



New legislation to reduce the inflow of asylum seekers in Norway

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AXEL WEST PEDERSEN – EUROPEAN SOCIAL POLICY NETWORK

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Description

In June 2016 Norwegian Parliament discussed a package of proposals from the Government to limit the inflow of asylum seekers. While some of the toughest measures were rejected, a significant part of the package was adopted with broad Parliamentary support. In July the Government followed up by launching new proposals to limit the social security rights of refugees.

In the autumn of 2015, Norway – like other European countries – received a large influx of asylum seekers. Over a short period, positive attitudes among a majority of the political parties and the public towards receiving refugees from the Syrian civil war were replaced with scepticism and calls for measures to reduce the inflow of asylum seekers. A particular source of concern for Norwegian policy makers was the opening of a new route for asylum seekers passing through Russia to arrive in the Northern region of Finnmark. For 2015 as a whole the number of asylum seekers to Norway reached 31,000 compared to a level of just above 10,000 in the previous years (the total population in Norway is 5.2 million).

On November 19th 2015, a broad majority in Parliament (all parties except the Socialist Left Party and the Green Party) signed an agreement asking the Government to develop concrete proposals intended to limit the inflow of asylum seekers. These consisted of both tightening the conditions for immigration to Norway and making sure that the social security rights applied to refugees would not make Norway a particularly attractive destination compared to the neighbouring countries.

On December 29th 2015, the Government presented an audit document containing a long list of

proposals to tighten immigration legislation. When explaining the reasons for the proposals, the Government referred to the Parliamentary agreement of November and to similar measures that were already adopted or underway in Denmark and Sweden. The document indicated a new feature of Norwegian asylum policy by underlining the need not only to be strict vis-à-vis false or unjustified applicants, but also to redirect applicants with a legitimate need for protection towards other asylum destinations in Europe (Høringsnotat av 29. desember 2016). The proposals included inter alia a rather dramatic tightening of the conditions for granting family reunification for all categories of migrants including those acknowledged as so-called “convention” refugees, a general tightening of conditions for receiving permanent residence, and a proposal to have the refugee status of unaccompanied minors reconsidered when they turn 18. Concerning the right to family reunification, it was proposed that any special treatment of recognised refugees should be removed and replaced by a general requirement for four years of work or study before an application for family reunification can be submitted. The Minister for Immigration and Integration, Sylvi Listhaug (Progress Party), argued when presenting the document that the proposals would give Norway the strictest asylum/immigration

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regime in Europe.

The audit document was met with heavy criticism from NGOs, Statistics Norway, leading researchers in the field and even from state agencies like the Norwegian Directorate of Immigration (UDI) (see reference to the audit responses below). Many of the critics, including UDI, warned that some of the proposals represented a violation of Norway's international obligations - in particular the 1951 Refugee Convention. Also the Labour Party and the two smaller parties (the Christian People's Party and the Liberal Party), which do not participate in the Government but form part of the Government's Parliamentary majority, voiced serious objections to some of the proposals.

On April 5th 2016, the Government presented detailed formal proposals for legislative changes to Parliament, in line with the audit document (Prop. 90 L (2015–2016)). The document repeated the proposals from the audit document – even the most controversial measures concerning family reunification, permanent residence, and unaccompanied minors.

Attempts by the Prime Minister, Erna Solberg, to negotiate a broad compromise with the opposition failed due to resistance from the Government coalition party, The Progress Party, which insisted to have Parliament vote on each of the individual proposals in the package in order to let the parties demonstrate their primary policy positions. The result was that the most controversial proposals were voted down by Parliament in June.

Nevertheless, the package that was enacted does include a long list of measures to tighten the asylum regime and limit the right to family reunification. Among these three procedural measures should be mentioned: the introduction of a temporary possibility to reject applicants at

the border to a Nordic country in acute situations with a large influx, a possibility to reject applicants coming via Russia or a Nordic country if they do not have an appropriate visa, and a reduction in the time limits for appeal. Concerning conditions for family reunification, a 24-year old-rule (for both partners) is introduced for newly wedded couples to settle together in Norway, and a new criterion concerning links to the country is introduced as a precondition for refugees' rights to family reunification. Concerning the right to permanent residence, an integration criterion is introduced requiring the applicant to have supported himself/herself for at least 12 months prior to the application and to have passed tests in Norwegian and knowledge about Norwegian society. Asylum seekers who are granted protection on the basis of collective threats (e.g. civil war) can only apply for permanent residence after six years (previously four years).

Outlook & Commentary

The changes in the conditions for being granted asylum and residence in Norway that were finally passed by Parliament in June 2016 were far less radical than those originally proposed by the Government in late December 2015. The implementation of all the original proposals would have ranked Norway among the most restrictive systems in Europe, but the failure to achieve sufficient Parliamentary support for the most controversial proposals means that the Norwegian regime will remain slightly more liberal than its Danish and Swedish counterparts.

In July, the Government has launched a new audit document which contains a series of proposals to curtail the social security rights of refugees and

other successful asylum applicants and their families (Høringsnotat av 4. juli 2016)

The main thrust of the proposals is to delay migrants' access to a number of social security benefits (such as disability benefits) from three to five years of residence and remove the existing preferential treatment of recognised refugees vis-à-vis other migrants and Norwegian citizens returning from a longer period of residence in another (non-EEA) country. It remains to be seen, however, whether all the proposals contained in the audit document will be adopted by Parliament.

Further reading

Høringsnotat av 29. desember 2015 – Endringer i utlendingslovgivningen (Innstramminger II) [Audit document of December 29th 2015 – Changes in the immigration legislation]

<https://www.regjeringen.no/no/dokumenter/horing--endringer-i-utlendingslovgivningen-innstramminger-ii/id2469054/>

Prop. 90 L (2015–2016) Endringer i utlendingslovgivningen [Legislative proposal - Changes in the immigration legislation]

<https://www.regjeringen.no/no/dokumenter/prop.-90-l-20152016/id2481758/>

Hørings svar – Endringer i utlendingslovgivningen [Audit responses – Changes in the immigration legislation]

<https://www.stortinget.no/no/Saker-og-publikasjoner/Vedtak/Beslutninger/Lovvedtak/2015-2016/vedtak-201516-102/>

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