



ROYAL NORWEGIAN
MINISTRY OF JUSTICE AND PUBLIC SECURITY

Return Strategy 2023 – 2029

Introduction

Return is a central instrument in achieving one of the main objectives of the justice and public security sector, namely that of controlled and sustainable immigration. Rapid returns are important in order to preserve the legitimacy of the asylum system and to prevent irregular migration. Return of persons who do not have legal stay also contributes to preventing and combatting crime.

Experience from the two previous five-year strategy periods, is that returns require a long-term approach and close coordination of the actors involved. The current situation in the field of return is characterised by few persons with an obligation to return, but a more demanding target group that requires targeted measures. The number of irregular migrants in Europe is growing as a result of high numbers of arrivals and ineffective return policies. This may impact Norwegian return policies; hence we have to allow for changes to the scope and target group within the strategy's timeframe. Developments in Ukraine will also impact the future of return policies. The Return Strategy offers the long-term direction the field requires. The annual budget and allocation letters to the government agencies provide guidance for annual prioritisation and measures.

Norway's integrated return policy have focused on both the bilateral return cooperation with key countries of origin and European cooperation to facilitate returns out of the Schengen area. The bilateral cooperation will continue to be prioritised, but we also see the need to be closely connected to common European return efforts, because the EU has become a stronger and more effective actor through improved coordination and additional measures in the area of return.

The Schengen cooperation is the most important international cooperation platform for Norway in the areas of justice, public security, migration and return. The Schengen area has common rules for external border controls. It is in Norway's interest to actively contribute to the Schengen cooperation in order to secure our shared external border, strengthen control of who is present in the Schengen area and facilitate return of persons without legal stay. The EU is now working in a more integrated manner towards countries of origin linking both security and external dimensions of migration. The EU Pact on Migration and Asylum, launched in 2020, provides a framework for these measures.

The European Border and Coast Guard Agency, Frontex, has been given a more prominent role in facilitating and implementing returns. Effective returns are part of a more binding, systematic and integrated border management in Schengen. Europol is increasingly involved in combatting organised crime related to illegal migration. The development of the EU's information systems¹ will be of decisive importance to increase the level of control on the Schengen territory. Strengthening these systems will contribute to reduce illegal migration, increase the effectiveness of the EU's return policies and strengthen security in the Schengen territory. The National Strategy for Integrated Border Management (IBM Strategy)² also guides Norway's implementation thereof.

The following five priority areas are applicable during the strategic period:

1. Effective and lawful returns
2. National cooperation and coordination
3. European return cooperation
4. Cooperation with countries of origin
5. Sustainable return and reintegration

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¹ Including SIS-recast, Entry/Exit, ETIAS, VIS, EURODAC and Interoperability

² National Strategy for Integrated Border Management (IBM Strategy) 18 October 2019 (to be updated in 2023)

Return

Foreign nationals who do not have lawful residence in Norway must leave the country. Return is implemented to the country of origin or to a country in which the foreign national has lawful residence, or within the EU and Schengen area. If the obligation to leave Norway is not adhered to, with or without practical and financial support from Norwegian authorities and within the determined deadline for leaving the country, the Police may deport the person in question. Several actors with different areas of responsibility at strategic and operational levels are involved in the return efforts. To ensure return, these actors must work in an integrated and coordinated manner.

Repatriation is not covered by this strategy as the repatriation scheme is directed at persons with a residence permit in Norway who wish to return to their countries of origin.

Return is divided into self-organised return, assisted return and forced return. Self-organised return is when foreign nationals organise the return on their own, without assistance from the Norwegian authorities. Assisted return is when foreign nationals apply for and are granted practical and financial assistance for the return to and reintegration process in their countries of origin. Forced return is when coercive measures are used by the Police in order to return foreign nationals to their countries of origin.

Roles and division of responsibility

The Ministry of Justice and Public Security has the overall responsibility for coordinating and implementing the government's refugee and immigration policies, including the return policy. The Ministry of Foreign Affairs contributes to a functioning return cooperation with relevant countries of origin. Immigration liaison officers at selected diplomatic missions have a special responsibility for contributing to the national and international return efforts. The Directorate of Immigration (UDI) processes applications for residence in Norway, rejection of entry-, expulsion- and revocation cases. UDI is also responsible for accommodation in reception centres and manages the assisted return scheme. The Immigration Appeals Board (UNE) is an independent quasi-judicial body that handles appeals against UDI's decisions, including appeals concerning assisted return. The Police, represented by the police districts, processes applications for residence and conducts immigration control. The Police prepares cases concerning rejection of entry, expulsion and revocation, and issues certain decisions concerning expulsion. The National Police Immigration Service (NPIS) is responsible for registering asylum seekers, determining identity and returning foreign nationals who do not have legal residence in Norway. The ID Centre is an independent expert body who is tasked to strengthen and support the immigration authorities and police in ID work. The Country of Origin Information Centre (Landinfo) is the Immigration Authorities' expert unit for country of origin information.

