out within 24 hours from the lodging of an asylum application. The Migration Department must decide on a procedure for examining the asylum application within 48 hours from the lodging of the asylum application.

Q2. a) Does your (Member) State clearly distinguish in practice among the abovementioned phases of making, registering and lodging of an application?

Yes

No

The practice of the Republic of Lithuania, just as its law, provides for two phases of the asylum procedure, namely, the lodging of an asylum application and the examination of an asylum application. The phase of lodging of an asylum application begins when a person who wishes to be granted asylum lodges an asylum application with an institution specified by law. The application is subsequently registered, followed by immediate initial actions of the asylum procedure. In the second phase – during the examination of the asylum application – the Migration Department examines the lodged applications respectively as to substance or as to substance as a matter of urgency.

b) In practice, are there any differences in the division of the phases based on the different types of entry routes (i.e. land, sea, air)? For Member States implementing the hotspot approach, does this distinction hold in the hotspots?

No, there are no differences in practice. Asylum applications lodged by foreigners entering on all entry routes are subject to a uniform registration procedure.

⁴ The information provided to an adult asylum applicant is set out in Article 4(1) of Regulation (EU) No 604/2013 of the European Parliament and of the Council and is prepared in accordance with Part A of Annex X to Commission Regulation (EC) No 1560/2003, as subsequently amended. An unaccompanied minor asylum applicant is provided with the information referred to in Article 4(1) of Regulation (EU) No 604/2013 of the European Parliament and of the Council and prepared in accordance with Annex XI to Commission Regulation (EC) No 1560/2003, as subsequently amended.

Q3. a) Does 'channelling' of specific caseloads take place in the asylum procedure of your (Member) State?

Yes

Lithuanian legal acts provide, in line with the provisions of Directive 2013/32/EU, for the examination of an asylum application as to substance and as to substance as a matter of urgency. A decision on the examination of the asylum application as to substance or as to substance as a matter of urgency is taken within 48 hours from the lodging of the asylum application or from the transfer of the asylum applicant to the Republic of Lithuania from any EU Member State.

An asylum application must be examined as soon as possible and not later than within 3 months from the taking by the Migration Department of a decision on the examination of the asylum application as to substance. The said 3-month time limit for examining asylum applications as to substance may be extended for a period not exceeding 3 months where it is impossible to examine the asylum application within the set time limit due to the fact that the investigation requires assessment of complex legal and/or factual circumstances.

When an asylum application is examined as to substance as a matter of urgency, the asylum application must be examined within 7 working days from the taking by the Migration Department of a decision on the examination of the asylum application as to substance as a matter of urgency. The time limit may be extended for a period not exceeding 3 working days where this is necessary due to the assessment of complex legal and/or factual circumstances. The asylum application is examined as to substance as a matter of urgency when the asylum applicant:

- has entered from a safe country of origin;
- provides in the asylum application only such information which is irrelevant for the examination of whether the foreigner may be granted asylum;
- in order to mislead the investigation, supplies misleading information or counterfeit documents about his/her identity or citizenship or fails to supply or destroys information or documents about his/her identity or citizenship which may have a decisive influence on a decision on the granting of asylum;
- lodges the asylum application based on the data, as supplied by the asylum applicant, which are inconsistent, contradictory, misleading and contrary to the collected information about the foreigner's country of origin and are clearly unconvincing;
- lodges a subsequent asylum application which does not include or supply any new essential information or data significantly increasing the likelihood that the asylum applicant may meet the criteria for granting asylum;
- lodges the asylum application solely for the purpose of preventing the taking or enforcement of a decision to return or expel the foreigner to a foreign state;
- refuses to allow his/her fingerprints to be taken;
- for valid reasons may be considered to represent a threat to national security or public policy or has been removed from the Republic of Lithuania due to the threat represented to national security or public policy by his/her stay in the Republic of Lithuania.

Moreover, legal acts of the Republic of Lithuania provide that the Republic of Lithuania will not examine an asylum application where:

- asylum has been granted to the asylum applicant by another EU Member State or by a safe third country and the asylum applicant may return to this state and continue to enjoy asylum;
- the asylum applicant has entered the Republic of Lithuania from a safe third country;
- the asylum applicant has lodged a subsequent application not containing any new essential information.

A decision not to examine an asylum application is taken within 48 hours from the lodging of the asylum application or from the transfer of the asylum applicant to the Republic of Lithuania from another EU Member State. If it is impossible to properly assess the circumstances referred to in paragraph 1 of this Article within the said time limit, this time limit may be extended by a decision of the Migration Department but not longer than for 3 working days.

No

b) Did your (Member) State introduce any changes on 'channelling' since 2014?

Yes, this was related to the amendments to the Law of the Republic of Lithuania on the Legal Status of Foreigners which became effective on 1 December 2015⁵. The amendments concerned the Common European Asylum System (CEAS) and stipulated the examination of asylum applications as to substance as a matter of urgency, non-examination of asylum applications, time limits for these procedures (detailed in the top-line factsheet).

Q4. a) Are there any national time frames/limits for each of the single phases (making, registering, lodging and examining a claim) in the context of Article 6 of the recast Asylum Procedures Directive?⁶

Yes

No

As pointed out above, only two phases of the asylum procedure are distinguished in Lithuania, namely, the lodging of an asylum application and the examination of an asylum application. An asylum application is lodged with the institutions specified in the Law and is deemed to have been received when an authorised civil servant registers the application and the data of the asylum applicant in the database of the Register of Foreigners. The initial actions of the asylum procedure are carried out within 24 hours from the lodging of the asylum application. According to the Law, the asylum applicant must supply the information necessary to substantiate his/her asylum application as early as possible.

