Supreme Administrative Court admit a class action filed by 24 asylum seekers for their arbitrary detention

The applicants, 24 foreigners, applied to the court with a group complaint, requesting that each member of the group be awarded EUR 5,000 in compensation for non-pecuniary damage from the State of Lithuania, represented by the Migration Department and the State Border Guard Service.

The Court of First Instance accepted the applicants' complaint, having decided that the filed group complaint complies with the requirements set out in the Law on Administrative Procedure (LAPT), and the dispute is identical in relation to all applicants, based on identical factual circumstances, the claims expressed are common and identical for all members of the group, therefore it is more expedient and efficient to examine the group complaint. Disagreeing with the court's conclusions, the Migration Department and the State Border Guard Service filed separate appeals with the Supreme Administrative Court, claiming that the group appeal does not meet the requirements set out in the Act on the Protection of Personal Data for Group Appeals, and that the claims made in the appeal related to the restriction of liberty should be examined in a separate individual court proceeding.

The Supreme Administrative Court of Lithuania (SAC) has determined that the group members consist of aliens whose freedom of movement has been automatically restricted for six months since July 2021, when the competent authority has not adopted a decision that could be appealed to a court (Article 5(6) of the Law on the Legal Status of Aliens of the Republic of Lithuania (LSLA)), after these aliens illegally crossed the border of the Republic of Lithuania from the Republic of Belarus and exercised their right to apply for international protection in the Republic of Lithuania (LSLA 140, Article 8 (3)). The claim stated in the group complaint covers equal non-pecuniary damage that each of the group members suffered over an equal period of time ? 6 months, during which their freedom of movement was restricted without an individual assessment of the justification, proportionality, priority interests of children and vulnerable persons of such restriction of freedom and without providing an opportunity to challenge the legality of such restriction.

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According to the applicants, the damage they suffered was caused by the application of a legal act that contradicts the Constitution of the Republic of Lithuania, violating their right to liberty and security and the right to an effective remedy. The Constitutional Court, by its Resolution No. KT53-A-N6/2023 of 7 June 2023, recognised that Article 5(6) of the Law on the Status of Foreigners, insofar as, due to a mass influx of foreigners in the event of a declared emergency, state of emergency or state of war, all asylum seekers were required to be accommodated in the specified places, without granting them the right to move freely within the territory of the Republic of Lithuania, when such accommodation, in accordance with Part 8 of this Article, could last up to 6 months, without the competent institution having adopted a decision that could be appealed to the court, was contrary to Article 20 of the Constitution of the Republic of Lithuania, as well as Article 8 (3) of this Law, which established analogous legal regulation, is contrary to Article 20 of the Constitution of the Republic of Lithuania.

The Supreme Administrative Court assessed that when applying to court using the institute of a group complaint, the criterion of quantity

- the number of group members

- and the attribute of commonality

- the group members should be linked by identical material legal relations and a common interest in the outcome of the case are important.

The institute of a group complaint should be treated as one of the expressions of collective protection of interests. The Supreme Administrative Court concluded that in this case the members of the group are connected by identical material legal relations and a common interest in the outcome of the case, and the filed group complaint seeks to defend the rights of identical or similar nature or interests protected by law of the natural persons who have joined the group, and the submitted documents indicate in sufficient detail the dates of detention and accommodation, set out the factual circumstances, indicate the specific amount of damage requested, and provide additional evidence substantiating the circumstances indicated in the group complaint.

In the opinion of the Supreme Administrative Court, there are no grounds to believe that a more expedient, effective and appropriate method in the case under analysis would be to examine individual complaints in separate cases, because when examining identical claims of applicants in individual cases, there

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is a possibility that analogous factual circumstances examined by different courts will be assessed differently. By a ruling of March 12, 2025, the separate complaints of the Migration Department and the State Border Guard Service were dismissed.

Administrative case No. eAS-255-662/2025

Source(s)

- Supreme Administrative Court of Lithuania | Lietuvos vyriausiasis administracinis teismas (13 March, 2025), LVAT: grupės skundas dėl žalos, siejamos su automatiniu užsieniečių judėjimo laisvės apribojimu, atlyginimo priimtas pagrįstai [LVAT: the group's complaint regarding compensation for damages related to the automatic restriction of the freedom of movement of foreigners was accepted on a reasonable basis], https://www.lvat.lt/lvat-grupes-skundas-del-zalos-siejamos-su-automatiniu-uzsienieciu-judejimo-laisves-apribojimu-atlyginimo-priimtas-pagristai/1438

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