

# Responses to long-term irregularly staying migrants: practices and challenges in EU Member States and Norway

## National Contribution from Norway

*Disclaimer: The following information has been provided primarily for the purpose of contributing to a Synthesis Report for this EMN Study. The EMN NCP has provided information that is, to the best of its knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of the EMN NCPs' Member State.*

### Top-line factsheet [max. 1 page]

*The top-line factsheet will serve as a summary of the **national contribution** introducing the study and drawing out key facts and figures from across all sections, with a particular emphasis on elements that will be of relevance to (national) policy-makers. The top-line factsheet should be a stand-alone product. Please add any innovative or visual presentations that can carry through into the synthesis report as possible infographics and visual elements.*

Norwegian policies to combat irregular migration and prevent irregular stay is centred around three main pillars:

1. A system for securing protection and legal residency to those who qualify for this.
2. Labour market and welfare policies that to the extent possible removes incentives for migrants to remain in Norway if they do not have the right to stay.
3. An efficient return policy, focusing on voluntary assisted return that encourages and enables irregular migrants to return to their country of origin.

These policies have so far been relatively successful in limiting the number of irregular migrants who stay in Norway at any given point but do also have several implications for how long-term irregular migrants are met.

There is a small group of rejected asylum seeker who are granted the right to a time limited stay, despite being subject to return. This can be either due to protection against refoulement, or minors (aged 16-18) who do not have access to proper care upon return. These groups will have access to services in line with asylum seekers waiting for their application for asylum to be decided.

For all other migrants without a right to stay in the country, access to healthcare, social services and labour market is severely limited, in order to encourage cooperation to facilitate voluntary assisted return.

Furthermore, in order to not encourage non-cooperation to return, opportunities for regularization and for gaining a right to stay is severely limited, also for long-term staying irregular migrants. There is, however, a process underway that will allow a one-time solution for regularizations of unreturnable elderly irregular migrants, with rejected asylum claims, who have stayed 16 years or more. This is the second one-time solution for regularization to take place in Norway, the first one being for long-term staying children in 2014/2015,

As the group of irregular migrants have thus far been relatively small in Norway, there are few formal mechanism of cooperation between institutions to assist this group, and there is limited attention given to their particular needs in the legal system For instance is there no formalized system for 'safe reporting', for irregular migrants who have been subject to or witness to a crime. However, victims of

human trafficking are entitled to a 6-month reflection period, and can be granted a stay on humanitarian grounds if their perpetrator is convicted.

## Section 1: National legal and policy framework

*This introductory section of the synthesis report will map the institutional, legal and political contexts on the issue of long-term irregular migrants and aims to provide an overview of main points of discussion in Member States and Norway.*

*The primary questions addressed in this section are:*

- *To what extent are central, regional and local authorities in your Member State confronted with the issue of long-term irregular migrants?*
- *What is the political and policy debate on the situation of long-term irregular migrants?*
- *What are the characteristics of the group of third-country nationals who remained in a protracted situation of illegal stay? What information is available on the size of the (sub)groups or categories?*

### SECTION 1.1: CATEGORIES OF LONG-TERM IRREGULAR MIGRANTS AT NATIONAL LEVEL

**Q1a.** Is there a distinction between ‘short-term’ irregular migrants and ‘long-term’ irregular migrants (as defined in the scope of this study) in your (Member) State?

Yes

No

*If yes, please explain how these are defined and where (policy, legislation and/or practice):*

In Norwegian immigration legislation there is not a formal distinction between short-term and long-term irregular migrants. However, in subsections of the immigration legislation long-term staying irregular migrants are defined in different ways.

A group of long-term irregularly staying children (who due to a temporary provision were subject to a one-time regularization in 2014) were defined as children having stayed in Norway for 3 years or more.

Another definition of long-term irregular migrants is used in the one-time regularization for elderly long-term irregular migrants proposed by the current government. For this group “long-term” is defined as persons who have stayed for 16 years or more.

(<https://www.regjeringen.no/no/aktuelt/engangslosningen-for-utlendinger-med-lang-oppholdstid/id2768771/>).

**Q1b.** Are different categories of **long-term** irregular migrants (as defined in the scope of this study) – stemming from law or practice – present in your (Member) State?

Yes

No

**Q1c.** If yes to Q1b, are these:

- irregular migrants subject to a return decision but the return cannot be enforced due to legal obstacles (e.g. non refoulement, medical or humanitarian reasons, etc)?
- irregular migrants subject to a return decision but the return cannot be enforced due to practical obstacles (cooperation of the person concerned, problems with travel documents etc)?
- former (rejected) applicants for international protection who absconded?
- third-country nationals whose short-stay visa, residence permit expired and/or was not renewed?
- other irregular migrants who were not (yet) detected by national migration authorities?
- Other (e.g. long-term irregular migrants with a criminal record, dependant family members) (please describe in the box below)?

There are four additional subgroups of irregular migrants that are reported by NGOs to remain in Norway:

- 1 Individuals who have previously had legal residency/citizenship, but where this has been withdrawn because proof has been presented that citizenship or right of residency was granted based on falsified information.
- 2 Elderly who come illegally to stay with family members who are citizens or have legal residency, but who for various reasons do not meet the criteria for family reunification. These elderly family members remain as irregular migrants
- 3 Women who have been married to a Norwegian citizen but have divorced before they earned right to residency on their own merits.
- 4 Children born in Norway to a mother without legal stay (even if the father is a legal resident)
- 5 Migrants who often due to lack of knowledge of the immigration regulation, or other reasons, have not fulfilled the formal requirement to renew their residency permits.

The last two groups may formally have the right to residency, but lack papers to document this, and often, the resources to acquire them.

**Q1d. If yes to Q1b**, please also provide, if possible, an **estimation** of the numbers of persons (for each category identified iEstiman Q1a, 1b and 1c, as relevant) in your (Member) State, annually since 2015.

*Please also indicate the relevant source of such estimate(s) and other relevant information if available (e.g. country of origin).*

Estimation of the two categories migrants who cannot be returned due to non-refoulement, medical or humanitarian reasons, and are granted a temporary and limited residence permit to avoid irregular status:

For most subpopulations of irregular migrants there are no available estimates of population size of reasonable quality. The only subgroup we can provide statistics for here are migrants who are granted a time limited residence permit. As their stay is then legal, they are not formally regarded as irregular migrants, although they are still subject to a return having their asylum claim rejected (see description of requirement under q2).

The main groups are migrants who cannot be returned due to non-refoulement, medical or humanitarian reasons (Immigration act § 74) and unaccompanied minors (aged 16-18) who cannot be returned to their country of origin because they will be without proper care upon return (§8-8).

These numbers are from the Directorate of Immigration database of immigration statistics.

Number of valid permits per 01.01	2016	2017	2018	2019	2020
utl § 74: Cannot be returned due to non-refoulement, medical or humanitarian reasons	80	120	113	114	108
utf § 8-8: Under 18 without proper caregiver in country of origin.	19	321	181	3	2

For all other categories listed in 1b, estimates of reasonable quality are not available. If numbers can be produced at all, they are incomplete and would give a misleading impression of the current situation.

**Q1f. If no to Q1b, please explain why this is not the case (in the box below)**

**Q2. If a third-country national is subject to a return decision but there are **legal obstacles to return** (i.e. for non-refoulement reasons, medical reasons, etc), can they receive:**

*Tick as many boxes as applicable in your (Member) State and use the box below to briefly describe the situation (e.g. procedure followed, conditions of application).*

*For instance, please indicate if the option ticked is based on i) an administrative practice (please explain the practice); ii) legislation (please legislation); iii) case law (indicate case law reference and a short summary), or iv) other (e.g. policy).*

*Please briefly describe also indicating estimations of the scale/numbers per year between January 2015-October 2020, if available.*

*For clarifications on categories below, please refer to section 2.*

Written confirmation of postponement of return (please briefly explain the procedure, conditions below):

With a rejected asylum claim, a return-decision is given simultaneously, giving the migrant a deadline for leaving the county. The police, who are responsible for exit control, can grant a postponement of this deadline. If the police grant an extension of a set return deadline, the migrant will be given a written confirmation of the new return date.

In current practice, postponements of deadlines for return are relatively rarely granted, and normally only for a few weeks at a time, for instance due to significant health or educational considerations (for instance a final exam or an upcoming operation for a household member).

Temporary/tolerated stay (please briefly explain the conditions, application procedure below):

As mentioned above under Q 1c Norway has two different mechanisms for giving time-limited residency permit:

a) Foreign nationals who are protected against refoulement but fall under the exclusion provision of the Immigration Act and the Refugee Convention, or are expelled, may be given a residence permit specifically directed at this group. A permit under this provision (Immigration Act §74) is of limited duration and can be withdrawn if the protection against refoulement lapses. One cannot apply separately for this permit, and it can only be granted immediately after (and part as the same procedure) as the exclusion decision and a rejection of leave to stay on humanitarian grounds. Rejected asylum seekers will be protected against refoulement even if they do not obtain a §74 status, however only the ones with a §74 permit will have a written confirmation of this protection, and access to more rights and services (as described below).

Time limited residence permit under section 74 is normally granted for a period up to 7 months, but it may in special cases be granted for a period of up to one year. The permit may be renewed but does not provide grounds for a permanent status nor family reunification. Over the last 5 years, people with residence permit under §74 had renewed this permit on average 4,6 times, with some renewing up to 16 times.

b) unaccompanied asylum-seeking minors aged 16 or older can be granted a time limited residence permit that is valid until they reach the age of 18, if the unaccompanied minor will be without proper care upon return (Immigration Regulations §8-8). This permit may not be renewed and does not form the basis for a permanent residence permit. This time-limited residence permit follows immediately after the rejection of an asylum application, and as with the permit under §74 above, one cannot apply separately for this permit.