If an asylum application is lodged with an institution other than the institution specified in the Law and/or not in compliance with the requirements laid down in that Law, such an application

⁵ <http://www.e-tar.lt/portal/legalAct.html?documentId=7bd31620950311e5a6f4e928c954d72b>

⁶ Directive 2013/32/EU (NB Denmark and Ireland do not participate in the recast Asylum Procedures Directive).

is to be returned to the foreigner not later than within 2 working days from the time when it is established that the received application is an asylum application, informing him/her of the procedure for lodging asylum applications.

A decision on a procedure for examining an asylum application is taken within 48 hours from the lodging of the application or from the transfer of the asylum applicant to the Republic of Lithuania from any EU Member State.

An asylum application must be examined as to substance as soon as possible but not later than within 3 months from the taking by the Migration Department of a decision on the examination of the asylum application as to substance. This time limit may be extended by a decision of the Migration Department for a period not exceeding 3 months, therefore the examination of the asylum application as to substance may continue for up to 6 months.

When an asylum application is examined as a matter of urgency, the asylum application must be examined within 7 working days from the taking by the Migration Department of a decision on the examination of the asylum application as a matter of urgency. The time limit may be extended for a period not exceeding 3 working days where this is necessary due to the assessment of complex legal and/or factual circumstances.

Moreover, the legal acts of the Republic of Lithuania provide that the Republic of Lithuania may refrain from examining an asylum application. A decision not to examine the asylum application is taken within 48 hours from the lodging of the asylum application or from the transfer of the asylum applicant to the Republic of Lithuania from another EU Member State. If it is impossible to properly assess the circumstances within the said time limit, the time limit may be extended by a decision of the Migration Department but not longer than for 3 working days.

b) Did your (Member) State introduce any changes in the national timeframes / limits in the years since 2014?

Yes. On 26 November 2015, Law No XII-2080 Amending Republic of Lithuania Law No IX-2206 on the Legal Status of Foreigners⁷ was passed; the amendments concerned the CEAS and stipulated the examination of asylum applications as to substance as a matter of urgency, non-examination of asylum applications, time limits for these procedures (detailed in the top-line factsheet).

Q5. a) In practice, how long does the procedure take from an asylum applicant making an application to lodging the application (average days)?

As mentioned earlier, such phases as making or registering an asylum application are not distinguished in practice (as well as law). Therefore, the asylum procedure in Lithuania begins with lodging an asylum application and there is no possibility to indicate either the exact average duration or estimates about the average duration from making to lodging a claim.

⁷ <https://www.e-tar.lt/portal/legalAct.html?documentId=7bd31620950311e5a6f4e928c954d72b>

Table 1

Year	Average duration (days) from making to lodging a claim
2014	Not applicable
2015	Not applicable
2016	Not applicable
2017	Not applicable
2018	Not applicable
2019	Not applicable

b) In practice, how long does the procedure take from lodging the application until a first instance decision is made (average days)? If information is not available, please indicate legal time limits and an indication that these are legal limits.

There are no statistics on the average number of days passing in practice from lodging an asylum application and until a first instance decision is made. Legal acts of the Republic of Lithuania stipulate that an asylum application must be assigned at first instance (the Migration Department) to a certain examination procedure within 48 hours (2 days) from its lodging. After the assignment of the examination procedure, the asylum application must be examined as to substance not later than within 3 months; this time limit may be extended by a decision of the Migration Department for a period not exceeding 3 months. An asylum application must be examined as to substance as a matter of urgency within 7 working days; this time limit may be extended for a period not exceeding 3 working days. A decision not to examine the asylum application at first instance is taken within 2 days (48 hours) from the lodging of the asylum application, with the possibility to extend this time limit for no longer than 3 working days.

Table 2

Year	Average days	Channel 1 (as to substance)	Channel 2 (as to substance as a matter of urgency)	Channel 3 (not to be examined)
2014		185 ⁸	-	-
2015 ⁹		185	12 ¹⁰	5 ¹¹
2016		185	12	5
2017		185	12	5
2018		185	12	5
2019		185	12	5

⁸ The table shows the maximum duration from the lodging of an asylum application until the taking of a first instance decision on the granting of asylum, including a decision on an examination procedure (2 days or 48 hours) + set time limit (3 months) + extension (3 months).

1.2 AUTHORITIES INVOLVED IN THE ASYLUM PROCEDURE

Q6. Which authorities are involved in and responsible for the asylum procedure from making an application to first instance decision?

Table 3

Type of Authority	Specify name of the authority involved in making an application	Legally competent for registering an asylum application	Legally competent for lodging an asylum application	Legally competent for examining an asylum application
State Border Guard Service			<input checked="" type="checkbox"/> Legally competent for registering an asylum application under legal acts of the Republic of Lithuania	
Local Police				
(Branch) office for Refugees				
Ministries (Interior, Justice, etc.)				
Local Citizen's Office/Mayor of a local city/town				

⁹ As of 1 December 2015, when the amendments to the Law of the Republic of Lithuania on the Legal Status of Foreigners became effective, see <https://www.e-tar.lt/portal/legalAct.html?documentId=7bd31620950311e5a6f4e928c954d72b>.

¹⁰ The table shows the maximum duration from the lodging of an asylum application until the taking of a first instance decision on the granting of asylum, including a decision on an examination procedure (2 days or 48 hours) + set time limit (7 days) + extension (3 days).

¹¹ The table shows the maximum duration from the lodging of an asylum application until the taking of a decision not to examine the asylum application (2 days or 48 hours) + extension (3 days).

