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Faced with the unprecedented influx of third-country nationals at the borders with Belarus *(see Section 4.1)*, Lithuania amended the Law on the Legal Status of Aliens in 2021.801 The amendment prolongs detention for an additional 6 months (up to 1 year in total) and limits the freedom of movement to specific geographical areas. The law also provides that an asylum seeker may be detained or have movement restricted to the place of accommodation after entering the territory illegally in the event of a war, an emergency or an emergency due to a mass influx of foreigners.802 UNHCR submitted legal observations to Lithuania recommending that the detention of asylum seekers is used as a last resort while respecting the required safeguards and that alternatives to detention in a border procedure are needed.803 A request for a preliminary ruling was sent to the CJEU, inquiring about the consistency of these legal provisions with EU law.

In Finland, the Helsinki reception centre and the Helsinki detention unit were merged into a single organisational entity under the Finnish Immigration Service in an effort to eventually move it to the central state administration.804

Amendments were also introduced in Bulgaria. The Bill amending and supplementing the Law on Foreigners introduced provisions for a swift judicial review of detention.805 The Council of Europe's Committee of Ministers welcomed the provisions in the examination of the execution of the C.G. and Others case against Bulgaria.806

The training needs of staff working at facilities for asylum seekers and detained migrants in Bulgaria were highlighted in an evaluation report by the Council of Europe's Group of Experts on Action against Trafficking in Human Beings (GRETA).807 The Group of Experts urged the Bulgarian authorities to further improve training and procedures to be followed, with a focus on the identification of victims of trafficking. The report emphasised the need for operational indicators to enable staff to proactively identify victims of trafficking, referrals to specialised structures and the access of specialised NGOs to facilities for asylum seekers and detained migrants.

Greece introduced CCACs at the borders, which are organised like the RICs but have temporary accommodation and special detention facilities as per Law No L.3907/2011, Article 31. By February 2022, three CCACs were established on the islands of Samos (with a capacity of 2,040), Kos (2,356), and Leros (1,780). The remaining three centres will be completed in 2022 in Fylakio (with a capacity of 330), Lesvos (8,000) and Chios (1,014).808 Residents in the RICs and the CCACs can move freely inside and outside of the facilities, but NGOs have repeatedly raised concern about de facto restrictions to certain groups of applicants *(see Section 4.7 and Section 4.8.2)*.809

To clarify practical complexities, the Swedish Migration Agency adopted legal positions on several issues. The positions provide guidance on the calculation of detention times,810 the validity period of a detention decision811 and which authority is competent to address detention if there is an enforceable expulsion or expulsion decision and the detainee applies for protection, as the decision may not be enforced before the application for protection has been thoroughly examined.812

Three EU+ countries implemented organisational changes to better address protection needs. In this context, the Belgian Immigration Office set up a new office for alternatives to detention. Following the amended law on the ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment in Cyprus, the National Commissioner for Administration and the Protection of Human Rights (Ombudsperson) can now visit freely, unhindered and unannounced any detention facility.813 Although this practice was already in place, the amendment reaffirmed the role of the Ombudsperson acting as the National Preventive Mechanism, as foreseen in the Optional Protocol to the Convention Against Torture.814

- 801Lietuvos Respublikos įstatymo „Dėl užsieniečių teisinės padėties“ Nr. IX-2206 2, 3, 5, 26, 32, 40, 50, 67, 71, 76, 77, 79, 113, 125, 126, 130-1, 136, 138, 139, 140 straipsnių pakeitimo, 69 straipsnio ir IX-1 skyriaus pripažinimo netekusiais galios ir Įstatymo papildymo X-2 skyriumi įstatymas [Law amending Articles 2, 3, 5, 26, 32, 40, 50, 67, 71, 76, 77, 79, 113, 125, 126, 130-1, 136, 138, 139 and 140 of Law No IX-2206 of the Republic of Lithuania on the Legal Status of Aliens, repealing Article 69 and Chapter IX-1 and adding Chapter X-2 to the Law], December 23, 2021. https://www.e-tar.lt/portal/legalAct.html?documentId=0eee5e90696c11eca9ac839120d251c4
- 802Lietuvos Respublikos įstatymo „Dėl užsieniečių teisinės padėties” Nr. IX-2206 5, 71, 76, 77, 79, 113, 131, 136, 138, 139, 140 straipsnių pakeitimo ir Įstatymo papildymo IX-1 skyriumi įstatymas [Law amending Articles 5, 71, 76, 77, 79, 113, 131, 136, 138, 139 and 140 of Law No IX-2206 of the Republic of Lithuania on the Legal Status of Aliens and adding Chapter IX-1 to the Law]. https://www.e-tar.lt/portal/legalAct.html?documentId=a4780990eac111eb9f09e7df20500045; See also: Ministry of the Interior | Lietuvos Respublikos vidaus reikalų ministerija. (2021, July 13). Ministrė A. Bilotaitė: priemonės, sprendžiant migracijos krizę, turi būti greitos, atgrasančios ir vieningos [Minister A. Bilotaitė: Measures to solve the migration crisis must be rapid, dissuasive and united]. https://vrm.lrv.lt/lt/naujienos/ministre-a-bilotaite-priemones-sprendziant-migracijos-krize-turi-buti-greitos-atgrasancios-ir-vieningos