Time limited residence permit under these two section will give the migrant access to services similar to those of asylum seekers waiting for a response to their asylum application, as they have access to reception centres, a monthly cash allowance, medical care and basic social assistance. They will also normally be allowed to work. The permits are purely territorial, and if the person leaves the Norwegian territory without prior permission to do so, the permit is void.

Residence permit (please briefly explain the conditions, application procedure, duration of status below):

Temporary residence permits are normally not given (beyond the time-limited stays described above). One significant exception is made for former victims of trafficking who can be granted a 6 month "reflection period" to motivate cooperation with police and giving testimony against perpetrators.

Reflection period is normally granted if there is a public body or NGO that confirms that they suspect the migrant is a victim of trafficking, or if the applicant him/her self-claim to be a victim of trafficking, and there are no reason to believe this is not the case. The perpetrators must have been reported to the police

The residence permit can be renewed but does not form basis for family reunification. However, children of the victim can be given a temporary residence permit to be able to stay in the country with their parents who have been given this permit. Migrants with a temporary residency permit because of their reflection period have the right to work and can also obtain support for housing and other social benefits that asylum seekers normally do not qualify for.

Extension of the short-stay visa

Extension of the voluntary departure period

See answer to question above regarding written confirmation of postponement of return. With a rejected asylum claim, a return-decision is given simultaneously, giving the migrant a deadline for leaving the country. The police, with responsibility for exit control, can grant a postponement of this deadline.

In current practices postponements of deadlines for return are relatively rarely granted, and normally only for a few weeks at the time for instance due to significant health or educational considerations (for instance a final exam or an upcoming operation for a household member).

No return decision issued (for administrative or other reasons including non-refoulement)

Other (e.g. no other form of certificate/tolerated stay/residence permit granted)

**Q3.** If a third-country national is subject to a return decision but there are **practical obstacles to return** (i.e. lack of means of transportation, lack of identification or travel documents, lack of cooperation of the third-country national, absconding etc.), can they receive:

*Tick as many boxes as applicable in your (Member) State and use the box below to briefly describe the situation (e.g. procedure followed, conditions of application).*

*For instance, please indicate if the option ticked is based on **i)** an administrative practice (please explain the practice); **ii)** legislation (please legislation); **iii)** case law (indicate case law reference and a short summary), or **iv)** other (e.g. policy).*

*Please briefly describe also indicating estimations of the scale/numbers per year can be provided for the years 2015-October 2020), if available.*

*For clarifications on categories below, please refer to section 2*

A written confirmation of postponement of return (please briefly explain the procedure, conditions below):

A temporary/tolerated stay (please briefly explain the conditions, application procedure):

A residence permit (please briefly explain the conditions, application procedure, duration of status below):

An extension of the short-stay visa

No return decision issued (for administrative or other reasons including non-refoulement)

Other (e.g. no other form of certificate/tolerated stay/residence permit granted)

## SECTION 1.2: PRIORITIES AND DEBATES AT A NATIONAL LEVEL -

**Q4a.** Has the issue of long-term irregular migrants been subject to **policy or legislative debate** (i.e. discussions) in your (Member) State since 2015?

Yes

No

If yes, (i) what was the debate about and (ii) how has the debate evolved since 2015 (include debates related to Covid-19)?

*Please provide a brief explanation of the main focus (i.e. main aspects discussed) and the evolution since 2015. Please indicate the main stakeholders involved. Please provide qualitative evidence to support your answer (e.g. national parliamentary debates, strategies, other policy documents).*

Propositions from the governments to alter or introduce new immigration policy is usually supported by broad coalitions across most major parties in parliament (see for instance Prop. 40 L (2019-2020), Innst. 250 L (2019-2020), Lovvedtak 86 (2019-2020)). However, there have been some debates on conditions concerning long-term staying irregular migrants that has split these grand coalitions in the Norwegian parliament, in the last five years.

One parliamentary debate received extensive public attention and raised conflict both across and within established political parties; in this debate the practise of giving time-limited stays for unaccompanied minor asylum seekers in order to make it possible to return them to other areas of Afghanistan then they originate was questioned. Asylum seekers who had arrived at age 16 arrived in 2015, were supposed to return to their country of origin when they turned 18, and many chose to leave the reception centres and live as irregulars in Norway or elsewhere instead. This raised debate on the ethical and legal grounds (in interpretation of the refugee convention and the convention of the right of the child) of giving time-limited residency permits for children. It resulted in a small amendment to current legislation, introducing vulnerability consideration when considering time-limited residency for minors.

In the current governing coalition's political platform (Granavolden 2019) it is stated that a one-time solution for long-term staying irregular migrants who cannot be returned to their countries of origin will be proposed, funding one-time solution is allocated in the 2020 budget and the proposal are in its final phases of preparatory work. (see Q9 and Q29 below). This is the first regularisation of adults with



irregular status in Norway and represents a new peek in attention to the conditions of irregular migrants in Norway.

There are also regular proposals from smaller parties in Parliament, that raises debates, but which are only supported by a minority of members. Some proposals focus on the need to improve access to healthcare for irregulars, and in particular for children and other vulnerable groups (Document 106 S (2016–2017)) or proposals to increase access to education for youth pending return (Dokument 8:223 S (2017-2018)).

There are also numerous parliamentary debates that relate to the implementation of asylum policies including interpretations of the refugee convention and practises tied to the implementation of forced returns. In addition, proposals are regularly put forward by members of the parliamentary minority who either want a stricter migration control (see for instance Dokument 8:82 LS (2019-2020), Innst. 336 L (2019-2020) or more liberal practises (see for instance Dokument 8:179 LS (2018-2019), Innst. 61 L (2019-2020)).

All parliamentary debates on conditions of life for irregular migrants focus on the need to secure basic human rights for the migrants residing in the country on one hand, and the need to motivate irregular migrants to cooperate to facilitate voluntary assisted return on the other.

A masters thesis analysing changes in parliamentary debates on immigration policy in this period finds that a 'humanitarian' discourse, focusing on legal considerations and moral responsibilities, was hegemonic up until the emergence of the "refugee crisis" in 2015/2016. The crisis shifted the discursive hierarchy – placing a discourse focusing on the rights of 'real refugees' on top. The 'real refugees' discourse legitimised the implementation of restrictive measures, while still holding on to humanitarian values. This discursive change was followed by several restrictions in Norwegian asylum policy. (Halle, Ingeborg Bakk. *The Paradox of Protection-A discourse analysis of Norwegian parliamentary debates on refugee and asylum policy*. MS thesis. 2019.)

**Q5a.** Has the issue of long-term irregular migrants been subject to **inter-institutional debate** between local (municipal, regional, federal) and central level authorities, in your (Member) State since 2015?

Yes

No

If yes, please indicate the main stakeholders involved in your answer and qualitative evidence (e.g. public debates, policy documents).

Some city authorities have protested the strict regulations on conditions of life and work of irregular migrants, and municipal governments have in some situations opened up for giving access to more rights and benefits, than what is defined by national authorities. The municipality of Trondheim has argued the need to give irregular migrants work permits, and in 2017 the municipal government decided to give irregular migrants access to health care.

As similar proposal has been debated in the city council in Oslo , but did not get the necessary number of votes. However, the Oslo city council has started economically supporting the NGO run clinic for irregular migrants in Norway.

**Q5b.** If yes to Q5a, (i) what was the debate about and (ii) how has it evolved since 2015?

*Please provide a brief explanation of the main focus (i.e. main aspects discussed) and the evolution since 2015.*

**Q6.** If yes to Q4a and/or Q5a, has the debate influenced **policy or legislative measures** (e.g. national strategies or plans, legislative framework, etc.)?

Yes

No

If yes, please indicate the policy or legislative measures adopted:

**Q7a.** Has the issue of long-term irregular migrants been subject to **public debate** (i.e. media/NGOs) in your (Member) State since 2015?

Yes

No

**Q7b.** If yes to Q7a, (i) please indicate the main stakeholders involved (ii) the main circumstances of the debate and (iii) if there has been any change in the debate since 2015?

*Please provide a brief explanation of the main focus (i.e. main aspects discussed) and the evolution since 2015.*

*Please provide qualitative evidence to support your answer (e.g. reliable media reports, statements or reports of NGO/civil society organisations or International Organisations (IOs), research studies, official surveys, barometers, other policy documents).*

Debates on irregular migrants access to work to secure a basic livelihood has been raised through two highly profiled legal cases in recent years. A highly profiled and popular former bishop was convicted for having employed as a domestic worker a person without the right to stay or work.

(<https://www.newsenglish.no/2019/12/19/convicted-bishop-has-no-regrets/>)

In another legal case, a human right activist advocating irregular migrant's right to work, has been convicted for running an employment agency for irregular migrants.

(<https://www.newsenglish.no/2019/10/03/trial-begins-over-rights-to-work/>)

These legal cases have resulted in an increased focus on the conditions of life for irregular migrants in Norway, and has given rise to debates on how to balance regulation of labour markets, labour law and work against social dumping on one hand, and the right for people who are illegally in Norway to work to secure basic livelihood and human dignity on the other.