Type of Authority	Specify name of the authority involved in making an application	Legally competent for registering an asylum application	Legally competent for lodging an asylum application	Legally competent for examining an asylum application
Migration Department			<input checked="" type="checkbox"/> Legally competent for registering an asylum application under legal acts of the Republic of Lithuania	<input checked="" type="checkbox"/>
Foreigners' Registration Centre of the State Border Guard Service			<input checked="" type="checkbox"/> Legally competent for registering an asylum application under legal acts of the Republic of Lithuania	
EU Agency				
International Organisation				
Detention facility				
Reception centre				
Others (please specify)				

1.3 DATA COLLECTED DURING THE ASYLUM PROCEDURE

Q7. Which information is gathered during the asylum procedure at the different phases and by whom?

Table 4

1. Categories of data collected	2. In which phase(s) is this information collected? (including self-registration)	3. Which organization collects this information in each of the different phases?	4. How is this particular category of data / biometric data collected?	5. Where is this particular category of data / biometric data stored?	6. If applicable, please specify the name of the database(s)
	<ul style="list-style-type: none"> ■ Registering (1) ■ self-registration (1.1) ■ lodging (2) ■ examination (3) 		<ul style="list-style-type: none"> ■ online self-registration ■ written questionnaire (in paper) ■ oral (interview, face-to-face) ■ oral (interview via phone/ videocall) ■ open source (e.g. social media) ■ analysing documents ■ analysing content of mobile devices (e.g. phones, laptops) ■ using automated or artificial intelligence for analysis of data ■ other: please specify 	<ul style="list-style-type: none"> ■ in an electronic file ■ in a database ■ on paper 	
Name					
■ current name	2 ¹²	<ul style="list-style-type: none"> ■ State Border Guard Service (2) ■ Migration Department (2) ■ Foreigners' Registration Centre of the State Border Guard Service (2) 	<ul style="list-style-type: none"> ■ oral (interview, face-to-face) (2) ■ analysing documents (2) 	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
■ birth name	2	idem	idem	idem	idem

¹² All data presented in the table and collected in Phase 2 can be adjusted in Phase 3, i.e. during the examination of an asylum application. In some cases, the data collected in the initial phase change in Phase 3 and are then adjusted. In Phase 3, the data can be adjusted by the Migration Department.

1. Categories of data collected	2. In which phase(s) is this information collected? (including self-registration)	3. Which organization collects this information in each of the different phases?	4. How is this particular category of data /biometric data collected?	5. Where is this particular category of data / biometric data stored?	6. If applicable, please specify the name of the database(s)
<ul style="list-style-type: none"> ■ Registering (1) ■ self-registration (1.1) ■ lodging (2) ■ examination (3) 			<ul style="list-style-type: none"> ■ online self-registration ■ written questionnaire (in paper) ■ oral (interview, face-to-face) ■ oral (interview via phone/ videocall) ■ open source (e.g. social media) ■ analysing documents ■ analysing content of mobile devices (e.g. phones, laptops) ■ using automated or artificial intelligence for analysis of data ■ other: please specify 	<ul style="list-style-type: none"> ■ in an electronic file ■ in a database ■ on paper 	
■ previous name(s)	2	idem	idem	idem	idem
■ pen name (alias)	-	-	-	-	-
■ religious names	-	-	-	-	-
■ other names	2	-	-	-	-
Sex	2	<ul style="list-style-type: none"> ■ State Border Guard Service (2) ■ Migration Department (2) ■ Foreigners' Registration Centre of the State Border Guard Service (2) 	<ul style="list-style-type: none"> ■ oral (interview, face-to-face) (2) ■ analysing documents (2) 	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
Biometric data					
■ photo	2	idem	idem	idem	idem
■ fingerprints	2 (according to Eurodac requirements)	idem	■ taking fingerprints (2)	idem	Eurodac
■ iris scan	-	-	-	-	-

■ other	-	-	-	-	-
Eye colour	-	-	-	-	-
Height	-	-	-	-	-
Date of birth	2	<ul style="list-style-type: none"> ■ State Border Guard Service (2) ■ Migration Department (2) ■ Foreigners' Registration Centre of the State Border Guard Service (2) 	<ul style="list-style-type: none"> ■ oral (interview, face-to-face) (2) ■ analysing documents (2) 	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
Citizenship(s)	2	idem	idem	idem	idem
Country of origin	2	idem	idem	idem	idem
Place of birth					
■ town	2	idem	idem	idem	idem
■ region	2	idem	idem	idem	idem
■ country	2	idem	idem	idem	idem
■ other	-	-	-	-	-
Date of arrival in the (Member) State	2	idem	idem	idem	idem
Last place of residence in the country of origin	2	idem	idem	idem	idem
Last place of residence before entry in the (Member) State	2	idem	idem	idem	idem
Contact details					
■ phone number	2	idem	idem	idem	idem
■ email address	2	idem	idem	idem	idem
■ current address	2	idem	idem	idem	idem
■ other	-	-	-	-	-

1. Categories of data collected	2. In which phase(s) is this information collected? (including self-registration)	3. Which organization collects this information in each of the different phases?	4. How is this particular category of data /biometric data collected?	5. Where is this particular category of data / biometric data stored?	6. If applicable, please specify the name of the database(s)
	<ul style="list-style-type: none"> ■ Registering (1) ■ self-registration (1.1) ■ lodging (2) ■ examination (3) 		<ul style="list-style-type: none"> ■ online self-registration ■ written questionnaire (in paper) ■ oral (interview, face-to-face) ■ oral (interview via phone/ videocall) ■ open source (e.g. social media) ■ analysing documents ■ analysing content of mobile devices (e.g. phones, laptops) ■ using automated or artificial intelligence for analysis of data ■ other: please specify 	<ul style="list-style-type: none"> ■ in an electronic file ■ in a database ■ on paper 	
Civil status	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
Accompanied by:					
<ul style="list-style-type: none"> ■ spouse or civil partner 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
<ul style="list-style-type: none"> ■ children 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
<ul style="list-style-type: none"> ■ parents 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
<ul style="list-style-type: none"> ■ other relatives 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
Family members in the (Member) State					
<ul style="list-style-type: none"> ■ name 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
<ul style="list-style-type: none"> ■ residency 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
<ul style="list-style-type: none"> ■ citizenship 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners

<ul style="list-style-type: none"> ■ other 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
Family members in another (Member) State	2	idem	idem	<ul style="list-style-type: none"> ■ on paper (2) 	-
Close relatives in the (Member) State	2	idem	idem	<ul style="list-style-type: none"> ■ on paper (2) 	-
Close relatives in another (Member) State	2	idem	idem	<ul style="list-style-type: none"> ■ on paper (2) 	-
Health status					
<ul style="list-style-type: none"> ■ specifics on health status 	2	idem	idem	<ul style="list-style-type: none"> ■ on paper (2) 	-
<ul style="list-style-type: none"> ■ reference that a general health check has been carried out 	-	-	-	-	-
<ul style="list-style-type: none"> ■ other 	-	-	-	-	-
Education					
<ul style="list-style-type: none"> ■ school attendance 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
<ul style="list-style-type: none"> ■ academic studies 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
<ul style="list-style-type: none"> ■ trainings 	-	-	-	-	-
<ul style="list-style-type: none"> ■ apprenticeships 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
<ul style="list-style-type: none"> ■ non-formal work experience 	-	-	-	-	-
<ul style="list-style-type: none"> ■ other 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners

1. Categories of data collected	2. In which phase(s) is this information collected? (including self-registration)	3. Which organization collects this information in each of the different phases?	4. How is this particular category of data /biometric data collected?	5. Where is this particular category of data / biometric data stored?	6. If applicable, please specify the name of the database(s)
<ul style="list-style-type: none"> ■ trainings 	-	-	-	-	-
Language skills	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
Profession	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
Criminal record	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
Financial resources	-	-	-	-	-
Supporting documents					
<ul style="list-style-type: none"> ■ passport 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
<ul style="list-style-type: none"> ■ travel document 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
<ul style="list-style-type: none"> ■ other 	2	idem	idem	<ul style="list-style-type: none"> ■ on paper (2) 	-
Reasons for fleeing	2	idem	<ul style="list-style-type: none"> ■ oral (interview, face-to-face) (2) ■ analysing documents (2) ■ open source (e.g. social media) 	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners

Reasons for not wanting to be returned to the competent Member State as part of a Dublin procedure	2	idem	idem	<ul style="list-style-type: none"> ■ on paper (2) 	
Previous applications	2	idem	<ul style="list-style-type: none"> ■ oral (interview, face-to-face) (2) ■ analysing documents (2) ■ in the database of the Register of Foreigners 	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
Information on the route taken	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
Information on exclusion grounds	-	-	-	-	-
Religious affiliation	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
Vulnerabilities					
<ul style="list-style-type: none"> ■ Unaccompanied minor 	2	idem	idem	<ul style="list-style-type: none"> ■ in a database (2) ■ on paper (2) 	Register of Foreigners
<ul style="list-style-type: none"> ■ Pregnant 	2	idem	idem	<ul style="list-style-type: none"> ■ on paper (2) 	-
<ul style="list-style-type: none"> ■ Disabilities (which?) 	2	idem	idem	<ul style="list-style-type: none"> ■ on paper (2) 	-
<ul style="list-style-type: none"> ■ Elderly 	2	idem	idem	<ul style="list-style-type: none"> ■ on paper (2) 	-
<ul style="list-style-type: none"> ■ Single parent with minor child(ren) 	2	idem	idem	<ul style="list-style-type: none"> ■ on paper (2) 	-
<ul style="list-style-type: none"> ■ Victims of human trafficking 	2	idem	idem	<ul style="list-style-type: none"> ■ on paper (2) 	-

1. Categories of data collected	2. In which phase(s) is this information collected? (including self-registration)	3. Which organization collects this information in each of the different phases?	4. How is this particular category of data /biometric data collected?	5. Where is this particular category of data / biometric data stored?	6. If applicable, please specify the name of the database(s)
<ul style="list-style-type: none"> ■ Mental disorders 	2	idem	idem	<ul style="list-style-type: none"> ■ on paper (2) 	-
<ul style="list-style-type: none"> ■ Victims of torture, physical or sexual violence (female genital mutilation) 	2	idem	idem	<ul style="list-style-type: none"> ■ on paper (2) 	-
<ul style="list-style-type: none"> ■ other 	-	-	-	-	-
Other (please specify)	-	-	-	-	-

Q8. Has your (Member) State identified any good practice in frontloading information collected by other authorities not directly connected to the asylum procedure? If yes, please elaborate and specify in which phase does the frontloading take place.

No.

