

EMN Norway

Annual Policy Report 2012

This text provides a brief summary of the developments reported in the 2012 Annex to the European Migration Network's Annual Policy Report.

LEGAL MIGRATION AND MOBILITY

With regard to third country labor migration, no significant changes were made in 2012. However, the Norwegian Directorate of Immigration (UDI) did make efforts to improve its services provided to Norwegian employers. All companies now have a primary contact in UDI for all questions concerning the employment of third country nationals. Norway has been relatively unaffected by the financial crisis, which means that unemployment remains low, and demand for foreign workers is high. There was significant inflow of workers from both Member States and third countries in 2012.

Family immigration rules were amended in July 2012. It is now possible to waive parts of the income requirement in order to preserve family unity. This was introduced for cases when the family had lived together abroad before coming to Norway, or had Norwegian citizen children and had lived together for a significant amount of time. Changes of a technical nature were made to the calculation of whether the income requirement level was satisfied. A consultation was launched in October 2012 inviting views on a differentiated income requirement, whereby the requirement would be raised for cases of family formation. The consultation also invited views on how to prevent the income requirement from having different impacts on men and women as reference persons. This issue is currently under consideration.

A proposal to introduce administrative sanctions (i.e. a quarantine) when host families violate the terms of the Au Pair Scheme or who have been found guilty of crimes committed against their au pair, has been subject to two public consultations and is currently under consideration.

In its 2012 White Paper on Integration policy the Government stated that a major policy priority is to increase the labour market participation of immigrants. A new program to assist immigrants who have been outside the labour market, "The Job Chance" ("Jobbsjansen"), is to be initiated in 2013. It follows the pilot project "Ny sjanse" ("New Chance"). An action plan to better use immigrants' skills has been announced for 2013.

The number of hours of classes in Norwegian and social orientation required to qualify for settlement and citizenship was raised from 300 to 600 in 2012.

Various integration efforts at the local government level are being strengthened, with additional funding announced in the White Paper. Pilot

projects are being carried out in some parts of Oslo with free core hours in kindergartens, in order to provide a better environment for immigrant children to learn Norwegian.

The Visa Information System (VIS) has so far been rolled out in the first three regions, i.e. 1) Algeria, Egypt, Mauritania, Morocco and Tunisia; 2) Israel, Jordan, Lebanon and Syria, and 3) Afghanistan, Bahrain, Iran, Iraq, Kuwait, Oman, Qatar, Saudi Arabia, UAE and Yemen.

IRREGULAR MIGRATION

Norway is developing the national infrastructure to allow ABC (automated border control) gates to be implemented at Oslo Airport, Gardermoen (in 2013) and at Storskog land border crossing point with Russia, (foreseen in 2015 when new premises have been constructed).

In order to improve the standards of documentation of legal stay, new standardized Schengen residence cards containing biometric data were introduced on 20 May 2012, replacing the old stickers that were used in passports. The Ministry of Justice and Public Security is currently considering whether all fingerprints collected for Schengen residence cards and visas should be stored in a national database.

The national EUROSUR is under development, based on a cost-effective utilisation of available national resources and capacities; infrastructure, equipment and personnel. The EUROSUR is established through cooperation and coordination between the Police, the Armed Forces, Coastal Administration, Customs, the Maritime Authorities and the Directorate of Fisheries.

Norway is co-financing (together with the United Kingdom) a project aimed at supporting the Turkish Government in its efforts to manage migration flows. This project is operated by IOM Ankara in cooperation with the Turkish Ministry of the Interior. Furthermore, Norway's contribution of 840 man-days to Frontex' activities in 2012 has mainly been to support the operations Poseidon and Attica in Greece.

Norway has taken part in 8 joint return operations under Frontex auspices between January and October 2012, in addition to 4 charter flights organized by the Norwegian Police.

All EU readmission agreements include a clause encouraging the signatory to enter into a similar agreement with Norway (and Iceland). On this basis Norway has negotiated readmission agreements with a number of countries, and has contacted or is planning to contact all remaining countries with an EU readmission agreement, but no agreement with Norway. In addition, Norway entered into a readmission agreement with Ethiopia on 26 January 2012, with returns possible as of 15 March 2012. The agreement included provisions

both for assisted voluntary return and for forced return of Ethiopian citizens, as well as provisions for reintegration support in Ethiopia.

INTERNATIONAL PROTECTION AND ASYLUM

Norway instituted new guidelines for the treatment of asylum seekers who claim to be persecuted because of their sexual orientation in June 2012, to assist in the interpretation of the Immigration Act Section 29 second paragraph *litra f* which indicates that persecution may take the form of acts of a gender-specific nature. These guidelines are procedural in nature, and direct decision-makers to mainstream gender sensitivity into the entire asylum process.