Debates on irregular migrants' access to healthcare is also regularly raised. For instance, was a demonstration arranged in Oslo in for improved healthcare for irregular migrants in Norway, supported by among others the Labour unions, the Norwegian Medical Association, and politicians from several parties in parliament. The NGO run clinic for irregular migrants have been an important advocate for increasing awareness about the health problems of irregular migrants in Norway, and for advocating better access to healthcare for this group.

**Q8.** Has the issue of long-term irregularly staying migrants been subject to **policy or public debate** in your (Member) State specifically in connection with the measures taken in responses to **COVID-19** and their impacts?

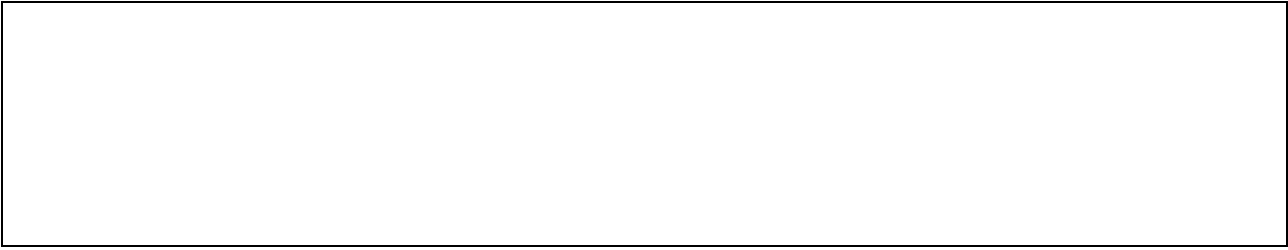
There has been little attention given to the conditions for irregularly staying migrants in public debates in response to COVID-19 in both policy and public debates. The parliament has discussed implication for newly arrived migrants with protection need, and procedures for doing asylum interviews during lockdown, but not specifically discussing irregular migrants.

The head of the NGO run clinic for irregular migrants in Oslo claim that Covid-19 has spurred increased interest in the work they do, lead to recruitment of new volunteers. and that they were regularly contacted by media, politicians and others who wanted to know how this group was doing during lockdown.

Several NGOs working with irregular migrants have raised concern about what they believe is a lack of information about Covid-19 among irregular migrants. The group is difficult to reach for several reasons, including language challenges, lack of access to digital information, and or illiteracy.

Specialized Health Centres for irregular migrants largely stayed open during the pandemic, but with reduced capacity

Some of the centres who rely on volunteers reported having problems getting enough staff, when the pressures were high on healthcare workers to work extra in their formal jobs.



**Q9.** Are there any **planned changes** in law/policy/practice regarding long-term irregular migrants in your (Member) State?

Yes, there are planned changes in law. Please explain below:

Yes, there are planned changes in policy. Please explain below:

Yes, there are planned changes in practice. Please explain below:

No.

A process has started to allow a one-time solution granting legal residency on humanitarian grounds for elderly long term staying irregular migrants. The solution is framed so that it does not set a precedent and will not apply to migrants who have been convicted of a crime while in Norway.

In the proposal “elderly, long-term staying irregular migrants” is defined as migrants who have stayed in Norway for at least 16 years, and whose combined age and time in Norway is 64 or more. In the National budget for 2020 money is allocated for this process.

This will be the second one-time regularisation solution in Norway. The first was for long-term staying children (defined as children who had stayed 3 years or longer) in 2014.

## Section 2: National policies and approaches regarding long-term irregularly staying migrants

*This section aims to provide an overview of national policy in (Member) States and Norway on the way States address long-term irregularity. It will address the following research questions:*

- *Which rights and public services are long-term irregularly staying migrants provided access to?*
- *What is the role of central, regional and local authorities in dealing with this group of migrants?*
- *To what extent are regional and local authorities involved and cooperate with the central government?*
- *What is the role of civil society organisations or other entities regarding the access to public services for long-term irregularly staying migrants?*
- *What measures (e.g. policies, practical tools, guidance) were implemented regarding the access to public services for long-term irregularly staying migrants?*
- *Were there any studies or research published on the effectiveness of these measures?*

### SECTION 2.1: RIGHTS AND ACCESS TO SERVICES OF LONG-TERM IRREGULAR MIGRANTS

*This section aims to understand the rights and services accessible to long-term irregular migrants, which central, regional and local authorities are involved in the provision of services, as well as the role of civil society organisations.*

**Q10.** What **services are accessible** to **long-term irregular migrants** who were issued a return decision, but return cannot be implemented for legal or practical obstacles?

*Please complete the table below for each type or authorisation to stay or statuses indicated Q2 and Q3 (i.e. written confirmation of postponement of return, temporary or tolerated stay, residence permit, only return decision).*

*There are three tables*

Table 1: Rights and services available to long-term irregularly staying migrants who have been issued a return decision				
Type of stay or status as identified in Q2 and/or Q3: Irregular migrants subject to a return decision but the <i>return cannot be enforced due to legal obstacles</i> , and given time-limited right to stay after Immigration act §74 (return not possible due to legal obstacles) or Immigration regulations §8-8 (no identified caregiver in country of origin) , or written confirmation of postponement of return.				
Type of service	Service provided? (Y/N)	Is the provision of service <b>mandatory or discretionary</b> ? <sup>1</sup>	Brief description Please consider for each type of services the long-term irregular migrants are entitled or have access to:  i. Does this access stem from national law or practice? Does it stem from local (regional, municipal) rules or practice? ii. Which authorities are competent to provide access to services? Please indicate if access is provided by other entities (NGO, charities, private entities, etc) as service providers on behalf of the national or local authorities?	Please briefly assess and explain if the rights and access to services are more limited, same or more favourable than those of legal migrants or of nationals?
<b>Accommodation</b>				Less <input checked="" type="checkbox"/>   Same <input checked="" type="checkbox"/>   More <input type="checkbox"/>
<b>Accommodation</b> <i>If yes, please briefly describe</i>	Y	Mandatory	<i>Accommodation is offered in centres for asylum seekers, organized and financed by National government. The centres are either run by NGOs, commercial agents or local municipalities.</i>	<i>The standard of accommodation is minimal in comparison with what is normally offered in Norwegian institutions; however the standard is the same as for asylum seekers waiting for a reply on their asylum application</i>

<sup>1</sup> For example, in some cases a service can be accessed but the costs must be met by the individual rather than the State/national authorities.

<p><b>Special accommodation facilities (i.e. shelter for victims of violence, children etc.)</b></p> <p><i>If yes, please briefly describe</i></p>	y	mandatory	<p><i>Unaccompanied minors who are given time-limited residency permit until they are 18, are offered accommodation with the same standard as unaccompanied minors seeking asylum. Unaccompanied minors aged 16-18 are accommodated in centres for asylum seekers in units separate from adults, with higher standards and more staff than the centres for adults.</i></p> <p><i>Irregular migrants have access to shelters for victims of trafficking and/or domestic violence (which are normally run by NGOs) at the same levels as nationals.</i></p>	<p><i>The type of accommodation for children aged 16-18 is of lesser quality, and involves less adult supervision than the accommodation offered national children and migrants with a residency permit, however it is the same as for unaccompanied minors who are waiting for an answer to their asylum application</i></p>
<p><b>Other forms of accommodation or shelter or specialised centre</b></p>	y	discretionary	<p><i>Specialized asylum centres are available for migrants with severe mental illness, development disorders or other special care needs that cannot be met in standard asylum centres</i></p>	<p><i>The type of accommodation is of lesser quality and involves less provision of care from qualified personnel than in institutions for nationals with similar care needs.</i></p>
<b>Healthcare</b>				Less <input type="checkbox"/>   Same <input checked="" type="checkbox"/>   More <input type="checkbox"/>
<p><b>Emergency healthcare</b></p> <p><i>If yes please describe, as this notion can be understood in a large or restrictive way</i></p>	y	mandatory	<p><i>Emergency healthcare is free (with the exception of a small user fee) and available to all who have these permits. Healthcare is covered over the same state budgets (Folketrygden) as for nationals.</i></p>	
<p><b>Basic medical care</b></p> <p><i>If yes, please briefly describe</i></p>	y	mandatory	<p><i>Basic medical healthcare is free (with the exception of a small user fee) and available to all who stay with these permits. Healthcare is covered over the same state budgets (Folketrygden) as for nationals.</i></p>	
<p><b>Specialised care</b></p> <p><i>If yes, please briefly describe</i></p>	y	mandatory	<p><i>Specialised healthcare is free (with the exception of a small user fee) and available to all who stay with these permits. Healthcare is covered over the same state budgets (Folketrygden) as for nationals.</i></p>	
<p><b>Other healthcare services</b></p> <p><i>If yes, please briefly describe</i></p>	n		<p><i>Migrant with a time-limited residency permit are not entitled to care services, including institutions for or policy programs targeting the elderly, the disabled or other with special needs. There are some specialized asylum centres for asylum seekers with special needs that cannot be met in ordinary asylum centres.</i></p>	<p><i>The type of accommodation offered asylum seekers with special care needs is of lesser quality, and involves less provision of care from qualified</i></p>

				<i>personnel than in institutions for nationals with similar care needs.</i>
<b>Social assistance</b>				<b>Less <input checked="" type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/></b>
<b>Are long-term irregularly staying migrants entitled to receive social benefits?<sup>2</sup></b> <i>If yes, please briefly describe what these benefits are</i>	<i>y</i>	<i>mandatory</i>	<i>Migrants with time-limited residency permit will not get ordinarily social benefits from the municipality (as the national population have access to), but will get a monthly allowance to cover basic living costs from the Immigration Authorities</i>	<i>The benefits are lower than the minimum social benefits for the national population.</i>
<b>Employment</b>				<b>Less <input type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/></b>
<b>Are there circumstances in your MS where long-term irregularly staying migrants are entitled to access to the labour market?</b> <i>If yes, please describe any specific conditions attached to their employment.</i>	<i>y</i>	<i>Discretionary</i>	<i>Migrants with time-limited residency permit will can get work permit, but it is not automatically given</i>	
<b>Education</b>				<b>Less <input type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/></b>
<b>Do (long-term irregular migrant) children have access to compulsory education?</b> <i>If yes, please briefly describe access.</i>	<i>y</i>	<i>mandatory</i>	<i>Children with a time-limited residency permit have access to compulsory education</i>	
<b>Are adult long-term irregularly staying migrants entitled to participate in educational programmes and/or professional training?</b>	<i>n</i>			

<sup>2</sup> Please consider the definition of 'core benefits' as included in the Qualification and Long-Term Residents Directives which is understood as covering – as a minimum - income support, assistance in the case of illness, or pregnancy, and parental assistance.



