



NORWEGIAN MINISTRY
OF JUSTICE AND THE POLICE

White paper on Norwegian refugee and migration policy in a European perspective

The key points in the white paper:

- Norwegian refugee and migration policy is decided by the Norwegian political authorities on the basis of national considerations and in accordance with international law.
- It is only through greater cooperation, harmonisation and coordination that Europe can meet the challenges it is facing in relation to refugees and migration.
- Policy developments in the EU will influence Norway. Further development of EU legislation will entail changes in the areas to which Norway is linked through the Schengen and the Dublin Cooperation.
- The Government's overriding goals for its efforts in the refugee and immigration field are to ensure controlled immigration that benefits society and a humane asylum and refugee policy based on the principles of solidarity and due process protection.
- The Government's 22 main priorities in the field of refugees and migration in the time ahead.

Contents

The white paper describes global and regional initiatives, measures aimed at improving the protection of refugees and dealing with large influxes of asylum seekers, and so-called asylum shopping. It also examines cooperation on visa matters, border control and return, challenges relating to illegal immigrants and initiatives to achieve better control of migration. The white paper describes the development of the EU's collaboration on integration issues. With the exception of a brief discussion of certain matters relating to labour immigration, it does not deal with other forms of legal migration.



Objective

Immigration to Norway is largely contingent on external circumstances such as wars and conflicts and, not least, the policies pursued by our neighbouring countries. The white paper discusses the available alternatives in light of development trends in Europe and the challenges we are facing, among other things with a view to avoiding a situation in which a disproportionately large percentage of asylum seekers who come to Europe apply for asylum in Norway. The white paper aims to contribute to knowledge and openness about Norwegian cooperation and collaboration with the EU in the field of justice and home affairs, including the Schengen and the Dublin Cooperation.

Challenges

Nowadays, there is no clear distinction between flight and migration. Europe is the goal for many of the world's migrants. Those who come here often have mixed motives. They may feel a need for greater security, while at the same time wishing to secure a better life for themselves in material terms. Organised crime in the form of human smuggling and human trafficking is also part of the picture. Although

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the asylum figures for Europe vary, we note that the extent of migration – both legal and illegal – remains high. Overcrowded boats in the Mediterranean packed with migrants risking their lives symbolise the challenge Europe is facing. Common challenges must be solved jointly.

Binding European cooperation is a precondition for achieving better control of the flows of migrants into Europe, ensuring access to asylum procedures, dealing with illegal immigration, and for effectively returning those without grounds for residence in a justifiable manner.

European cooperation

Europe is facing increasing challenges as a result of extensive illegal immigration and many asylum seekers. In the Government's view, clearer and more binding European coordination is necessary in order to address these challenges. It is necessary to further develop the common European asylum system in the EU to achieve a better balance and greater predictability in relation to migration in Europe. The EU will become increasingly important as a partner for Norway in the refugee and migration field.

Increased cooperation with the EU on asylum practi-

ce, competence-raising and collaboration on country of origin information will reduce the differences between member states. While Norway does not participate in the EU's asylum policy, the norms it defines have been emphasised in the preparation of the new Norwegian Immigration Act. In relation to the harmonisation process in the EU, Norway's challenge lies in its ability to gain access to the same information as our neighbours in the EU, thus ensuring that our asylum practice can be developed on the basis of the same knowledge. Proactive cooperation with the EU in which the Norwegian authorities contribute initiatives and input will be the best way of promoting Norwegian interests in the refugee and migration area.

The Government follows the principle that entry and immigration to Norway shall be regulated and controlled in accordance with international commitments and agreements. It is in Norway's interest that migration flows are steered through legal channels that protect migrants' fundamental rights and meet countries' need to control and manage migration. The Government envisages the EU playing a key role in the efforts to establish a migration regime that binds together countries of origin, transit countries and recipient countries and in which agencies such as UNCHR have a clear role.

The Government's main priorities in relation to refugees and migration in the time ahead

1. Implementation plan for the immigration field

The Government intends to present an implementation plan for the immigration field. The plan will assess measures that have already been initiated and new measures aimed at achieving the goals the Government has defined in the political platform for collaboration. The plan will include a schedule for the implementation of key priorities and measures.

