

NORWAY

Norway is a state party to the United Nations Convention Relating to the Status of Refugees and its Protocol, as well as to the International Covenant on Civil and Political Rights and its First and Second Optional Protocols. During 2000, 10,842 applications for asylum were filed; at the end of the year, there were 2,700 applications pending decision.¹ During 2001, 14,782 asylum applications were filed; at the end of the year, there were approximately 7,560 asylum claims pending decision.² In the first quarter of 2002, 4,375 applications were filed.³

Section 37 (6) of the Aliens Act provides that asylum seekers may be detained at the border in an immigration detention center or regular prisons by police if, upon arrival, their identity cannot be established.⁴ In practice, such detention is rare. During 2000, 7 people were detained on such grounds, and during 2001, 47 people were so detained. It is also rare that rejected asylum seekers are detained. There is a small detention center at Gardermoen airport for detention of people being deported. If such detention is to last more than one night, the detainee is housed in an ordinary prison. In February 2002, the Norwegian government reported that, ideally, detainees are held separately from the general prison population.⁵ During 2000, 77 of 2,186 people deported were detained in pre-deportation detention (49 of these were asylum seekers), and during 2001, 56 of

¹ U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2001 at 242, *available at* <http://preview.refuges.org/world/worldmain.htm> (Immigration and Refugee Services of America 2001) [hereinafter USCR WORLD REFUGEE SURVEY 2001].

² U.S. COMMITTEE FOR REFUGEES, WORLD REFUGEE SURVEY 2002 at 199, *available at* <http://www.refugees.org/WRS2002>. (Immigration and Refugee Services of America 2002) [hereinafter USCR WORLD REFUGEE SURVEY 2002].

³ UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES, ASYLUM TRENDS IN 28 INDUSTRIAL COUNTRIES: JANUARY TO MARCH 2001—JANUARY TO MARCH 2002, *available at* <http://www.unhcr.ch/cgi-bin/texis/vtx/home/+2wwBmelFXx8wwwwwwwwwwhFqAIRERfIRfgItFqA5BwBo5Boq5AFqAIRERfIRfgIcFqF+8afDm15BGowcoSnmagd1DBGon5Dzmxwwwwww/opendoc.pdf> (June 13, 2002) (last accessed Aug. 29, 2002) [hereinafter *Asylum Trends in 28 Industrialized Countries*].

⁴ EUROPEAN COUNCIL ON REFUGEES AND EXILES, STUDY ON THE AVAILABILITY OF FREE AND LOW-COST LEGAL ASSISTANCE FOR ASYLUM SEEKERS IN EUROPEAN STATES at 227, *available at* <http://www.ecre.org/research/legalassistance/index.shtml> (November 2001) [hereinafter ECRE EUR. STUDY 2001].

⁵ E-mail from Anita Vardoy, Adviser, Royal Norwegian Ministry of Local Government and Regional Development, Department of Migration, to Emily O'Connor, Debevoise & Plimpton (Feb. 20, 2002) (on file with Debevoise & Plimpton) [hereinafter Royal Norwegian Ministry Correspondence].

5,161 people deported were so detained (15 were asylum seekers). Reporting requirements, surrender of passport or travel documents, or directed residence may be used as alternatives to detention.⁶

The Norwegian government reported, in early 2002, that asylum seekers stay at open reception centers during the asylum procedure, although those asylum seekers who wish to are allowed to stay with relatives or others during the initial phase, provided they report for required appointments with authorities. Residents at the reception centers are free to come and go during the day, but other absences from the centers must be approved. As of late 2001, asylum seekers who choose not to stay in a reception center will not be eligible to receive financial assistance from the government.⁷

The European Council on Refugees and Exiles reported that during 2001, the Directorate of Immigration began formulating a new structure for handling asylum applications, whereby asylum seekers whose cases were expected to result in negative decisions are to be housed in separate reception centers and, if rejected, transferred to a transit center to await return.⁸

Is there independent review of the detention decision? Yes.

The Norwegian government reports that the decision to detain an asylum seekers can be extended only by a court, and is reviewed every two weeks.⁹ The initial decision is reviewed as soon as practicable after the detention, ideally the day following the detention.¹⁰

Are there limits on the period of detention? Yes; twelve weeks.