- 803United Nations High Commissioner for Refugees. (2021, July 28). UNHCR legal observations on the amendments to the Law of the Republic of Lithuania on Legal Status of Aliens (No XIV-506). https://www.refworld.org/docid/610d26971a1.html
- 804Finnish Immigration Service | Maahanmuuttovirasto. (2021, September 10). Helsinki Reception Centre to become part of Finnish Immigration Service. https://migri.fi/en/-/helsinki-reception-centre-to-become-part-of-finnish-immigration-service-1
- 805Закон за изменение и допълнение на закона за чужденците в Република България, Държавен вестник брой 21/2021 г [Law for amendment and supplement of the Law for the foreigners in the Republic of Bulgaria, State Gazette number 21/2021] (2022). https://parliament.bg/bg/laws/ID/163303
- 806Council of Europe, Department for the Execution of Judgments of the European Court of Human Rights. (2021, March 15). Bulgaria: the Committee of Ministers welcomes important law reform on expulsion of aliens [C.G. and Others v. Bulgaria]. https://www.coe.int/en/web/execution/-/bulgaria-the-committee-of-ministers-welcomes-important-law-reform-on-expulsion-of-aliens?inheritRedirect=true&redirect=/en/web/execution/home
- 807Council of Europe, Group of Experts on Action against Trafficking in Human Beings. (2021, April 29). Evaluation report: Bulgaria: Third evaluation round: Access to justice and effective remedies for victims of trafficking in human beings. GRETA(2021)04. https://rm.coe.int/greta-evaluation-report-on-the-implementation-of-the-council-of-europe/1680a249f9
- 808Νόμος Υπ’ Αριθμ. 4825 Αναμόρφωση διαδικασιών απελάσεων και επιστροφών πολιτών τρίτων χωρών, προσέλκυση επενδυτών και ψηφιακών νομάδων, ζητήματα αδειών διαμονής και διαδικασιών χορήγησης διεθνούς προστασίας, διατάξεις αρμοδιότητας Υπουργείου Μετανάστευσης και Ασύλου και Υπουργείου Προστασίας του Πολίτη και άλλες επείγουσες διατάξεις, Προβολή ΦΕΚ Α 157/2021 [Law No 4825 Reform of deportation and return procedures of third country nationals, attraction of investors and digital nomads, issues of residence permits and procedures for granting international protection, provisions of the Ministry of Immigration and Asylum and the Ministry of Citizen Protection and other urgent provisions, Government Gazette A 157/2021]. https://migration.gov.gr/wp-content/uploads/2021/12/fek_a_157_2021.pdf
- 809Greek Council for Refugees | Ελληνικό Συμβούλιο για τους Πρόσφυγες. (2021, November 18). Η Νέα Κλειστή Ελεγχόμενη Δομή Σάμου: Μία Απομονωμένη «Σύγχρονη Φυλακή» [The New Closed Controlled Structure of Samos: An Isolated "Modern Prison"?]. https://www.gcr.gr/el/ekdoseis-media/reports/item/1839-i-nea-kleisti-elegxomeni-domi-samou-mia-apomonomeni-sygxroni-fylaki; Network for Children's Rights | Δίκτυο για τα Δικαιώματα του Παιδιού. (2022). Input to the Asylum Report 2022. https://euaa.europa.eu/sites/default/files/2022-03/network_for_childrens_rights.pdf
- 810Swedish Migration Agency | Migrationsverket. (2021, March 18). Migrationsverket, Rättsligt ställningstagande. Frågan om avräkning av tid i beslut om förvar - RS/036/2021 [Legal position. The issue of the deduction of time in detention decisions - RS/036/2021]. https://lifos.migrationsverket.se/dokument?documentSummaryId=45346
- 811Swedish Migration Agency | Migrationsverket. (2021, March 25). Rättsligt ställningstagande. Kontroll av förvarsbesluts giltighetstid - RS/041/2021 [Legal position. Verification of the period of validity of the detention decision — RS/041/2021].

https://lifos.migrationsverket.se/dokument?documentSummaryId=45372

- 812Swedish Migration Agency | Migrationsverket. (2021, March 18). Rättsligt ställningstagande. Handläggande myndighet i förvarsfrågan - RS/035/2021 [Legal position. Authority dealing with detention — RS/035/2021]. https://lifos.migrationsverket.se/dokument?documentSummaryId=45345; See also: Sweden, Migration Court of Appeal [Migrationsöverdomstolen], Swedish Migration Agency (Migrationsverket) v JB, UM5998-21, 20 December 2021. Link redirects to the English summary in the EUAA Case Law Database.
- 813N. 3(III)/2021 Νομοσ που τροποποιει τον περι τησ συμβασησ κατα των βασανιστηριων και Άλλων Μορφων Σκληρησ, Απάνθρωπης ή Εξευτελιστικησ Μεταχειρισησ ή Τιμωρίας (Προαιρετικο Πρωτοκολλο) (Κυρωτικο) νομο του 2009 [N. 3(III)/2021 Law amending the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Optional Protocol) (Ratification) of 2009]. http://www.cylaw.org/nomoi/arith/2021_3_003.pdf
- 814Commissioner for Administration and Human Rights | Επίτροπος Διοικήσεως και Προστασίας Ανθρωπίνων Δικαιωμάτων. (2021). National Mechanism for the Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment: Review on the Mechanism’s Action for the year 2020. http://www.ombudsman.gov.cy/ombudsman/ombudsman.nsf/All/5640AE2B1E22803EC225878400

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