1.4 DATA MANAGEMENT DURING THE ASYLUM PROCEDURE

Q9. Please fill Table 5 based on the information given in column 6 of Table 4

Table 5

Database	Overview/ definition of the database (please indicate whether it is a regional, national or European database).	National authorities that have access to the databases or access to its data ¹³			Data shared with other Member States (apart from the data that (Member) States share through EU databases e.g. Eurostat, VIS, SIS)	
		Name of authority/ organisation	In which phase of the asylum procedure	For what purpose	Type of data	For what purpose
Register of Foreigners	This is a state register, its data is accumulated in the Register's database. The purpose of the Register is to register foreigners whose legal status in the Republic of Lithuania is determined under laws of the Republic of Lithuania, EU legal acts and international treaties. This Register is also intended to collect, accumulate, process, systematise, store	<ul style="list-style-type: none"> Migration Department State Border Guard Service. <p>The regulations of the Register also specify that the Register's data processors are the Information Technology and Communications Department under the Ministry of the Interior of the Republic of Lithuania, the Office of the President of the Republic of Lithuania, the Ministry of</p>	2,3	To collect, accumulate, process, systematise, store data on foreigners and their applications and decisions taken.	-	-

¹³ Please differentiate between access to database and access to data. 'Access to database' is understood as a national authority being authorised to have direct access to a database without the need to request data to be transmitted to them via other authorities or intermediaries. 'Access to data' is reserved to cases where an authority has access to data contained to a database, through transmission or sharing by another authority.

	and provide Register data, perform other data management operations. The purpose of management of the personal data of the Register is to determine the legal status of foreigners in the Republic of Lithuania under laws of the Republic of Lithuania, EU legal acts and international treaties.	Foreign Affairs of the Republic of Lithuania, however they are responsible for the management of data of foreigners other than asylum applicants and have limited access rights to information concerning them.				
EURODAC	European centralised database containing fingerprint data for third-country nationals applying for asylum in one of the EU Member States.	<ul style="list-style-type: none"> Migration Department State Border Guard Service. 	2,3	To take fingerprints and enter them in the EURODAC database, to obtain a hit reply.	With the Member States participating in the implementation of the EURODAC Regulation.	For the purpose stipulated in the Regulation.
State Border Guard Service information system (VSATIS)	Information system of the State Border Guard Service the purpose of which is to manage, by information technology tools, the data on persons crossing the state border of the Republic of Lithuania, their travel documents, vehicle inspection or other data related to the crossing of the state border.	<ul style="list-style-type: none"> Migration Department State Border Guard Service. 	2,3	To obtain information about the crossing of the state border of the Republic of Lithuania.	-	-

2.

Making an asylum application

2.1 MAKING AN APPLICATION TO AN AUTHORITY NOT COMPETENT TO REGISTER THE ASYLUM APPLICATION

THE PHASE OF MAKING AN ASYLUM APPLICATION IS NOT APPLICABLE IN THE REPUBLIC OF LITHUANIA

Q10. What information do authorities who are not competent to register an asylum application provide to the asylum applicants on where to go and what to do?

Not applicable.

Q11. Do the authorities who are not competent to register any asylum application collect any data on the asylum applicant?

Not applicable.

3.

Registering an asylum application

3.1 CROSS CHECKING OF DATA COLLECTED AT THE REGISTRATION PHASE

THE PHASE OF REGISTERING AN ASYLUM APPLICATION IS NOT APPLICABLE IN THE REPUBLIC OF LITHUANIA

Q12. Against which databases at i. local/regional, ii. national, iii. European and iv. international levels is the information collected during registration cross-checked¹⁴ (please elaborate, what the purpose is of the cross-checking and if only specific categories of data are cross-checked)?

Not applicable.

Q13. Does systematic cross-checking against (i) VIS and (ii) SIS take place?

Not applicable.

Q14. What issues has your (Member) State encountered in cross-checking data collected at registration phase?

Not applicable.

3.2 INFORMATION PROVIDED TO ASYLUM APPLICANTS IN THE REGISTRATION PHASE

Q15. Are asylum applicants provided with a processing/privacy notice¹⁵ about the personal data collected from them during the registration phase?

Not applicable.

¹⁴ Purpose of cross-checking: Previous asylum applications, Prior legal residence/stay, Illegal border crossing, Illegal stay (overstay), Criminal record, Security risks, Detect counterfeit identity/travel documents, Other (please specify).

¹⁵ The obligation to take appropriate measures to provide data subjects with a processing or privacy notice stems from Article 12 GDPR which obliges data controllers to provide "any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language." The information referred to in Articles 13 sets out the information to be provided where data has been collected from the data subject. It includes setting out the purpose of the data collected and legal basis; legitimate interests of the data controller (where this is used as the legal base); recipients of the data or categories of data; and if the data will be transferred to a third country or international organisation. Articles 15 to 22 refer to the data subject's rights including the rights to access, rectification and erasure; the right to object (if data is being collected for certain purposes including for a task carried out in the public interest or an official function vested in the data controller or in pursuit of legitimate interests of the data controller); right to data portability etc.

Q16. a) Who provides the information mentioned above (under Q15) (public authorities, international organisations, CSO - civil society organisations)?

Not applicable.

b) How is this information provided (orally, digitally, in writing or all three)?

Not applicable.

c) Where information is provided orally, is interpretation available?

Not applicable.

d) Where information is provided digitally, is translation available?

Not applicable.

e) Where information is provided in writing is translation available?

Not applicable.

Q17. Is any specific training or guidance (i.e. guidelines) provided for staff responsible for data management with regard to information collected at the registration phase?

Not applicable.

3.3 SELF-REGISTRATION PROCEDURES

Q18. Does your (Member) State have any self-registration procedures in place?

Not applicable.

Q19. When was the self-registration procedure introduced and why?

Not applicable.

Q20. Where do asylum seekers self-register (e.g. website, by phone)?

Not applicable.

Q21. Are asylum seekers provided with any guidance/assistance/information on how to self-register?

Not applicable.

Q22. In which languages is the self-registration procedure available?

Not applicable.

Q23. Is self-registration mandatory or optional?

Not applicable.

4.

Lodging an asylum application

4.1 CROSS CHECKING OF DATA COLLECTED AT THE LODGING PHASE

Q24. Against which databases at i. local/regional, ii. national, iii. European and iv. international levels is the information collected during the lodging phase cross-checked (please elaborate, what the purpose is of the cross-checking and if only specific categories of data are cross-checked)?