⁶ Letter from Inger Egeberg, Deputy Director General, and Anita Vardoy, Adviser, Royal Norwegian Ministry of Local Government and Regional Development, Department of Migration, Response to LCHR Questionnaire on Detention of Asylum Seekers (Jan. 25, 2002) (on file with Debevoise & Plimpton) [hereinafter Norwegian Response to LCHR Questionnaire].

⁷ DANISH REFUGEE COUNCIL, LEGAL AND SOCIAL CONDITIONS FOR ASYLUM SEEKERS AND REFUGEES IN WESTERN EUROPEAN COUNTRIES at 234, *available at* <http://www.english.drc.dk/publications/> (May 2000) [hereinafter DRC W. EUR. REPORT 2000].

⁸ EUROPEAN COUNCIL ON REFUGEES AND EXILES, COUNTRY REPORTS 2001 at 179, 180, *available at* <http://www.ecre.org/publications/countryrpt01.shtml> [hereinafter ECRE REPORT 2001].

⁹ Royal Norwegian Ministry Correspondence, *supra* note 5.

¹⁰ *Id.*; Norwegian Response to LCHR Questionnaire, *supra* note 6.

A 2001 report indicates that detention of asylum applicants detained for identification purposes typically may not exceed 12 weeks, barring exceptional circumstances.¹¹ Detention of rejected asylum seekers prior to deportation is limited to a maximum of six weeks, according to a 2000 report, consisting of three renewable two-weeks periods.¹²

Is there periodic review of detention? Yes; automatic.

For asylum seekers in the initial stages of application, the decision to detain is reviewed by a court every two weeks. The decision to renew or extend detention is made only by the Court.¹³ For rejected asylum seekers, detention is reviewed every two weeks by a court. In periodic detention review hearings, the detainee will often be appointed a lawyer by the court,¹⁴ although the lawyer's expertise in asylum law may be limited.¹⁵

Is there access to government-funded legal aid? Limited.

As of late 2001, asylum seekers are allotted five hours of free, state-funded legal aid for initial applications, and three additional hours during the appeals process (plus another 5 hours if the case is to be presented before the Immigration Appeals Board). Legal aid is funded by the government.¹⁶ As noted above, in periodic detention review hearings, the detainee will often be appointed a lawyer by the court,¹⁷ although the lawyer's expertise in asylum law may be limited.¹⁸

Alternatives to detention: Directed residence; reporting requirements; surrender of passport or travel documents.

¹¹ ECRE EUR. STUDY 2001, *supra* note 4, at 227; Royal Norwegian Ministry Correspondence, *supra* note 5.

¹² DRC W. EUR. REPORT 2000, *supra* note 7, at 229.

¹³ *Id.*; Royal Norwegian Ministry Correspondence, *supra* note 5.

¹⁴ E-mail from Rune Berglund Steen, Norwegian Organization for Asylum Seekers (NOAS), to Emily O'Connor, Debevoise & Plimpton (Nov. 20, 2001) (on file with Debevoise & Plimpton) [hereinafter NOAS Correspondence].

¹⁵ ECRE EUR. STUDY 2001, *supra* note 4, at 227.

¹⁶ DRC W. EUR. REPORT 2000, *supra* note 7, at 228; NOAS Correspondence, *supra* note 14.

¹⁷ E-mail from Rune Berglund Steen, Norwegian Organization for Asylum Seekers (NOAS), to Emily O'Connor, Debevoise & Plimpton (Nov. 20, 2001) (on file with Debevoise & Plimpton) [hereinafter NOAS Correspondence].

¹⁸ ECRE EUR. STUDY 2001, *supra* note 4, at 227.

Vulnerable groups: Unaccompanied minors are housed in special departments in the reception centers, and efforts are made to expedite the processing of their applications.¹⁹ They may, however, in rare instances be subject to brief detention after a negative decision to ensure removal.²⁰ According to a 2001 report, within one week of arriving in Norway, unaccompanied minors are appointed legal guardians by the Public Trustees Office. The guardians' responsibilities include looking after the children's best interests, contacting the relevant legal authorities, being present during the asylum interview and helping the children settle in their new environment.²¹

There are special areas for female asylum seekers at the main transit reception center, and at several other centers.²²

¹⁹ DRC W. EUR. REPORT 2000, *supra* note 7, at 233; Royal Norwegian Ministry Correspondence, *supra* note 5.

²⁰ Norwegian Response to LCHR Questionnaire, *supra* note 6.

²¹ ECRE EUR. STUDY 2001, *supra* note 4, at 227-228.

²² Royal Norwegian Ministry Correspondence, *supra* note 5.