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- NORWAY: Report on landborders - revised version

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REPORT

from the Schengen Evaluation Committee
to the Schengen Evaluation Working Party

Subject : Schengen evaluation of the Nordic countries
- NORWAY: Report on landborders - revised version

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1. INTRODUCTION

According to the mandate of the Schengen Evaluation Working Party (SCH/Com-ex (98) 26 def), a team of experts has visited Finland and Norway from September 4th until September 10th 2005 .

In Norway the team visited the Ostfinnmark Police District Headquarters; the Storskog BCP, the Elvenes BG station; the Korp fjell BG station and the green border with Russia.

The Decision of the Executive Committee of 16 September 1998 on the evaluation of Schengen explains clearly the tasks of the Evaluation Committee and the areas to be covered. It remains clear that the detection of any problems at the external borders and the identification of situations which do not comply with the standards of the Convention, depends for a great part on the State visited. The way programs are organised, the time schedules, the transparency and cooperation of local authorities; the participation of other authorities, etc. determine for a great deal the result.

This report is the result of what the Evaluation Committee has seen and heard; of what was shown and explained and what the Committee was able to evaluate, depending on the available information given by the central and local authorities; the available time on the spot and the period of the year in which the visits took place.

The final result of the report is also influenced by the time schedule imposed by the Presidency. This is the reason why the report has not the ambition to be a fully complete state play of the way Finland and Norway are implementing the Schengen Convention at their land borders. It is however the objective and shared opinion of the Evaluation Committee on the result of their mission in order to meet the goal of improving the border security at the external borders in the interests of all the States applying the Convention.

The Evaluation Committee would like to thank the Norwegian authorities for their organization and cooperation and for the hospitality shown by the local authorities.

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2. GENERAL INFORMATION

2.1. STRATEGY

2.1.1. *Legislation*

The basic legislation for border management in Norway is the National Immigration Act, the National Immigration Regulation, the National Circular on Common Manual, the Police Act and the National Border Act.

2.1.2. *General strategy for border management*

The external border management is part of a wider security plan within the Police force aiming at prevention and combating crime, including border surveillance and control. The basis is the existing cooperation between national authorities.

There is no specific border security plan in which the border control management is developed. Based on the risk analysis model CIRAM and the work connected to the previous Risk Analyses Centre in Helsinki, the national border security plan should be in place before April 2006.

The National Police Directorate is responsible for border security management and for the plan to be developed based on the defined four tiers/filters: activities in third countries (of origin and transit); bilateral and international cooperation; measures at the external borders (100% control of all persons crossing external borders; stationary and mobile surveillance of the borders and control and surveillance based on analysis) and further activities inside the territory of the free movement of person.

The starting point is the tactical and operational level in the Police districts, in order to enable decision-makers both on local and national level to develop counter measures. The National Police Directorate has developed a standard form to enable the local police to describe and define the

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activity on each border crossing point, the area between border crossing points and on the rest of its territory. This documentation also includes information from other sources inside and outside the Police force, e.g. the Coast Guard, the Customs, the Port Authorities, the ship-agents, the Airport Authorities and transport agencies. This defined documentation is the basis for the future procedure on border control and surveillance.

The local plans are the basis for the national border security plan to be developed; both the national and local documentations and plans are to be continually monitored.

2.1.3. *Analysis of environment and threats*

Analysis of environment and threats is the task of the National Central Investigation Service, a central organisation contributing both administrative and operational support, especially in relation to illegal immigration, cross-border crime and organised crime. On the basis of the available material, information of present interest is thoroughly considered and arranged, and a sketch of the current threat level is presented once a year.

The Norwegian region to cover is very special; extreme natural beauty combined with extreme geographical and climatic conditions are not immediately favourable for illegal border crossing. The Russian side is, so far, heavily guarded because of extensive military presence and strategic importance.

The prevailing situation is relatively calm. In practise and based on the statistics (2 illegal border crossings in 2005) the threat level and traffic numbers are rather low. Based on the achieved results, the major threat is Russian citizens violating the entry rules or overstaying in Norway. The major reason for refused entries has been lacking conditions of entry or involvement in petty crime or small-scale smuggling of high taxed goods. Transiting illegal migration through Russia seems not to play any important role, but some incidents show that this phenomenon is at least testing the possibilities to utilize even this quite adjacent route. The achieved high performance, including the good cooperation with the Russian Federal Border Service seems to tackle the major threats so far. The evidence gained through CIREFI supports this reasoning.