<i>If yes, what types of education and under which conditions?</i>				
<b>Legal aid or assistance</b>				Less <input type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/>
<b>Do long-term irregular migrants have access to legal aid or assistance type of services?</b>  <i>If yes, please briefly enumerate and explain</i>			<i>Persons who want to appeal the decision in the asylum system are given support for a fixed number of hours of legal aid (the number of hours differs with the reasons for rejection).</i>  <i>Minors with temporary stay (§8-8) and rejected asylum seekers with temporary stay due to protection against refoulement fall under this arrangement.</i>  <i>Persons who have been given a postponement of return date are some given additional support for legal aid.</i>	
<b>Other?</b>				Less <input type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/>
Are any other rights relevant to mention here? Please describe				

**Table 1-2: Rights and services available to long-term irregularly staying migrants who have been issued a return decision**

<i>Type of stay or status as identified in Q2 and/or Q3: [ Irregular migrants subject to a return decision – who stay in centres for asylum seekers</i>				
Type of service	Service provided? (Y/N)	Is the provision of service <b>mandatory or discretionary</b> ? <sup>3</sup>	Brief description Please consider for each type of services the long-term irregular migrants are entitled or have access to:  <ul style="list-style-type: none"> <li>i. Does this access stem from national law or practice? Does it stem from local (regional, municipal) rules or practice?</li> <li>ii. Which authorities are competent to provide access to services? Please indicate if access is provided by other entities (NGO, charities, private entities, etc) as service providers on behalf of the national or local authorities?</li> </ul>	Please briefly assess and explain if the rights and access to services are more limited, same or more favourable than those of legal migrants or of nationals?

<sup>3</sup> For example, in some cases a service can be accessed but the costs must be met by the individual rather than the State/national authorities.

Accommodation				Less <input checked="" type="checkbox"/>   Same <input checked="" type="checkbox"/>   More <input type="checkbox"/>
<b>Accommodation</b> <i>If yes, please briefly describe</i>	<i>Y</i>	<i>mandatory</i>	<i>Accommodation offered in centres for asylum seekers, organized and financed by National government. The centres are either run by NGO, commercial agents or regional authorities.</i>	<i>The quality of accommodation is minimal; however it is the same as the quality offered asylum seekers waiting for a reply on their asylum application</i>
<b>Special accommodation facilities (i.e. shelter for victims of violence, children etc.)</b> <i>If yes, please briefly describe</i>	<i>y</i>	<i>mandatory</i>	<i>The migrants have access to shelters for victims of trafficking and/or domestic violence (which are run by NGOs) at the same levels as nationals.</i>	
<b>Other forms of accommodation or shelter or specialised centre</b>	<i>y</i>	<i>d</i>	<i>Specialized asylum centres are available for migrants with mental illness or other special care needs</i>	
Healthcare				Less <input checked="" type="checkbox"/>   Same <input checked="" type="checkbox"/>   More <input type="checkbox"/>
<b>Emergency healthcare</b> <i>If yes please describe, as this notion can be understood in a large or restrictive way</i>	<i>y</i>	<i>Mandatory/discretionary</i>	<i>Rejected asylum seeker with a return decision are entitled to emergency healthcare. Healthcare is covered over the same state budgets (Folketrygden) as for nationals.</i>	
<b>Basic medical care</b> <i>If yes, please briefly describe</i>	<i>n</i>		<i>Rejected asylum seekers with a return decision are not entitled to basic medical care and will have to pay to access such services. Exceptions are made for pre-natal care, abortion and birth, as well as healthcare to prevent of contagious diseases of danger to the general public.</i>  <i>National immigration authorities can grant access to some medical services based on application from the migrant.</i>  <i>Some municipalities do grant basic healthcare to irregular migrants for free</i>  <i>Children of adults with a final return decision will have access to basic healthcare for free.</i>	

<b>Specialised care</b> <i>If yes, please briefly describe</i>	<i>n</i>		<i>Rejected asylum seekers with a return decision are not entitled to specialized medical care but can receive some support for such services through application to immigration authorities. Some municipalities can offer psychological consultations for free for this group.</i>	
<b>Other healthcare services</b> <i>If yes, please briefly describe</i>	<i>n</i>		<i>Rejected asylum seekers with a return decision are not entitled to care services, including institutions for or policy programs targeting the elderly, the disabled or other with special needs. The migration authorities have specialized asylum centres for asylum seekers with special needs.</i>	
<b>Social assistance</b>				<b>Less <input checked="" type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/></b>
<b>Are long-term irregularly staying migrants entitled to receive social benefits?<sup>4</sup></b> <i>If yes, please briefly describe what these benefits are</i>	<i>y</i>	<i>m</i>	<i>Migrants with a return decision will not get social benefits on par with the national population. A small monthly allowance is payed by national immigration authorities that will allow them to cover basic living costs. The allowance is smaller than for asylum seekers with tolerated stay (above)</i>	<i>The benefits are lower than the minimum social benefits for the national population.</i>
<b>Employment</b>				<b>Less <input type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/></b>
<b>Are there circumstances in your MS where long-term irregularly staying migrants are entitled to access to the labour market?</b> <i>If yes, please describe any specific conditions attached to their employment.</i>	<i>n</i>			
<b>Education</b>				<b>Less <input type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/></b>

<sup>4</sup> Please consider the definition of 'core benefits' as included in the Qualification and Long-Term Residents Directives which is understood as covering – as a minimum - income support, assistance in the case of illness, or pregnancy, and parental assistance.

<p><b>Do (long-term irregular migrant) children have access to compulsory education?</b> <i>If yes, please briefly describe access.</i></p>	<p><i>y</i></p>	<p><i>m</i></p>	<p><i>Children who are likely to stay in the country for 3 months or more are entitled to compulsory education.</i></p>	
<p><b>Are adult long-term irregularly staying migrants entitled to participate in educational programmes and/or professional training?</b> <i>If yes, what types of education and under which conditions?</i></p>	<p><i>n</i></p>			
<p><b>Legal aid or assistance</b></p>				<p>Less <input type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/></p>
<p><b>Do long-term irregular migrants have access to legal aid or assistance type of services?</b> <i>If yes, please briefly enumerate and explain</i></p>			<p><i>Persons who want to appeal the decision in the asylum system are given legal aid for according to fixed rates (the amount differs with the reasons for rejection). The legal aid is covered by the national immigration authorities.</i></p> <p><i>Long term staying migrants who have already used their allocated legal aid to appeal in the asylums system are not granted additional support for legal aid. Some voluntary organisations do, however, provide legal aid for irregular migrants.</i></p>	
<p><b>Other?</b></p>				<p>Less <input type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/></p>
<p>Are any other rights relevant to mention here? Please describe</p>				

**Table 1-3: Rights and services available to long-term irregularly staying migrants who have been issued a return decision**

*Type of stay or status as identified in Q2 and/or Q3: [ Irregular migrants subject to a return decision – who do not stay in centres for asylum seekers*

Type of service	Service provided? (Y/N)	Is the provision of service <b>mandatory or discretionary</b> ? <sup>5</sup>	Brief description Please consider for each type of services the long-term irregular migrants are entitled or have access to:  i. Does this access stem from national law or practice? Does it stem from local (regional, municipal) rules or practice?  ii. Which authorities are competent to provide access to services? Please indicate if access is provided by other entities (NGO, charities, private entities, etc) as service providers on behalf of the national or local authorities?	Please briefly assess and explain if the rights and access to services are more limited, same or more favourable than those of legal migrants or of nationals?
<b>Accommodation</b>				Less <input checked="" type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/>
<b>Accommodation</b> <i>If yes, please briefly describe</i>	Y	mandatory	<p><i>Accommodation is offered in centres for asylum seekers, but for irregular migrants who choose not to use these no alternative accommodation is offered.</i></p> <p><i>When temperatures are sub-zero (in some cities below -1/-2C in others below -10C) all homeless migrants are entitled to a place to sleep indoors and costs are covered by the local authorities.</i></p> <p><i>Some of the larger cities have emergency lodging for homeless migrants run by and financed by NGOs. There are often not enough beds to fill demand, and the homeless are not allowed to stay there in daytime, and there is usually not room to store belongings.</i></p>	
<b>Special accommodation facilities (i.e. shelter for victims of violence, children etc.)</b>	y	mandatory	<p><i>The migrants have access to shelters for victims of trafficking and/or domestic violence (which are run by NGOs) at the same levels as nationals.</i></p>	

<sup>5</sup> For example, in some cases a service can be accessed but the costs must be met by the individual rather than the State/national authorities.