A non-exhaustive list of cases that could amount to such persecution include rape, forced sterilization, or forced abortion, genital mutilation, bride burning and honour killing. Abuse and domestic violence can, in certain cases, amount to persecution. Social exclusion in itself is not necessarily regarded as persecution, and all decisions must be based on a concrete assessment of the individual case.

Another initiative of CEAS importance concerns reception conditions for vulnerable groups/persons with special needs. Initiatives are being prepared based on recommendations emanating from a 2010 research report from the Institute for Social Research (ISF): *Vulnerable Asylum seekers in Norway and the EU – Identification, organisation and handling*. This report is based on an ERF funded research report carried out by the Odysseus Legal Network in 2011.

With other Dublin associated countries Norway is negotiating an Association Agreement with EASO. The Norwegian Country of Origin Information Centre (Landinfo) has already provided expertise in the context of the establishment of the EASO Centre for Information, Documentation and Analysis – COI division, through the Task Force on COI. Additionally, experts from UDI have contributed to the establishment of different modules under EAC, in particular on interview techniques (interviewing children and interviewing other vulnerable persons), as well as provided information and advice to an EASO manual on age determination.

Through the EEA grants, Norway is assisting in reducing social and economic disparities in the EEA area, in addition to strengthening the bilateral relations between the EEA/EFTA states and EU Member States. For the period 2009-2014, Norway will contribute approximately 21 million euro to be used to strengthen the institutional framework in the Asylum and Migration Sector in Greece.

The 2012 resettlement quota was set at 1200 persons of whom approximately 60% should be women. Norway responded to an appeal from EU in 2011 to relocate refugees in relation to the Libyan crisis. As a result, 31 refugees were

relocated from Malta to Norway. These were included in the resettlement quota.

UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

On 8 June 2012, the Norwegian government presented a White paper to Parliament on children seeking protection: “Barn på flukt” (Meld.St.27 (2011-2012)).

There has been an ongoing debate in 2012 on the interpretation of the Convention on the Rights of the Child article 3 (best interest of the child) in this context, and on the balance against other objectives, such as the need for controlled immigration. The White Paper was discussed and endorsed by the Parliament in November 2012. With the White Paper, the Government intended to clarify the existing provisions relating to residence in Norway on the grounds of a child’s connection with the realm, but no new legislation was announced. Two relevant cases were decided by the Supreme Court in December 2012. The Court found that although the best interests of the child shall be a primary consideration, other considerations, such as the need for controlled immigration, may be decisive when the immigration authorities consider an application for protection and legal stay in Norway. In these cases, the majority of the Court found that the Appeals Board (UNE) had considered with sufficient care the relevant issues, but did not itself consider the substance.

New legislation on guardianship for unaccompanied minor asylum seekers was adopted in March 2012 (chapter 11A of the Immigration Act) as well as a New Act on Trusteeship (March 2010). Both will enter into force on 1 July 2013. The new legislation strengthens the legal position of unaccompanied minors by clarifying the tasks of their representatives and ensuring a more consistent practice in their recruitment, training, supervision etc.

ACTIONS AGAINST TRAFFICKING IN HUMAN BEINGS

Norway initiated a new three-year action plan against human trafficking in 2010 (Sammen mot Menneskehandel: Regjeringens handlingsplan mot menneskehandel (2011–2014)). The action plan includes various efforts to identify, protect and assist victims of trafficking. There is a particular focus on children. Increased efforts are to be made with regard to unaccompanied minors who may be victims of trafficking or who disappear from reception centers. Funding has been set aside for tailored services for children victims. On 1 August 2012, new regulations also entered into force permitting the local Child Protective Services to intervene with force when minors who are potential victims of trafficking resist protection and monitoring.

The above-mentioned Action Plan against Human Trafficking (2011-2014) also includes planned and on-going efforts to enhance prevention and increase prosecution of those guilty of such crimes,

The Coordination Unit for Victims of Human Trafficking (KOM) was given a permanent mandate in 2011. It is located in the Directorate of the Police. The need for improved coordination of activities by different actors is emphasized in the on-going action plan, as is the development of research-based knowledge about trafficking (in particular about children victims of trafficking).

MAXIMISING DEVELOPMENT IMPACT OF MIGRATION AND MOBILITY

On 18 June 2012, the EMN NO NCP organized a conference on Migration and Development in Oslo. The conference brought together actors from the migration and development policy areas in Norway and abroad and featured international and national speakers. The following day was dedicated to a cluster meeting on the same topic with other European NCP representatives participating.

Between 2008 and 2010 a pilot project was carried out in Pakistan to assist Norwegian-Pakistani organisations that support development projects in their country of origin. This project was evaluated in 2011 and found to be successful, and the Norwegian development aid agency, NORAD, has since sought to mainstream the experiences from this project into its own work, integrating the work of diaspora groups with the work of traditional development organisations. In 2012, NORAD continues to give priority to projects that partner NGOs with diaspora groups, or that include several diaspora organisations.