Main objective

Persons without legal residence shall return to their country of origin or to another country where they have legal right to stay.

The main objective is supported by five priority areas. The priority areas are equally important, but not exhaustive.

Priority areas

1. Effective and lawful returns

An effective return policy coupled with rapid return of foreign nationals who do not have legal right to stay are important in order to prevent irregular migration and combatting crime. Fundamental rights are safeguarded in the return process, and returns are implemented in accordance with international conventions and Norwegian law.

Clarification of identity is decisive for succeeding with return. Furthermore, it ensures that decisions in immigration cases concern the right person. Clarification of identity and effective case processing are important parts of a successful return policy. The following priorities are emphasised for priority area 1:

- ❖ Ensure that persons returning receives correct information regarding fundamental rights, right of appeal and knowledge about the return process.
- ❖ Ensure that vulnerable groups, including children, unaccompanied minors, possible victims of human trafficking and persons with disabilities are sufficiently safeguarded in the return process.
- ❖ Ensure a high degree of expertise regarding the rights and obligations of foreign nationals among employees in the immigration administration.
- ❖ Maintain the efforts related to early identity clarification to ensure effective return.
- ❖ Utilise the possibilities in the EU's information systems to clarify identity and legal residence.
- ❖ Actively use the immigration regulations to facilitate rapid returns of foreign nationals who commit crime.
- ❖ Targeted use of return to prevent and combat crime and the risk of terrorism.
- ❖ Focus on knowledge-based immigration control in all police districts to uncover persons who do not have legal residence.
- ❖ Consider new targeted measures in the return efforts to ensure effective return.

2. National cooperation and coordination

Good organisation and close coordination of the actors involved in the return efforts nationally are important factors for an effective return policy. The immigration authorities want persons without legal residence in Norway to comply with the return decision on their own initiative. Self-organised return and assisted return are preferred over forced return.

The possibility of forced return to a country impacts the motivation for self-organised return and applying for assisted return. The chain perspective in the asylum process and the cooperation between actors in the area of return has been strengthened in recent years, and this will continue. An integrated and coordinated approach to return strengthens our ability to motivate the target group, facilitates effective returns and strengthens the cooperation with countries of origin. The following priorities are emphasised for priority area 2:

- ❖ Ensure integrated return efforts through efficient information sharing, cooperation and coordination across various sectors, government agencies and levels.
- ❖ Continue and further develop the Ministry of Justice's and Ministry of Foreign Affairs' country-specific action plans on return to ensure national coordination towards relevant countries of origin.
- ❖ Strengthen the use of the effect forced return has on assisted return to countries where both returns are possible, and jointly assess incentives where the cooperation is challenging or non-existent.
- ❖ Strengthen the cooperation on return efforts in order to reach the target group with information and motivation measures, both within and outside reception centres.
- ❖ Improve and develop information- and motivation measures, and strengthen the return efforts through cooperation with relevant actors.
- ❖ Strengthen the capacity building of persons who engage with the target group through information and motivational tools.
- ❖ Actively cooperate and improve coordination of measures in the immigration authorities to prevent and uncover persons who do not have legal residence.

3. European return cooperation

Norway is part of the Schengen cooperation, and has implemented regulations impacting the area of return. The Return Directive establishes common rules for the return of third-country nationals without legal residence in the Schengen area. The visa regulation is increasingly being used as a tool in the return policy and return is integrated in the border cooperation. The introduction of the EU's information systems³ will also be important in increasing the level of control in terms of movements in the Schengen area. The European Border and Coast Guard Agency, Frontex, has been given a more prominent role in the area of return including assisting Member States with reintegration services in countries of origin⁴. This will contribute to a more effective and coordinated return policy throughout the Schengen area and will have an impact on arrivals. Furthermore, as a Schengen-member Norway is bound by several EU-initiatives, but not all. In order to achieve national objectives in the area of return, it's in Norway's interest to follow and take part in areas beyond the Schengen cooperation. National and

³ Including SIS, Entry/Exit, ETIAS, VIS, Eurodac and Interoperability

⁴ See EU Regulation 2019/1896 (EBCG 2) on the European Border and Coast Guard (Frontex) and Recommendation to the Storting 98 S (2022-2023).