<i>If yes, please briefly describe</i>				
<b>Other forms of accommodation or shelter or specialised centre</b>	<i>y</i>	<i>d</i>	<i>Specialized asylum centres are available for migrants with mental illness or other special care needs. If they do not want to use the asylum centres, no alternative accommodation is offered.</i>	
<b>Healthcare</b>				Less <input checked="" type="checkbox"/>   Same <input checked="" type="checkbox"/>   More <input type="checkbox"/>
<b>Emergency healthcare</b> <i>If yes please describe, as this notion can be understood in a large or restrictive way</i>	<i>y</i>	<i>Mandatory</i>	<i>Rejected asylum seeker with a return decision are entitled to emergency healthcare. Healthcare is covered over the same state budgets (Folketrygden) as for nationals.</i>	
<b>Basic medical care</b> <i>If yes, please briefly describe</i>	<i>n</i>		<i>Rejected asylum seekers with a return decision are not entitled to basic medical care and will often have to pay to access such services.</i> <i>The major cities have NGO run clinics that offer healthcare services for this groups. Some municipalities also give basic health services to this group for free through the municipal health care system, however most municipalities do not.</i>	
<b>Specialised care</b> <i>If yes, please briefly describe</i>	<i>n</i>		<i>Rejected asylum seekers with a return decision are not entitled to specialized medical care and will have to pay to access such services. Some municipalities offer psychological consultations for free for this group, but most do not.</i>	
<b>Other healthcare services</b> <i>If yes, please briefly describe</i>	<i>n</i>		<i>Rejected asylum seekers with a return decision are not entitled to care services, including institutions for or policy programs targeting the elderly, the disabled or other with special needs. The migration authorities have specialized asylum centres for asylum seekers with special needs.</i> <i>Irregular migrants are entitled to maternity care and birth, but can be billed for these services. Some services required in maternity care, such as blood tests and blood-sugar diagnostics have proven difficult to access for irregular migrants in some areas.</i>	
<b>Social assistance</b>				Less <input checked="" type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/>

Are long-term irregularly staying migrants entitled to receive social benefits? <sup>6</sup> <i>If yes, please briefly describe what these benefits are</i>	<i>n</i>			
<b>Employment</b>				Less <input type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/>
Are there circumstances in your MS where long-term irregularly staying migrants are entitled to access to the labour market? <i>If yes, please describe any specific conditions attached to their employment.</i>	<i>n</i>			
<b>Education</b>				Less <input checked="" type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/>
Do (long-term irregular migrant) children have access to compulsory education? <i>If yes, please briefly describe access.</i>	<i>y</i>	<i>mandatory</i>	<i>Children of irregular migrants are entitled to compulsory education</i>	
Are adult long-term irregularly staying migrants entitled to participate in educational programmes and/or professional training? <i>If yes, what types of education and under which conditions?</i>	<i>n</i>			
<b>Legal aid or assistance</b>				Less <input type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/>

<sup>6</sup> Please consider the definition of 'core benefits' as included in the Qualification and Long-Term Residents Directives which is understood as covering – as a minimum - income support, assistance in the case of illness, or pregnancy, and parental assistance.

<p><b>Do long-term irregular migrants have access to legal aid or assistance type of services?</b></p> <p><i>If yes, please briefly enumerate and explain</i></p>			<p><i>Persons who want to appeal the decision in the asylum system are given legal aid for according to fixed rates (the amount differs with the reasons for rejection). The legal aid is covered by the national immigration authorities.</i></p> <p><i>Long term staying migrants who have already used their allocated legal aid to appeal in the asylums system are not granted additional support for legal aid. Some voluntary organisations do, however, provide legal aid for irregular migrants.</i></p>	
<b>Other?</b>				Less <input type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/>
Are any other rights relevant to mention here? Please describe				

**Q11.** What services are accessible to other long-term irregular migrants who were **not issued a return decision**, and remained unknown to migration authorities (see answer to **Q1**)?

**Table 2: Services available to long-term irregularly staying migrants who were unknown to migration authorities (e.g. overstayers, irregular entry)**

*Type of stay or status as identified in Q2 and/or Q3: all irregular migrants who have not claimed asylum*

Type of service	Service provided? (Y/N)	Is the provision of service <b>mandatory or discretionary</b> ? <sup>7</sup>	Brief description Please consider for each type of services the long-term irregular migrants are entitled or have access to:  i. Does this access stem from national law or practice? Does it stem from local (regional, municipal) rules or practice?  ii. Which authorities are competent to provide access to services? Please indicate if access is provided by other entities (NGO, charities, private entities, etc) as service providers on behalf of the national or local authorities?	Please briefly assess and explain if the rights and access to services are more limited, same or more favourable than those of legal migrants or of nationals?
<b>Accommodation</b>				Less <input checked="" type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/>

<sup>7</sup> For example, in some cases a service can be accessed but the costs must be met by the individual rather than the State/national authorities.



<p><b>Accommodation</b> <i>If yes, please briefly describe</i></p>	y/n	<p><i>Discretionary, unless temperatures are sub-zero</i></p> <p><i>Only available in larger cities</i></p>	<p><i>When temperatures are sub-zero (in some cities below -1/-2C in others below -10C) all homeless migrants are entitled to a place to sleep indoors and costs are covered by the local authorities.</i></p> <p><i>Some of the larger cities have emergency lodging for homeless migrants run by and financed by NGOs. There are usually not enough beds to fill demand, and the homeless are not allowed to stay there in daytime, and there is not room to store belongings.</i></p>	
<p><b>Special accommodation facilities (i.e. shelter for victims of violence, children etc.)</b> <i>If yes, please briefly describe</i></p>	y/n	<p><i>Only available in larger cities</i></p>	<p><i>In some of the larger cities, NGOs offer special accommodation for homeless migrants with special needs (elderly, pregnant etc.)</i></p> <p><i>If children are identified among the homeless, childcare services will normally be involved and provide accommodation for the child until it can be returned to caregivers in the home country.</i></p> <p><i>The migrants have access to shelters for victims of trafficking and/or domestic violence (which are run by NGOs) at the same levels as nationals.</i></p>	
<p><b>Other forms of accommodation or shelter or specialised centre</b></p>				
<p><b>Healthcare</b></p>				<p>Less <input checked="" type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/></p>
<p><b>Emergency healthcare</b> <i>If yes please describe, as this notion can be understood in a large or restrictive way</i></p>	y	<p><i>Mandatory/Discretionary depending on local practices;</i></p>	<p><i>Irregular migrants are entitled to emergency healthcare but will normally be asked to pay. If they cannot pay, the cost of healthcare should be covered by the healthcare institution offering the services. There are a few report of health care institutions demanding up-front payment, although this is against the law.</i></p> <p><i>The major cities have NGO run clinics that offer healthcare services for this groups. Some municipalities also give basic health services to this group for free through the municipal health care system, however most municipalities do not.</i></p>	

<b>Basic medical care</b> <i>If yes, please briefly describe</i>	<i>n</i>		<i>The major cities have NGO run clinics that offer healthcare services for this groups. Some municipalities also give basic health services to this group for free through the municipal health care system, however most municipalities do not. In other areas, access to basic medical care (without paying) is only possible through personal connections for the ones who can finding a doctor who is willing to offer this for free.</i>	
<b>Specialised care</b> <i>If yes, please briefly describe</i>	<i>n</i>		<i>Access to specialized medical care (without paying) depends on finding a doctor who is willing to offer this for free</i>  <i>Some of the NGO run clinics also provide access to specialized care</i> <i>Some municipalities can offer psychological consultations for free for this group.</i>	
<b>Other healthcare services</b> <i>If yes, please briefly describe</i>	<i>Yes</i>	<i>Discretionary</i>	<i>Irregular migrants are entitled to maternity care and birth but can be billed for these services. Some services, such as blood tests and blood-sugar diagnostics have proven difficult to access in some areas.</i>	
<b>Social assistance</b>				<b>Less <input checked="" type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/></b>
<b>Are long-term irregularly staying migrants entitled to receive social benefits?<sup>8</sup></b> <i>If yes, please briefly describe what these benefits are</i>	<i>no</i>		<i>There are provisions that makes possible to give emergency assistance to irregular migrants over municipal budgets. This was done in some cities at the start of the Covid-19 pandemic, but except for this we know of no examples of these provisions being used for this group.</i>	
<b>Employment</b>				<b>Less <input checked="" type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/></b>
<b>Are there circumstances in your MS where long-term irregularly staying migrants</b>	<i>no</i>			

<sup>8</sup> Please consider the definition of 'core benefits' as included in the Qualification and Long-Term Residents Directives which is understood as covering – as a minimum - income support, assistance in the case of illness, or pregnancy, and parental assistance.