2. Measures to ascertain identity

The Government will intensify the work of clarifying the identity of foreign nationals who arrive in or are staying in Norway. In 2010, the Government will establish a national identity and documentation centre that will ensure better coordination, greater expertise and swifter consideration and processing of identity clarification cases. The centre will make the process of clarifying identity more efficient, which will mean more people being escorted out of Norway more swiftly.

3. Harmonisation of regulations and practice in the asylum field

The Government will follow up and further develop already established procedures for collecting information about the practice in other countries, systemise such information and consi-

der whether changes are required in the Norwegian regulations and practice. Greater harmonisation of the EU's asylum policy could necessitate adjustments to the Norwegian regulations if such harmonisation has consequences for the flow of asylum seekers to Norway.

4. Dublin and EURODAC

It is a great advantage for Norway if the Dublin system is continued, and the Government has contacted the European Commission to ensure that our voice is heard in the ongoing process of revising the Dublin Regulation. If it is necessary in order to retain the Dublin system, Norway will contribute to a better division of responsibility between the countries involved. The Norwegian authorities will also endeavour to ensure that the individual member states' compliance with the Dublin regulations is closely monitored.

5. Affiliation to the European Asylum Support Office (EASO)

The Government wants Norway to participate in the European Asylum Support Office (EASO), which will be established in 2010. Our participation in EASO is closely related to our participation in cooperation under the Dublin II Regulation. When applying the Dublin II regulation to the pro-

cessing of asylum cases, it is important to Norway that reception conditions, asylum practice and asylum procedures in the countries with which we cooperate are in compliance with international standards. Closer practical cooperation in Europe is important in order to safeguard Norwegian interests, but we also wish to contribute expertise in asylum procedures, organisation of the work of considering asylum applications, our experience of special groups of asylum seekers and country of origin information.

6. The EEA funding schemes

The Government is making efforts to have the asylum and refugee field included as a possible focus area under the EEA funding schemes. A political dialogue started in June 2009 between the Norwegian and Greek authorities about the possibility of initiating such a programme in Greece. In the upcoming country negotiations on the EEA grants, Norway will discuss efforts aimed at strengthening the capacity of the asylum administration with the Greek authorities, with particular focus on the situation of unaccompanied minor asylum seekers.

7. The European Migration Network (EMN)

Efforts will be made to ensure Norwegian participation in the European Migration Network (EMN) in 2010. Participating in EMN will give us access to a broad range of information about developments in European refugee and migration policy. This will also improve the Norwegian authorities' ability to ensure that Norway's policy and practice are harmonised with other European countries and to learn from other countries' experience.

8. Resettlement

The Government will support the efforts being made to get more European countries to offer resettlement of refugees. The Government takes a positive view of the initiatives to develop a common EU policy for resettlement, and it will propose Norwegian participation in such cooperation. A joint effort in this field could strengthen resettlement work and make it more effective, as well as helping to resolve difficult refugee situations. Participation will be in line with Norway's prioritisation of work on resettlement.

9. Measures in countries of origin

The Government wishes to affiliate Norway to the cooperation the EU is establishing with important countries of origin and transit countries for migration flows to Europe. Initially, Norway will take part in the cooperation platform that the EU has established with Ethiopia. The cooperation will be balanced and will accommodate both Et-

hiopian and European interests. From a European perspective, it is interesting that this can result in better control of migration flows from East Africa and that it can contribute to development in the region.

Vulnerable groups must be given particular consideration. This applies not least to minors who have come to Norway on their own, but do not meet the requirements for being granted a residence permit. The Government has taken an initiative for the establishment of good care and educational services for Afghan and Iraqi minors in their home countries, and will continue this work.

10. Regional protection programmes

The EU has developed regional protection programmes for asylum seekers and refugees in Tanzania, Ukraine, Belarus and Moldova. Similar programmes are proposed in Kenya and Sudan. The Government wants Norwegian participation in these programmes, which involve the EU helping to increase the capacity to help refugees in the cooperating countries. The transfer of refugees to Europe can be considered in cases where it is not possible to offer protection in the region.