Schengen-relevant strategies must be viewed in context. The following priorities are emphasised for priority area 3:

- ❖ Actively participate in the relevant European networks and platforms to ensure Norwegian interests and obtain information in the area of return.
- ❖ Actively use the counsellors of justice and home affairs to follow the developments in the area of return in EU and share information about Norwegian return policies.
- ❖ Work in favour of Norwegian participation in platforms on migration partnerships with relevant countries of origin and migration routes to Europe (EU's external dimension on migration).
- ❖ Work in favour of participation in relevant information exchange platforms beyond the Schengen cooperation, to face common security challenges resulting from migration (e.g., Europol).
- ❖ Contribute to further developing efforts on integrated border management in Schengen and updating the National Strategy for Integrated Border Management (IBM Strategy).
- ❖ Strengthen and expand the cooperation with Frontex at strategic and operational levels on return and reintegration services in countries of origin.

4. Cooperation with countries of origin

Cooperation on return is often sensitive for countries of origin. In order to get countries to comply with the obligation to readmit own nationals, constructive cooperation is often a prerequisite. Improved dialogue and cooperation in order to identify obstacles and incentives is necessary. Both multilateral and bilateral approaches are relevant and must be adapted to the specific context. Norway is not part of EU's cooperation with countries outside the EU. However, Norway has access to forums where EU's cooperation with countries of origin is discussed due to the Schengen cooperation. Active participation is considered beneficial. Capacity building and knowledge sharing can lead to smoother return cooperation. Hence, Norway must consider using tools from several policy areas in order to improve cooperation on migration and return. Migration partnerships with selected countries of origin and transit countries which involves a broader cooperation on additional areas than solely return should be explored further (capacity building, visa/mobility, return etc.). The following priorities are emphasised for priority area 4:

- ❖ Continue existing return cooperation and consider other forms of cooperation with countries of origin in new policy areas, e.g., foreign affairs, justice, immigration, security, development and trade policy.
- ❖ Consider migration partnerships for specific countries of origin which include cooperation on various policy areas.
- ❖ Continue and further develop the Ministry of Justice's and Ministry of Foreign Affairs' country-specific action plans on return in order to identify effective measures and scope of action towards specific countries of origin.

- ❖ Consider how we can use funds in a strategic manner between government ministries and agencies.
- ❖ Deploy immigration liaison officers in relevant countries of origin and transit countries and more actively use the ILO network⁵ in countries where this is applicable.
- ❖ More actively involve Norwegian diplomatic missions without immigration liaison officers.
- ❖ Continue the inter-agency cooperation on capacity building in prioritised countries of origin (Partnership for Migration⁶).
- ❖ Strengthen the cooperation with relevant countries' diplomatic missions to Norway.

5. Sustainable return and reintegration

Sustainable return and reintegration⁷ are directed at the individual and government levels. The return should be sustainable for the individual and the country of origin. Furthermore, sustainable reintegration contributes to preventing repeated irregular migration. The country of origin is responsible for and must take ownership of the reintegration of its nationals, but Norway can assist. The cooperation and interaction between the justice, foreign affairs and development authorities in Norway should be explored in more detail and strengthened, especially by identifying common goals and benefits for the return and development policies. The following priorities are emphasised for priority area 5:

- ❖ Work in favour of programs for assisted return with flexibility to increase the level of support for selected groups and individuals in order to create positive effects.
- ❖ Obtain more knowledge about what sustainable return entails for the country of origin and the returnee, and identify actors and policy areas that can contribute for best effect.
- ❖ Cooperation with the development sector on measures that can strengthen the reintegration ability and willingness of selected countries of origin. Measures to enhance local/host communities' capacity to reintegrate own nationals can be considered.

⁵ Regulation (EU) 2019/1240 of the European Parliament and of the Council on the creation of a European network of immigration liaison officers (hereafter, the ILO Regulation) was adopted in June 2019.

⁶ Inter-agency cooperation and competence building of authorities in relevant countries of origin between UDI, NPIS and the Norwegian ID Centre.

⁷ Sustainable return and reintegration is when the return has a positive effect at the individual, local community and government levels. This entails that the individual's need to remigrate is reduced and that the local community has the capacity to receive the returned person in the same manner as other residents. At the government level, it entails that the state has the ability and willingness to take responsibility for the return and reintegration process and furthermore takes ownership of the safeguarding of own nationals, and that this is done in a cost-effective manner for donors.