<p><b>are entitled to access to the labour market?</b></p> <p><i>If yes, please describe any specific conditions attached to their employment.</i></p>				
<b>Education</b>				Less <input type="checkbox"/>   Same <input checked="" type="checkbox"/>   More <input type="checkbox"/>
<p><b>Do (long-term irregular migrant) children have access to compulsory education?</b></p> <p><i>If yes, please briefly describe access.</i></p>	<i>yes</i>		<i>Children of irregular migrants are entitled to compulsory education</i>	
<p><b>Are adult long-term irregularly staying migrants entitled to participate in educational programmes and/or professional training?</b></p> <p><i>If yes, what types of education and under which conditions?</i></p>	<i>no</i>			
<b>Legal aid or assistance</b>				Less <input checked="" type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/>
<p><b>Do long-term irregular migrants have access in legal aid or assistance type of services?</b></p> <p><i>If yes, please briefly enumerate and explain</i></p>	<i>no</i>		<i>Persons who want to seek asylum system are not entitled to legal aid (only in appeals). However, some NGOs are funded to offer counselling to migrants who seek asylum for the first time.</i>	
<b>Other?</b>				Less <input type="checkbox"/>   Same <input type="checkbox"/>   More <input type="checkbox"/>
<p>Are any other rights relevant to mention here? Please describe</p>				

**Q12.** Do **authorities** (at central or local level) need to **check the migration status** (or the lack thereof) **before providing access to a service** (e.g. accommodation, healthcare, education), or are there 'firewall provisions' allowing persons concerned to access services without fear of being apprehended?

There are two mechanisms that serve as firewall provisions in access to services for irregular migrants.

Most welfare and health services in Norway need to report the client/patients personal ID number in order to be reimbursed costs. Irregular migrants without a valid number will normally not have access to these services.

Secondly, most national services offered to irregular migrants depends on the migrants having applied for asylum, and that they stay in the reception centres for asylum seekers. Some migrants try to avoid staying at the asylum centres, as they fear being apprehended and returned to their country of origin if they do. If they move away from these centres, they lose access to monetary support, accommodation, and support for basic healthcare, but keep their right to emergency healthcare and pre-natal care.

**Q13.** Is **cooperation to return to the country of origin an obligation** if one of the services are provided (under Q10 and Q11) to the long-term irregularly staying migrant?

Yes

No

If yes, please explain the applicable procedures and how it is carried out.

Services are not in themselves tied to their cooperation to return, however, in order to get a time limited residence permit as protection against refoulement (§74), postponement of return date or permanent residency on humanitarian grounds (all of which give access to more services), the asylum seekers have to cooperate with authorities to clarify their identity. As having these permits increases access to services, we answer a conditional yes to this question.

**Q14.** Are there **any specific projects and/or (ad-hoc) programmes** implemented at **local level** (by municipalities, regions, etc) in your (Member) State specifically targeting the access to services for long-term irregularly staying migrants?

Yes

No

*If yes, please provide examples (e.g. which stakeholders are involved in the design, implementation and effects of the projects or programmes, any evaluations conducted on the projects or programmes and any key learning points identified)*

**Q15a.** With the exception of organisations acting as a service provider for public authorities (Q10 and Q11), are **other entities or organisations** (e.g. NGOs, charities, other private entities) involved in providing or facilitating access to services for long term irregularly staying migrants?

Yes

No

*If yes, please specify which entities, what type of involvement and service (e.g. accommodation, health care, counselling) are they involved in and, which type of funding used to support their activities.*

Numerous organisations are involved in food distribution and social support for various marginalized groups in Norwegian cities. Irregular migrants make up an important subgroup in need of support for some of these organisations.

NGOs are also involved in offering health care (in Oslo only), mobilizing political support for increasing access to health care and the right to work, and offer some legal support as well as Norwegian language classes.

**Q15b.** Do these entities or organisations need to report on the migration status (or the lack thereof) before providing access to a service (e.g. accommodation, healthcare, education), or are there 'firewall provisions' allowing persons concerned to access services without fear of being apprehended?

The services offered irregular migrants in terms of emergency accommodation and food distribution in major cities are normally provided by NGOs who do not check migration status, and who are not entitled to report legal status to funding agencies.

There are, however, reports of police patrolling outside some of these NGOs to control their legal status.

**Q16.** If a long-term irregular migrant is a victim of or witness to an offence (e.g. labour exploitation, domestic violence, etc), are there any available 'safe reporting'<sup>9</sup> channels between the TCN concerned and public authorities to report the incident without divulging their situation of illegal stay?

Yes

No

If yes, please briefly describe the channel/reporting mechanism:

There are no formalized system for 'safe reporting', however, local systems and initiatives do exist (see good practises below). Local police emphasize that reporting or being a witness in a legal case should not have consequences for irregular migrants. The irregular migrants do not have any institutional safeguarding against expulsion and may not be aware of how this is practiced locally!

Victims of human trafficking are entitled to a 6-month reflection period, and can be granted a stay on humanitarian grounds if their perpetrator is convicted.

**Q17.** Are there any assisted voluntary return (AVR) projects or programmes implemented in your (Member) State that also specifically foresee support to access to services (in the host (Member) State, thus before departure) for long-term irregular migrants?

Yes

No

<sup>9</sup> <https://www.compas.ox.ac.uk/project/safe-reporting-of-crime-for-victims-and-witnesses-with-irregular-migration-status-in-the-usa-and-europe/>

If yes, please describe (e.g. please consider any specific conditions to access the service(s)):

**Q18.** Please provide if applicable **illustrative (and anonymised) case(s)** of measures adopted by authorities (a) at central, (b) regional and (c) local level (e.g. municipalities) to provide access to services (e.g. accommodation, health, etc) – up to two examples.

**Example: Strategies to facilitate safe reporting of violence among women in prostitution without residency permit at the local level**

Background

Women in prostitution are predominantly third country nationals in Norway, and some stay in the country irregularly. Women in prostitution are particularly vulnerable to violence from clients, and there have been worries that women without legal residency will not report even severe violence because of fear of being apprehended themselves for illegal stay.

Solution

The NGOs working to support women in prostitution in Norway cooperates with the police to facilitate meetings, within their facilities, where the women can report episodes of violence without giving up their name or information about place of residence.

**Q19.** Did any change happen in relation to access of long-term irregular migrants to social services as described above, as consequence of measures taken in response to the COVID-19 pandemic?

Yes

No

If yes, please describe by referring to all relevant aspects and services covered in **Q10-Q17**.

During the initial lock-down in March, welfare services on the municipal level in several cities in Norway, opened for giving welfare and housing benefits to irregular migrants, a service that is normally not available to this group. The assistance would usually be given for a short period, until return to the country of origin could be arranged. Local authorities were also involved in financing return tickets for some. This is to our knowledge the first-time widespread use of emergency social assistance has been allocated to irregular migrants on the municipal level.

Also, because of the Covid-19 pandemic, Oslo municipality has starting April 17th the municipality of Oslo has provided a GP to work one day a week at the Health Centre for Undocumented Migrants and provided access to quarantine hotel. They also concede that the health centre's patients with acute dental care needs can be referred to the municipal dental service

**Q20.** Is there any research available in your (Member) State on irregular migrants accessing rights and services listed above (conducted by relevant authorities, academics, NGOs, etc.)?

Yes

No

If yes, please describe the main findings and conclusions of such research and provide a full reference to the source.

**There are several studies on irregular migrants access to rights and services in Norway. The following studies are available in English. The studies are based on smaller qualitative studies, or surveys of health care personnel:**

No way in, no way out? A study of living conditions of irregular migrants in Norway (pdf, 904 kB) Available at:

[https://www.udi.no/globalassets/global/forskning-fou\\_i/utvisning-og-ulovlig-opphold/no-way-in-no-way-out-a-study-of-living-conditions-of-irregular-migrants-in-norway.pdf](https://www.udi.no/globalassets/global/forskning-fou_i/utvisning-og-ulovlig-opphold/no-way-in-no-way-out-a-study-of-living-conditions-of-irregular-migrants-in-norway.pdf)

Bendixsen, S. (2018). The Politicised Biology of Irregular Migrants: Micropractices of control, tactics of everyday life and access to healthcare. *Nordic Journal of Migration Research*, 8(3), 167-174

Haddeland, Hanna Buer. "The Right to Health Care for Irregular Migrants in Norway: Interpretation, Accessibility, and Gaps Between Needs and Rights." *Nordic Journal of Human Rights* 37.4 (2019): 329-349.

## SECTION 2.2: COOPERATION MECHANISMS BETWEEN CENTRAL, REGIONAL AND LOCAL AUTHORITIES

*This section will focus on the cooperation between central authorities and, regional authorities as well as municipalities in the implementation of national policies on long-term irregular migration.*

**Q21.** Were specific measures (legislative, administrative, practices) implemented by central authorities to help regional and local authorities to anticipate and/or to respond to the situation of long-term irregular migrants in their territories?

Monitoring and follow-up approaches of long-term irregularly staying migrants

*Please provide a short description of the (i) measure(s); (ii) proposed effects and (iii) involved organisations (national stakeholders, cities, professionals, etcetera)*

As the groups of irregular migrants has thus far been relatively small in Norway, such cooperation mechanism do not exist.

Information exchange between central and local authorities about long-term irregularly staying migrants

*Please provide a short description of the (i) measure(s); (ii) proposed effects and (iii) involved organisations (national stakeholders, cities, professionals, etcetera)*

As the groups of irregular migrants has thus far been relatively small in Norway, such cooperation mechanism do not exist. However, the NGO based health centre for irregular migrants are sometimes invited into the Council for Immigrant health, however, these meetings are largely ad hoc, and not on a regular basis.

Guidance or any other form of established practice made available to regional and local authorities on how to assist long-term irregularly staying migrants (e.g. training sessions, guidance (e.g. written instructions or guidelines), other)

*Please provide a short description of the (i) measure(s); (ii) proposed effects and (iii) involved organisations (national stakeholders, cities, professionals, etcetera)*

There are written online guidance on the right to healthcare for irregular migrants in Norway (<https://www.helsenorge.no/utlendinger-i-norge/helsehjelp-til-personer-uten-lovlig-opphold/>)

Other measure(s)

*Please provide a short description of the (i) measure(s); (ii) proposed effects and (iii) involved organisations (national stakeholders, cities, professionals, etcetera)*

**Q22.** Do local authorities in your Member State participate in **horizontal cooperation networks** (of local authorities) to develop good practices and/or programmes to address the situation of long-term irregular migrants?