11. Readmission agreements

The Government will continue to prioritise work on readmission agreements with important countries of origin and transit countries, and it has allocated funding for measures that can make it easier for poor countries to sign such agreements. In the EU, the European Commission has been authorised to enter into such agreements on be-



half of EU member states. Norway is not included in this arrangement, but the Commission requests countries with which it signs agreements to enter into corresponding agreements with Norway. A close strategic dialogue with the European Commission will be useful in this context.

12. Voluntary return

Persons without legal residence in Norway must return home. The Government facilitates voluntary return. The programmes aimed at motivating

voluntary return that have already been initiated will be continued.

13. Forced return

Norway pursues an active policy of return. Persons who do not have legal residence in Norway and who do not return home voluntarily will be forcibly returned. The Government wishes to intensify its efforts with regard to return and will consider various forms of fast-track processing to ensure that those who have received a rejection or who are staying illegally in Norway are returned more swiftly.

14. Implementation of the Return Directive

In 2010, the Government will submit a bill on implementation of the EU's Return Directive in Norwegian law. The directive will enter into force in the Schengen area in 2011. The deadline for implementing it in national legislation is 24 December 2010. When the common rules for return enter into force, the European Commission will have the authority to monitor national compliance with them. This gives grounds for believing that the situation as regards illegal residence in the Schengen area will improve in the long term.

15. Frontex

Frontex, the EU's agency for the Management of Operational Cooperation at the External Borders of the Member States of the EU, plays an important role in the work of limiting illegal border crossings in the EU/Schengen area. The agency also coordinates the return of third country nationals. The Government wishes to further develop cooperation in Frontex and it wants Norway to take part in more joint returns in future.

16. The External Border Fund

The Government emphasises that, through participation in the External Border Fund, Norway assists the countries that are responsible for controlling external borders on behalf of all the countries in the Schengen area. Projects co-financed by the fund will help to increase the quality of external border control, and this will benefit all the Schengen states.

17. EUROSUR

Norway will be directly affected by the rules for the European Border Surveillance System, EUROSUR, because the Norwegian-Russian border is included in the first phase of the border surveillance system. Initially, this means that we will establish a national coordination centre. The centre will maintain an overview of the national situation at the border and serve as focal point in relation to Frontex and other national coordination centres.

18. Cooperation on visa matters

Norway participates actively in the European visa cooperation through Schengen, and the Government prioritises work on the visa information system, VIS, which is a joint system for the Schengen countries in which information about visa applicants will be stored in a joint central database. This will be an important element of future visa policy in both the EU and Norway. VIS will simplify access to the Schengen area for bona fide travellers making short visits, while at the same time making it more difficult to enter the area illegally. The Visa Regulation will apply from 5 April 2010.

19. Entry and exit system and automated border control system

The Government supports the establishment of an entry and exit system. Norway will contribute to work on the introduction of this system and an automated border control system, which will make border controls more effective and combat illegal residence, while at the same time safeguarding people's fundamental rights, such as protection of privacy.

20. Establishment of an IT agency

The Government supports the establishment of a dedicated agency for the future administration of the IT systems that form the core of the Schengen and Dublin Cooperation: SIS II, VIS and EU-RODAC. The establishment of a dedicated agency will clarify who has operator responsibility, and it will provide a clear legal basis for Norwegian participation in administration of these systems.

21. Human smuggling and human trafficking

The Government wishes to prioritise work on human smuggling and human trafficking. Funds have been allocated to increased control in border areas, among other things. In 2010, the Government will present a new action plan against human trafficking.

22. Knowledge development

The Government's aim is a coherent, efficient and user-oriented immigration administration. The policy in this area shall as far as possible be knowledge-based. The administration carries out analyses and produces forecasts of developments, and a specialized statistics group was established for the immigration administration in 2008. International trends and developments must be monitored in order to ensure good quality in this work, and emphasis will be placed on further developing cooperation and information exchange with other European countries.