After a foreigner has lodged an asylum application, information about him/her is cross-checked in the Eurodac system in order to ascertain whether the asylum applicant's data had been entered in the Eurodac system and to be aware of possible overlaps.

Q25. Does systematic cross-checking against (a) VIS and (b) SIS take place?

- Yes
 No

Q26. What issues have you encountered in cross checking data collected at the lodging phase?

No issues have been encountered.

4.2 INFORMATION PROVIDED TO ASYLUM APPLICANTS AT THE LODGING PHASE

Q28. Are asylum applicants provided with a processing/privacy notice¹⁶ about the personal data collected from them during the lodging phase?

- Yes

An asylum applicant is informed about the purpose of the collection of personal data and the fact that other Lithuanian state institutions also participate in the asylum procedure and, where necessary, the information supplied by him/her will be disclosed to those institutions.

- No

¹⁶The obligation to take appropriate measures to provide data subjects with a processing or privacy notice stems from Article 12 GDPR which obliges data controllers to provide "any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language." The information referred to in Articles 13 sets out the information to be provided where data has been collected from the data subject. It includes setting out the purpose of the data collected and legal basis; legitimate interests of the data controller (where this is used as the legal base); recipients of the data or categories of data; and if the data will be transferred to a third country or international organisation. Articles 15 to 22 refer to the data subject's rights including the rights to access, rectification and erasure; the right to object (if data is being collected for certain purposes including for a task carried out in the public interest or an official function vested in the data controller or in pursuit of legitimate interests of the data controller); right to data portability etc.

Q29. a) Who provides the information mentioned above (under Q 28) (public authorities, international organisations, CSO - civil society organisations)?

This information is provided by state institutions carrying out the initial actions of the asylum procedure.

b) How is this information provided (orally, digitally, in writing or all three)?

Information is provided in writing. If requested by the person, it is explained orally.

c) Where information is provided orally, is interpretation available?

Yes

The provision of interpretation services to asylum applicants is organised and coordinated by the Migration Department. Interpretation services are provided by providers of interpretation services with whom the Migration Department has concluded a contract for the provision of interpretation services. An asylum applicant or his/her legal representative may, at his/her own expense, use the services of another provider of interpretation services.

No

d) Where information is provided digitally, is translation available?

Not applicable.

e) Where information is provided in writing is translation available?

Yes

The provision of translation services to asylum applicants is organised and coordinated by the Migration Department. Translation services are provided by providers of translation services with whom the Migration Department has concluded a contract for the provision of translation services. An asylum applicant or his/her legal representative may, at his/her own expense, use the services of another provider of translation services.

No

Q30. Is any specific training or guidance provided for staff responsible for data management with regard to information collected at the lodging phase?

So far, no specific training has been provided with regard to information collected at the examination phase, however general training has been provided with regard to the protection of personal data. This training has been organised by a member of the staff of the Migration Department responsible for data protection.

5.

Examining an asylum application

5.1 CROSS CHECKING OF DATA COLLECTED AT THE EXAMINATION PHASE

Q31. Against which databases at i. local/regional, ii. national, iii. European and iv. international levels is the information collected during the examination phase cross-checked (please elaborate, what the purpose is of the cross-checking and if only specific categories of data are cross-checked)?

When examining an asylum application, information about an asylum applicant is cross-checked in databases:

ii. at national level:

- in the Register of Foreigners – whether there are any data on the foreigner prior to him or her lodging an asylum application;
- in the Lithuanian national second generation Schengen Information System – whether any other Schengen State has issued an alert for the purpose of refusing entry or stay pursuant to Article 24 of Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II);
- in a national database – the Register of Suspected, Accused and Convicted Persons – whether the asylum applicant (over 14 years of age) has been convicted of a serious or grave crime or complicity in such a crime by an effective court judgment;
- in a national database – the State Border Guard Service information system – whether there is information about the date of crossing of the state border.

iii. at European and iv. international levels:

- in the database of Interpol's Secretariat General – whether the asylum applicant is wanted internationally.

Q32. Does systematic cross-checking against (a) VIS and (b) SIS take place?

Yes

No

Q33. What issues has your (Member) State encountered in cross checking data collected at the examination phase?

No issues have been encountered.

In certain cases, when a person enters the country not being in possession of documents or is in possession of documents issued only in his/her mother tongue, Lithuania encounters the issue of transliteration, such as transliteration of Cyrillic or Arabic to Latin. It happens that the data

already available in databases had been transliterated differently, therefore the data is cross-checked not only according to the person's name, surname, but also according to his/her date of birth.

5.2 INFORMATION PROVIDED TO ASYLUM APPLICANTS AT THE EXAMINATION PHASE

Q34. Are asylum applicants provided with a processing/privacy note¹⁷ about the personal data collected from them during the examination phase?

Yes

No

Q35. If yes, please describe which information is provided (i.e. the purpose for which personal data from the asylum applicant is collected and on what basis, who has access to the information, data protection rights etc).

a) Who provides the information mentioned above (under Q 34) (public authorities, international organisations, CSO - civil society organisations)?

Public authorities, i.e. the Migration Department, which examines applications for the granting of asylum in the Republic of Lithuania. In compliance with the requirements of the Description of the Procedure, an asylum applicant is provided with information about his/her rights, duties and consequences of failure to fulfil them as well as the principle of non-disclosure of information laid down in Article 68(2) and (4) of the Law, also information about procedures applicable to the examination of asylum applications in the Republic of Lithuania, including criteria for granting asylum and an appeal procedure.

b) How is this information provided (orally, digitally, in writing or all three)?

Information is provided orally prior to an interview of an asylum applicant carried out by the staff of the Migration Department.