Yes

No

If yes, please provide examples.

Larger cities in Norway are currently cooperating in a horizontal network, sharing information about and collaborating in financing research on services to irregular migrants in the major cities in Norway. (Facilitated through Kommunenes Sentralforbund, Storbyforskning)

**Q23.** Were there any studies or research published on the effectiveness of any of the measures mentioned in Q21?

Yes

No

If yes, please mention references and brief description of the studies or piece of research:



## SECTION 2.3: GOOD PRACTICES

**Q24.** What are **good practices** regarding policy measures concerning long-term irregularly staying migrants?

*For each good practice mentioned, please describe **a)** for whom it is a good practice (policy-maker, organisation, other stakeholders), **b)** why it is considered a good practice and **c)** whether the assessment that this is a good practice is based on input from experts (and if so, which experts), surveys, evaluation reports, focus groups or from other sources (please indicate which ones).*

Providing services (housing, health care, other measures)

Please provide a brief explanation:

Exchanging information between national and local authorities on long-term irregularly staying migrants

Please provide a brief explanation:

Exchanging information between Member States?

Please provide a brief explanation:

Other good practices

Please provide a brief explanation:

## Section 3: Responses to end long term irregular stay

*This section will focus on policies and good practices implemented in finding approaches to address (and end) the issue of long-term irregularity. This section aims to research the following:*

- *What measures (e.g. policies, practical tools, guidance) were implemented to bring protracted situations of illegal stay to an end?*
- *Were there any studies or research published on the effectiveness of these measures?*
- *What are the key challenges and good practices in terms of policy regarding long-term irregularly staying migrants?*

**Q25.** What options are available in your Member State to end long-term illegal stay of third-country nationals (e.g. return, legalisation of stay, other)? Which are prioritized?

The preferred option to end long-term illegal stay in Norway is through voluntary assisted return, and if this is not possible, through forced returns. Beyond this, there are few options for ending long-term illegal stay for migrants who do not qualify for protection through asylums procedures.

Residency on humanitarian grounds can be granted on basis of severe medical challenges that cannot be addressed upon return, if there are social or humanitarian aspects of the return situation that give reason for granting residency, or if the irregular migrant has been a victim of human trafficking.

In addition, there has been one round of one-time solution giving residency to families of long-term staying children in 2014/2015 (defined as children staying 3 years or more). As described above, there is also a one-time solution under way, offering legal residency to elderly long-term staying migrants, understood as migrants who have stayed 16 years or more.

For all of these permits, only migrants without a criminal record who does not constitute a threat to profound national interests can be granted residency.

### SECTION 3.1. MEASURES TO PROMOTE RETURN OR DISCOURAGE ILLEGAL STAY

**Q26.** What measures to **promote return or discourage illegal stay** are in place in your Member (State) specifically for long term irregular migrants (as identified in this study)?

*e.g. restricted access to mainstream services or specific programmes geared towards third-country nationals in a prolonged situation of irregular stay, specific cooperation measures between national, regional and local authorities.*

*Please note that various measures directly related to the enforcement of a return decision such as AVR programmes or other incentives to return were already captured in numerous other EMN studies and discussions at expert group level and are not the primary focus of this study.*

Several policies are in place to promote return and discourage illegal stay.

A key component to discourage illegal stay, is to reduce opportunities for employment for persons without a work permit. The regional offices of the labour inspectorate cooperate with the police and tax authorities to control work places where irregular migrants are likely to work. And several adaptations to labour law have been done to enable a more efficient fight against social dumping and the use of informal labour, for instance are minimum wages introduced in some sectors (through collective agreements) and all employees on construction sites need to have a visible ID to prove they have a work permit.

Reductions in access to health and welfare services are also based on this assumption that, offering such services would encourage more to stay.

There is also a significant reduction in cash payments to asylums seekers that stay/ live in RCs whose application for protection has been rejected.

**Q27a.** What are the **good practices as identified in your Member States to promote return or discourage illegal stay** for long term irregular migrants identified in your (Member) State?

*For each good practice mentioned, please describe a) for whom it is a good practice (policy-maker, organisation, migrant, other stakeholders), b) why it is considered a good practice and c) what is the source of the statement – e.g. based on input from experts, surveys, evaluation reports or from other sources (please indicate which ones).*

Well-functioning systems of return is good for the asylum system, the labour market and for overall welfare policies. For the irregular migrants, “voluntary” assisted returns are preferable to forced returns, as they involve less psychological strain (in particular if there are children involved, and because it enables them to influence core elements of how return is organized.

A key element in the Norwegian return policy is to provide early and timely information about return to asylum seekers, as several evaluations and research reports demonstrate the importance of providing information that the migrants perceive as reliable and understandable(<https://www.fafo.no/images/pub/2018/20665.pdf>). Representatives of the Immigration authorities and the immigration police responsible for forced returns regularly visit reception centres to inform about forced and voluntary return. Such visits can be followed up by actual forced returns, as well as visits by IOM shortly after to provide counselling on assisted voluntary return. This to promote and get attention on return from the people working in the reception centres, as well as the target groups for assisted return living there. Reception centres report that short visits like this can promote an improved understanding of their current situation and rejected asylum seekers might be more open for counselling and discuss return and options for the future after such visits.

Independent organisations offer information and counselling to the target group who are staying outside the reception centres. The organisations are working on a specific agreement regulated in contracts with immigration authorities. This is done in order to reach out in a better way to irregular migrants living under cover and working in the shadow economy. Independent sources for information on return seems to have more credit in these groups than information only from gov. institutions.

**Q27b.** Is there any research available in your (Member) State on **promotion of return or the discouragement illegal stay** (conducted by relevant authorities, academics, NGOs, etc.)?

Yes

No

If yes, please describe the main findings and conclusions of such research and provide a full reference to the source.

Norway has initiated and funded several studies on the promotion of return, and in particular the effects of return programs for assisted voluntary return. Findings are complex, and different studies point to somewhat conflicting trends. This 4-page policy brief summarizes main findings on recent research on assisted voluntary return:

<https://www.fafo.no/images/pub/2019/190605-assisted-return.pdf>

Below are some other publications all of which have summaries in English

<https://www.udi.no/statistikk-og-analyse/forsknings-og-utviklingsrapporter/assistert-retur--en-kunnskapsstatus/>

<https://www.udi.no/statistikk-og-analyse/forsknings-og-utviklingsrapporter/komparativ-studie-om-assistert-retur-2016/>

[https://www.udi.no/globalassets/global/forskning-fou\\_i/retur/why-go-back-assisted-return-from-norway.pdf](https://www.udi.no/globalassets/global/forskning-fou_i/retur/why-go-back-assisted-return-from-norway.pdf)

<https://www.udi.no/statistikk-og-analyse/forsknings-og-utviklingsrapporter/out-reach-informasjon-om-frivillig-retur-til-irregulare-migranter-utenfor-mottak/>

<https://www.udi.no/statistikk-og-analyse/forsknings-og-utviklingsrapporter/return-in-dignity-return-to-what/>

<https://www.udi.no/statistikk-og-analyse/forsknings-og-utviklingsrapporter/between-two-societies-2011/>

**Q28.** Please provide **illustrative example(s)** of responses and/or good practices to **promote return or discourage illegal stay** adopted by authorities (a) at central level, (b) regional and/or (c) at local level (e.g. municipalities) – up to two examples, in the form of anonymised case studies of individual long-term irregularly staying migrants):

Well-functioning systems of return for migrants without legal right to stay in a country is important for the long-term stability of the asylum system, for securing a well-regulated labour market and for the government's ability to secure basic rights to the people residing on their territory. There are four elements that we would emphasise as good practises in the Norwegian return policies:

#### **Early information**

In order for voluntary return programs to work, asylum seekers need to have information of what they entail, and how they can apply to take part in them. However, while there is still hope that they can remain in the country the asylum seekers are rarely interested in seeking out this information on their own. By providing information about the systems of return repeatedly and starting before their decision on their asylum application asylum seekers are better informed about the options they have, when the deadline for overstaying the return decision approaches. Timely, repeated and individually adapted information is key to a successful program for assisted voluntary return.

#### **Reintegration support for the ones who return within the deadline given**

Rejected asylum seekers who choose assisted voluntary return, and who apply for assisted within the return deadline, are offered a higher monetary reintegration support than those who apply for assisted return after the return deadline to ease transition to the country of origin, and studies have shown that these payments make the first phase after return more manageable for the returnees. They are also assumed to increase the motivation of the rejected asylum seekers to choose voluntary assisted return. and that more rejected asylum seekers apply for return before the return deadline and leave the country faster

#### **Control of workplaces to discourage employment of irregular migrants (regional level)**

A key component to discourage illegal stay, is to reduce opportunities for employment for persons without a work permit. The regional offices of the labour inspectorate cooperate with the police and tax authorities to control work places where irregular migrants are likely to be found. And several adaptation to labour law has been done to enable a more efficient fight against social dumping and the use of informal labour, for instance are minimum wages introduced in some sectors (through collective agreements) and all employees on construction sites need to have a visible ID.

