

Six months into applying the Norwegian collective protection-scheme

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Collective protection in Norway

Applications: 30 000

- Registration at the National Arrivals Center
- On March 12th registration was made possible in police districts around Norway

Decisions: 28 000

- UDI has employed robotic process automation
- Cases that need assessment are handled by casehandlers

Ukrainians in reception centers: 7000

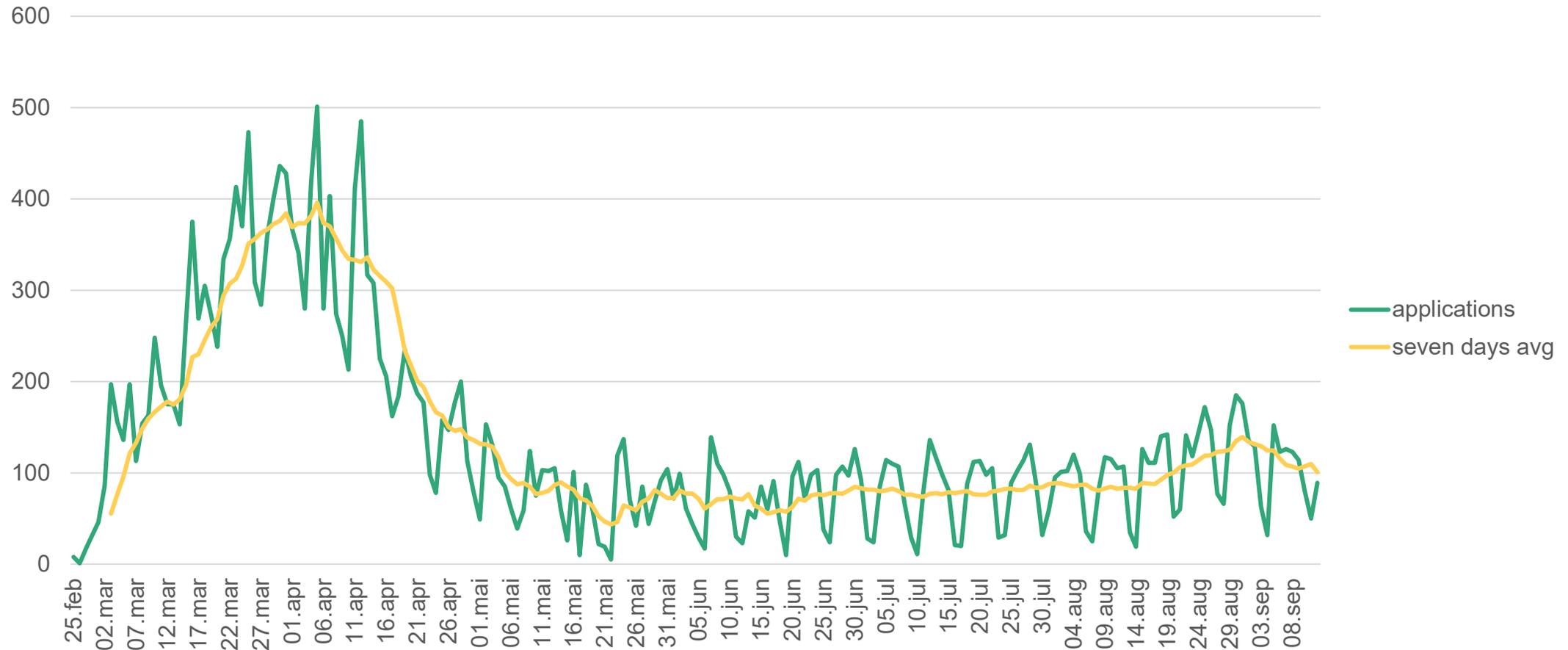
Settled in municipalities: 19 000

*Approx. numbers February to medio October 2022

*Source: udi.no and imdi.no

First phase: Implementation

Applications from displaced persons from Ukraine – both collective protection and international protection



The arrival of high numbers of displaced persons from Ukraine brought on fast political processes and several policy changes regarding:

- reception
- asylum processing
- settlement in municipalities and
- the introduction-program

Legal base - Collective protection in Norway

- Norway does not apply the Temporary Protection Directive TPD
- National protection scheme - Section 34 of the Norwegian Immigration Act:

Collective protection in a mass flight situation

- *Requires a triggering decision by the Government*
- *Based on the assumption that the need for protection will be temporary*
- *Can be extended if the need for protection continues, up to three years totally*
- *Collective protection is based on a group assessment*
- *One year permit at time, can be renewed or extended if the need for protection is still in place*
- *The permit does not provide the basis for a permanent residence permit*
- *The application for international protection (individual assessment) can be suspended up to three years*

TPD vs Norwegian collective protection

The Norwegian national scheme for collective protection mirrors TPD, but is not identical to TPD

- EU/TPD: registration for temporary protection
vs Norwegian Immigration Act: application for protection
- Collective protection is accessed through the ordinary asylum procedure (application for collective protection *and* international protection at the same time, thus the applicants must undergo a formal process before their application for collective protection can be granted)
- When a person is eligible for collective protection, the application for international protection will be suspended until collective protection ceases or expires

11th of March 2022

Collective Protection for Ukrainians was triggered by the Norwegian government

Amendment to the Immigration Regulation, new paragraph § 7-5a defines the group to which collective protection is to apply:

- a) Ukrainian citizens resident in Ukraine prior to 24 February 2022
- b) Third-country nationals and stateless persons who had received international protection or similar national protection status in Ukraine prior to 24 February 2022
- c) Third-country nationals and stateless persons who are close family members of persons mentioned in letter a or b, such as spouse, cohabiting partner, child under 18 years old and other members of the person's household prior to 24 February 2022.

On 29 April 2022, the scope was extended to include Ukrainian citizens legally resident in Norway as of 24 February 2022, or who arrived later on the basis of a previously issued permit, for example seasonal workers

Temporary legislative amendments - April

No changes needed in the Immigration Act, but the Ministry of Justice clarified several issues concerning the interpretation of Section 34 and paragraph 7-5a.

Temporary amendments in other sectorial Acts:

- Integration Act (new chapter)
- Education Act
- Act relating to Specialist Health Services
- Act relating to Patient and User Rights
- Kindergarten Act
- Act relating to the Planning and Processing of Building Applications
- Act relating to Municipal Health Services
- Child Protective Services Act
- Social Insurance Act

The temporary amendments will cease 1st of July 2023 at the latest.

The biggest challenges so far

UDI has not evaluated the first phase from the public actor's view. These are merely some challenges we have identified along the way:

- Sudden influx – swift upscaling of the system needed
- Early days: No overview of who or how many displaced persons who had arrived in Norway (as Ukrainians with biometric passports can stay visa-free for 90 days)
- Legislation was developed simultaneously as the situation evolved, made challenges for the casehandling and the information given at any time
- Many actors involved in handling the situation
 - public actors: national and local
 - non-public actors
 - information scattered between the different actors
 - how to coordinate the different sectors involved

The biggest challenges so far - continued

- The large numbers and the fact that Ukrainians as a group differs from the ordinary asylumseeker in several ways, made the ordinary asylum process non applicable
- The ordinary asylum process is organized as step-by-step, in a spesific order. This order could not be followed as things happened more or less simultaneously (for example immidiate settlement by family and friends in the municipalities).
- The registration- and casehandlingsystem under pressure – troubles and hickups affected the effectiveness in handling the cases
- Pets / quarantine
- One question that has come up lately: Collective protection vs international protection – temporary vs permanent – can/does factors following the situation in Ukraine and the collective protection-scheme create discriminatory practices?

Looking into the future – some thoughts

Depends on whether the war continues, ends or escalates – and the time frame.

Second phase: Prolongation of collective protection?

- Prolongation of collective protection in 2023, 2024? If the need for protection is still in place
- Amendments to the collective protection-scheme?
- Practical: How to extend or renew the permits in an effective way?
- Level of control?

Third phase: Collective protection ceases or expires?

What if the war ends in 2023 or 2024?

- Collective protection requires that the need for protection is still in place, and will be ceased if peace comes.
- Return to Ukraine? Political question
- New types of permit? Political question
- Asylum applications – individual assessments?

What if the need for protection is still in place when the three-year period for collective protection is coming to an end? (expires)

- New type of permit based on a group assessment, but this permit will provide the basis for permanent residence (§ 34)
- Asylum applications – individual assessments?

Want to know more – from a different perspective?

On assignment from UDI and the Directorate of Integration and Diversity researchers will publish a new report in the end of this month. The assignment was carried out by a team of researchers at the Institute for Urban and Regional Research (NIBR) and OsloMet.

The report is named *Ukrainian refugees – experiences from the first phase in Norway*, and includes experiences from registration, reception, settlement and initial integration.

**Thank you
for your attention!**