¹⁷The obligation to take appropriate measures to provide data subjects with a processing or privacy notice stems from Article 12 GDPR which obliges data controllers to provide "any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language." The information referred to in Articles 13 sets out the information to be provided where data has been collected from the data subject. It includes setting out the purpose of the data collected and legal basis; legitimate interests of the data controller (where this is used as the legal base); recipients of the data or categories of data; and if the data will be transferred to a third country or international organisation. Articles 15 to 22 refer to the data subject's rights including the rights to access, rectification and erasure; the right to object (if data is being collected for certain purposes including for a task carried out in the public interest or an official function vested in the data controller or in pursuit of legitimate interests of the data controller); right to data portability etc.

c) Where information is provided orally, is interpretation available?

Yes

The provision of interpretation services to asylum applicants is organised and coordinated by the Migration Department. Interpretation services are provided by providers of interpretation services with whom the Migration Department has concluded a contract for the provision of interpretation services. An asylum applicant or his/her legal representative may, at his/her own expense, use the services of another provider of interpretation services.

No

d) Where information is provided digitally, is translation available?

Not applicable.

e) Where information is provided in writing is translation available?

Not applicable.

Q36. Is any specific training or guidance provided for staff responsible for data management with regard to information collected at the examination phase?

So far, no specific training has been provided with regard to information collected at the examination phase, however general training has been provided with regard to the protection of personal data. This training has been organised by a member of the staff of the Migration Department responsible for data protection.

6.

Data quality and safeguards

6.1 DATA QUALITY MANAGEMENT

Q37. Is the quality of (at least some categories of) data (alphanumeric and biometric) collected during the asylum procedure assessed (e.g. with regard to accuracy, timeliness, completeness, consistency, duplication and validity of the data)?

- Yes
 No

Q38. Do quality assessment measures only apply retroactively?

Not applicable

Q39. Are any preventative measures in place to get the information right at the very beginning?

- Yes
 No

Q40. Describe the supervision mechanism for data protection supervision of the personal data collected during the asylum procedure in your Member State.¹⁸

The management of asylum applicants' data is generally governed by the requirements of the General Data Protection Regulation (GDPR) and legal acts of Lithuania. If information is requested by third parties, such information is only provided if it meets the requirements of the GDPR. The management of such data is also subject to the rules for the provision of services to persons¹⁹ relating to the provision of information, as approved by an order of the Migration Department. The rules stipulate that when a person wishes to receive information about himself/herself, the person must confirm his/her identity and the information must not be provided to third parties. In the Republic of Lithuania, the State Data Protection Inspectorate, which is an agency of the Government of the Republic of Lithuania participating in formulating state policy in the area of personal data protection management and implementing it, may check whether the Migration Department manages personal data in compliance with the requirements of the GDPR.

Q41. Have (national) data protection authorities or similar entities assessed any of the databases described above?

- Yes
 No

¹⁸ The question does not refer to the legal framework but to how a data protection authority in a Member State supervises the implementation of that legal framework (what are the structures in place in your Member State to ensure the data subject's data protection rights are being ensured).

¹⁹ <https://www.e-tar.lt/portal/lt/legalAct/0f37b180ec1411e99681cd81dcdca52c>

In 2020, the State Data Protection Inspectorate, which is an agency of the Government of the Republic of Lithuania participating in formulating state policy in the area of personal data protection management and implementing it, plans to carry out an assessment of the volume of personal data managed in the Register of Foreigners²⁰.

Q42. How is it arranged in practice the manner in which the rights of asylum applicants in relation to access, rectification and erasure of their data stored in the national systems are exercised?

In practice, if an asylum applicant wishes to receive information about his/her personal data, its management or wants to rectify it, the provisions of the GDPR and the Migration Department Order on the Exercise of Data Subjects' Rights apply²¹.

According to these legal acts, an asylum applicant has the right of access to his/her personal data and the manner in which it is managed, has the right to receive information about the source from which it originate and the type of personal data collected, the purpose of its management, the data recipients to whom it was disclosed and have been provided over the last year. Asylum applicant has the right not only to access his/her personal data, but also to receive such data (e.g. a copy of a video record on an external data medium).

In order to exercise his/her rights, an asylum applicant must lodge a written application with the Migration Department in person, by post or by courier or by electronic means. When lodging the application, the data subject must confirm his/his identity.

An asylum applicant has the right to request rectification or erasure of his/her personal data or suspension of the management of his/her personal data, with the exception of storage, where the data is managed in violation of provisions of the Law of the Republic of Lithuania on Legal Protection of Personal Data and other laws: where the asylum applicant, after accessing personal data, finds that the personal data is incorrect, incomplete or inaccurate and refers to the Migration Department, the Migration Department verifies the personal data and rectifies the incorrect, incomplete or inaccurate personal data and/or suspends the management of such personal data, except for storage, without delay, but not later than within 5 working days; where the asylum applicant, after accessing his/her personal data, finds that the personal data is managed unlawfully or unfairly and refers to the Migration Department, the Migration Department verifies the lawfulness and fairness of the management of personal data free of charge without delay, but not later than within 5 working days and without delay erases the personal data collected unlawfully and unfairly or suspends the management of such personal data, except for storage; where the management operations of personal data are suspended at the asylum applicant's request, the Migration Department stores the personal data whose management operations have been suspended until they are rectified or erased (either at the data subject's request or upon expiry of their storage period).

²⁰ <https://vdai.lrv.lt/uploads/vdai/documents/files/2020%20tikrinimu%20planas.pdf>

²¹ <https://www.e-tar.lt/portal/lt/legalAct/5ee9d850312611e5b1be8e104a145478>

The Migration Department notifies an asylum applicant of the rectification, erasure or suspension of the management of his or her personal data performed or not performed at person's request without delay, but not later than within 5 working days.