#### **Efficient systems of forced returns for those who do not comply**

Several studies have shown that one of the most efficient mechanisms in convincing rejected asylum seekers to choose assisted voluntary return, is by making them understand that the alternative is most likely forced returns. Having an efficient system for forced returns for the ones who remain after the return deadline, is in combination with good system of voluntary return, early information and reintegration support, a key mechanism for reducing the number of migrants overstaying their return deadline.

CASE example;

An older person had been in Norway for a long time, and his asylum application had been rejected by all numerous appeal institutions, so the rejection was well informed. The person had no family or acquaintances in Norway and had an increasingly failing health.

The reception centre he lives in has over time established as relationships of trust with the resident, and identified partners and relationships in the country of origin, and mapped out what the person will need to be able to decide on a return, and what it takes to be able to complete a return.

The work was demanding and time consuming. Family relationships in several countries outside Norway were tracked down and activated, medical needs were mapped. It was decided he needed two companions on the trip and coverage of expenses for medical equipment for both the trip itself and the time afterwards. Both the reception centre, immigration authority's regional office, IOM, local police, the embassy, local health care representatives, family in several countries, the person himself and others worked closely together to make it possible to return.

The person decided to return this year and is back with children and grandchildren in the home country. He has communicated with representatives of the reception centre that he is happy about this and has shared a picture of himself and his family.

This return would not have been possible without close cooperation between the reception centre and many other actors, and the financial opportunities inherent in the new return regulations.

The case is also an example of how motivation for assisted return can be useful, even after many years in Norway ».

## SECTION 3.2: LEGALISATION OF STAY OPEN SPECIFICALLY TO LONG-TERM IRREGULAR MIGRANTS

**Q29.** Are **options for legalisation of stay** open specifically to long-term irregular migrants in your Member (State)?

*E.g. a specific status/residence permit for legalising the stay of long-term irregularly staying migrants (see section 1)? specific schemes established at national level for legalising the stay of long-term irregular migrants? Or do such options form part of the system of residence permits available to all migrants?*

If yes, please briefly explain the criteria considered (e.g. integration in labour market, length of stay, language skills, absence of criminal record, social and family ties, having entered the country as a minor):

Beyond the proposed one-time solution described in q25 and q9 above there are no formal procedures for legalizing irregular stay for long-term staying migrants in Norway.

**Q30a.** What are the **good practices as identified in your Member States with regards to legalisation of stay** identified in your (Member) State?

*For each good practice mentioned, please describe a) for whom it is a good practice (policy-maker, national or local authority, organisation, migrant, other stakeholders), b) why it is considered a good practice and c) what is the source of the statement – e.g. based on input from experts, surveys, evaluation reports or from other sources (please indicate which ones).*

There has only been one round of legalisation of stays for irregular migrants in Norway (long-term staying children in 2014/2015).

However, the Immigration act gives room for giving right to stay on grounds of strong humanitarian consideration and including strong ties to the nation.

For Norwegian authorities it has been important that these solutions on long-term stays are formulated in a way that does not encourage non-cooperation on voluntary assisted returns. Also, these solutions should not serve as incentives for new migrants to come to Norway, if there are no opportunities for obtaining a legal stay.

**Q30b.** Is there any research available in your (Member) State on **practices with regards to options for legalisation of stay** available specifically to irregular migrants (conducted by relevant authorities, academics, NGOs, etc.)?

Yes

No

If yes, please describe the main findings and conclusions of such research and provide a full reference to the source.

**Q31.** Please provide **illustrative example(s)** of responses and good practices related to the **legalisation of stay measures** adopted by authorities (a) at central level, (b) regional and/or (c) at local level (e.g. municipalities) – up to two examples, in the form of anonymised case studies of individual long-term irregularly staying migrants):

There has thus far only been one round of legalisation of stays for irregular migrants in Norway (long term staying children in 2014).

### SECTION 3.3.: MEASURES TAKEN IN RESPONSE TO THE COVID-19 PANDEMIC

**Q32.** Were measures taken to end the situation of long-term irregular migrants specifically in connection to the responses to and **impacts of the COVID-19** (e.g. legalisation of migrant workers employed in specific sectors)? Please describe.

There were no particular measures taken to legalize stay in for long-term staying irregular migrants in response to the Covid-19 pandemic. However, labour migrants and student whose permits expired during the pandemic, were given a tolerated stay, and not regarded as irregular migrants. Permits were also renewed if the migrants were unable to return to their home countries due to travel restrictions

### Section 4: Challenges and future actions

**Q33.** What are the challenges regarding **policy measures** concerning long-term irregularly staying migrants?

*For each challenge mentioned, please describe **a)** for whom it is a challenge (policy-maker, organisation, other stakeholders), **b)** why it is considered a challenge and **c)** whether the assessment that this is a challenge is based on input from experts (and if so, which experts), surveys, evaluation reports, focus groups or from other sources (please indicate which ones).*

Providing services (e.g. housing, health care, etc)

Please provide a brief explanation:

In current Norwegian policy there is a clear demarcation between migrants with a right to stay and rights to services, and irregular migrants who are encouraged to cooperate to return to their country of origin, and who should not be given services that encourage them not to cooperate to return. There is an awareness of the humanitarian consequences this has for the individual migrants, and several political parties want a change in the rights of irregular migrants, to increase their access to healthcare, labour market or other services. However, these political parties have limited electoral support in the current parliament.

This is a challenge for irregular migrants who stay in the country without a permit.

It is also a challenge for healthcare providers who are obliged to give emergency healthcare, but who will not get any money reimbursed from any local or national body for this healthcare provided. However, medical personnel are among the key actors in protesting the lack of access to healthcare in for irregular migrants in Norway.

Challenges exchanging information and/or cooperation between national and local authorities on long-term irregularly staying migrants

Please provide a brief explanation:

Challenges exchanging information between Member States?

Please provide a brief explanation:

Other challenges (e.g. other measures mentioned in section 3) Please provide a brief explanation:

**Q34.** What are the challenges regarding **policy measures** concerning long-term irregularly staying migrants specifically linked to the responses to and impacts of the **COVID-19 pandemic**?

No particular challenges reported linked to responses to and impacts of the COVID.

**Q35.** What are the challenges of **promoting return or discouraging illegal stay** concerning long-term irregularly staying migrants? Please describe any additional challenges specifically linked to the responses to and impacts of the **COVID-19 pandemic**?

At the start of the pandemic, there was an increase in irregular migrants who contacted local authorities for assistance, and most were offered return assistance from local authorities. The sense of urgency in helping people home to their families before all borders crossed, made municipal authorities act on their own to organise and finance return tickets for irregular migrants from both EU countries and 3rd country nationals, circumventing the formal channels established by IOM and the immigration authorities. There is not produced statistics on the number of migrants assisted in this way.

Assisted return operations, IOM voluntary returns, forced returns and other types of returns have been limited due to available flights and travel restrictions in third countries. Return and legal counselling ceased due to strict covid-19 measures in reception centres in the spring, but were up and running during summer and autumn 2020.

**Q36.** What are the challenges regarding the **options for legalisation of stay** available to long-term irregularly staying migrants? Please describe any additional challenges specifically linked to the reposes to and impacts of the **COVID-19 pandemic**?

No changes in options for legalisation of stay due to the COVID-19 pandemic

**Q37.** According to (central and/or local) stakeholders in your (Member) State, what actions could be taken **at EU level** to support (Member) States to effectively cooperate and overcome the challenges faced in relation to long-term irregularly staying migrants?

*For each suggested improvement mentioned, please describe a) for whom it is a suggestion (policy-maker, organisation, other stakeholders), b) why it is considered a suggestion and c) whether the assessment that this is a suggested improvement based on input from experts (and if so, which experts), surveys, evaluation reports, focus groups or from other sources (please indicate which ones).*

## Section 5: Conclusions

*This section of the Synthesis Report will draw conclusions as to the Member States' existing policies, practices and case law related to long-term irregularly staying migrants.*

**Q38.** With regard to the aims of this study (policy responses to long-term irregular migrants), what conclusions would you draw from your findings reached in elaborating your national contribution?

With reference to the primary research question, please elaborate your conclusions highlighting the relevance of your findings to (national and/or EU level) policy-makers. You may cover the following points:

- The size of the problem of long-term irregular migrants in your country
- the most topical issues raised in the political and policy debate on the situation of long-term irregularly staying migrants
- The main concerns and issues related to providing access to public services to long-term irregularly staying migrants
- The main concerns and issues related to implementing measures to bring protracted situations of illegal stay to an end

Norwegian policies to combat irregular migration and prevent irregular stay is centred around three main pillars:

1. A system for securing protection and legal residency to those who qualify for this.



2. Labour market and welfare policies that to the extent possible removes incentives for migrants to remain in Norway if they do not have the right to stay.
3. An efficient return policy, focusing on voluntary assisted return that encourages and enables irregular migrants to return to their country of origin.

This is reflected in the topical debates at the political and policy level on the situation for long-term irregularly staying migrants in Norway. Debates mainly concerns 1) the criteria for granting protection and humanitarian stay, and if these are too strict 2) whether the policies of limiting labor market access and access to welfare benefits can be defended in light of the consequences it has on the lives of irregular migrants. Because of this civil society actors play a pivotal role in securing basic services for this group, and also for bringing attention to key political issues concerning them. Within the framework of this overreaching framework, measures aiming to bring protracted situations of illegal stay to an end (other than through return) are understood as controversial across large parts of the political specter.

The number of irregular migrants is assumed to be relatively low in Norway, compared with many other European countries, possibly because of these policies.