There are no statistical data collected on the number of requests lodged by asylum applicants in relation to these rights.

7.

Responding to challenges in data management: recent reforms to the asylum procedure

7.1 CHALLENGES AND CHANGES/REFORMS IN DATA MANAGEMENT

Q43. Has your (Member) State experienced any of the following challenges related to data management in the past years (since 2014)?

- Lack of human or financial resources
- Self-registration
- Legal obstacles
- Cooperation between national authorities
- Interoperability of databases
- Technical limitations in data processing
- Implementation of Eurodac and/or GDPR regulation
- Lack of training/information
- Transliteration (e.g. Arabic to Latin or other alphabets)

While the Migration Department is verifying data on an asylum applicant at the examination phase, the challenge of transliteration of Cyrillic or Arabic to Latin is encountered in certain cases, such as if the foreigner enters the country not being in possession of documents or is in possession of documents issued in his/her mother tongue only. It happens that the data already available in the databases had been transliterated differently, therefore in such cases, the data is cross-checked in order to avoid errors not only according to the foreigner's name, surname, but also according to his/her date of birth, image (if any).

Other (please specify):

Q44. Did your (Member) State introduce any major change(s)/reform(s) related to data management in the past years (since 2014)?

- Yes
- No

Q45. Have any of the abovementioned changes become standard operating procedure in your (Member) State?

Not applicable.

Q46. Were any of these changes/reforms related to data management introduced due to the introduction of 'channelling'?

Not applicable.

Q47. Did the reforms introduced achieve the intended results? Why? Please elaborate and explain why the reform(s) achieved/did not achieve the intended results.

Not applicable.

Q48. Would your (Member) State consider this reform (s) as a good practice?

Not applicable.

Q49. Have any on-going (unaddressed) challenges related to data management in the asylum procedure been identified in your (Member) State?

Yes

No

7.2 CONTINGENCY MEASURES

Q50. Are there any contingency measures in place to accelerate and/or ease the process in times of high influx of asylum seekers with regard to data management?

Not applicable.

Conclusions

1. According to legal acts of the Republic of Lithuania, two phases of the asylum procedure are distinguished in Lithuania: the lodging of an asylum application and the examination of an asylum application. The phases of the making of an asylum application and the registration of an asylum application are not distinguished. The first phase of the asylum procedure begins when a person who wishes to be granted asylum lodges an asylum application with an institution specified by law (the State Border Guard Service or the Migration Department). Subsequently, the application is registered, and the initial actions of the asylum procedure are carried out. A civil servant authorised by the institution with which the foreigner's asylum application has been lodged carries out, within 24 hours from the lodging of the asylum application, the initial actions of the asylum procedure by collecting all necessary information. The asylum application is deemed to have been received after the civil servant authorised by the receiving institution registers the asylum application and data on the asylum applicant in the Register of Foreigners. During the second phase of the asylum procedure, after an appropriate examination procedure is determined, the Migration Department examines asylum applications and takes decisions on the granting of asylum.

2. During the asylum procedure, Lithuania applies the channelling of applications, i.e. according to legal acts of Lithuania, applications can be examined as to substance or as to substance as a matter of urgency. A procedure for examining applications is determined within 48 hours from the lodging of an application or from the transfer of the asylum applicant to the Republic of Lithuania from an EU Member State. Moreover, legal acts of the Republic of Lithuania provide that the Republic of Lithuania may refrain from examining an asylum application. A decision not to examine the asylum application is taken within 48 hours; where necessary, this time limit may be extended for a period not exceeding 3 working days.

3. The State Border Guard Service and the Migration Department collect and manage data on asylum applicants and asylum applications. The databases of the Register of Foreigners, Eurodac and the State Border Guard Service information system are used for the collection of data on an asylum applicant. The collected data is stored in the asylum applicant's personal file (on paper) and in the database of the Register of Foreigners. Currently, the Lithuanian Migration Information System is being developed; it is planned that once it has been created, all data on asylum applicants will be collected only in it, thus eliminating paper personal files.

4. The data collected at the examination phase is cross-checked in bases of different levels: at national level (the Register of Foreigners, the Lithuanian national second-generation Schengen Information System, national databases) and European and international levels (the database of Interpol's Secretariat General).

5. Information on the management and privacy of data during the asylum procedure is provided to an asylum applicant orally in his/her mother tongue or in a language that the asylum applicants understands best. The provision of translation/interpretation services to asylum applicants is organised and coordinated by the Migration Department. Translation/interpretation services are provided by providers of translation/interpretation services with whom the Migration Department has concluded a contract for the provision of translation/interpretation services. An

asylum applicant or his/her legal representative may, at his/her own expense, use the services of another provider of translation/interpretation services.

6. Data on asylum applicants is collected and managed in compliance with the requirements established in the GDPR and Lithuanian legal acts. An asylum applicant has the right to access his/her personal data and to obtain it as well as to know how it is managed. The asylum applicant also has the right to request rectification or erasure of his/her personal data or suspension of the management of his/her personal data (except for storage) where the data is managed in violation of law. The State Data Protection Inspectorate of the Republic of Lithuania has the right to check whether the Migration Department manages personal data in compliance with the requirements of the GDPR.

7. Lithuania has not experienced any exceptional data management challenges. However, it is worth noting that at the examination phase, it sometimes encounters the issue of transliteration, which is solved by cross-checking data not only according to a foreigner's name, surname, but also according to his/her date of birth and image (if any).

ANNEX

Annex. Number of lodged asylum applications

Number of lodged asylum applications					
2014	2015	2016	2017	2018	2019
496	291	425	599	423	646

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

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