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The current border control system on the Russian side is still deriving from the Soviet times. It provides for a systematic control of all persons moving on the close border area, dense network of border guard stations (heavily manned mainly by conscripts) and even a fence that prevents approach from the inland towards the border. The Russian authorities have informed their Norwegian counter part that their system will undergo a renovation process in future. This will include reduction of manpower and a gradual abolishment of the inland fence system. It may be concluded that this will make illegal crossing of the border as a more feasible act for those striving for entry to the Schengen area.

2.1.4. *International cooperation (regional, bilateral and readmission agreements)*

International cooperation is based on the Agreement between Norway and Russia on border control regime (1949); the Agreement between Finland, Norway and Russia on cross-border cooperation (1998); the Agreement between Norway and Russia on cross-border cooperation (2002) and the Memorandum of understanding between the Norwegian National Police Directorate and the Finnish Frontier Guard on border surveillance (2002).

2.2 ORGANISATIONAL (FUNCTIONAL) STRUCTURE

2.2.1. *Centralised supervision and instructions*

The border control and surveillance in Norway are the joint responsibility of the Police, the Armed Forces, in particular the Border Guard Company and the Customs Administration. The Police have the main responsibility for border control in Norway.

* *The National Police*

There is only one police force in Norway, headed by the National Police Directorate. The National Police Directorate is organized under the Norwegian Ministry of Justice and the Police and acts

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under the constitutional responsibility of the Minister of Justice and the Police. The main objective of the National Police Directorate is professional leadership, management and development of the Norwegian police service, with a basis in the strategic and budgetary limitations laid down by the ministry. The National Police Directorate is responsible for managing and following up of the police districts and the special agencies, which employ a total of more than 12.000 people. In addition, the National Police Directorate plays a key role in international cooperation in police matters, combating international and organized crime, and illegal migration.

Norway has 27 police districts, each headed by a Chief of Police. There are external border crossing points in 23 police districts. The police districts are located throughout the country and each consist of a local headquarter and several police stations.

Border control and surveillance and internal control are part of the Police's ordinary activities. Employees are trained to carry out border control and surveillance as part of general police activities. The decentralised and uniform organisation of the police services enable the National Police Directorate to have a general overview and control of police matters in all parts of the country, including the coastal districts.

The chief of police may, when necessary give employees in the Customs Administration, the Armed Forces and others without police authority the power to carry out passport examination. The Border Commissioner is responsible for ensuring compliance with border agreements and other agreements between Norway and Russia, preventing violations of border agreements and negotiating with the Russian border authorities to settle any dispute that may arise.

* *The Armed Forces*

The Armed Forces, which come under the Ministry of Defence, have long experience in surveillance and control of the external borders of Norway. The Norwegian Army has a detachment called the Border Guard Company, which is responsible for surveillance of the Norwegian-Russian

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land border on behalf of the Police. Conscripts assigned to the Garrison in South Varanger serve for 12 months. Before beginning active service, they undergo six months of training to encompass ranger and Schengen-border training. This training should provide a good basis for assessing conscripts' physical and psychological suitability, conduct, ability to assume responsibility and act independently. Conscripts serving in the Border Guard Company undergo an additional course on exercising police authority in their daily work. Before put into border control duty, they serve a traineeship in the area (on the job training).

The Commander Regional Headquarters North-Norway, located at Reitan near Bodø, execute the operational command of the Armed Forces with regards to Schengen responsibility.

* *The Customs*

The main tasks of the Norwegian Customs and Excise Administration are to collect duties and taxes for the Treasury and prevent the unlawful import and export of goods. Combating drugs and economic crime are main priorities. The services are the responsibility of the Directorate of Customs and Excise, an autonomous directorate placed directly under the Ministry of Finance, and the Regional Customs Administration, which is a subordinate agency. The Directorate is responsible for monitoring developments in international trade and business and industry, and for developing and formulating rules for the Ministry of Finance. The Directorate also administers the Regional Customs Administration and draws up the budget for the administration's overall activities.

2.2.2. *Coordination and inter-agency cooperation, division of responsibilities*

The control and surveillance of Norwegian borders has been built up over the years through a shared responsibility between the authorities mentioned above. The present co-operation routines seem to be working well. Each authority has, according to tradition and practice, its own particular subject area of responsibility. The Police carry out border control, the Armed Forces execute border

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surveillance, the Border Commissioner ensures compliance with border agreement and other agreements between Norway and Russia and the Customs carry out the control of goods. Cooperation between the Police and the Customs is traditionally the best developed, as they are both present at border crossing-points to control persons and goods respectively. This is also visualised by the posting of a Customs official at the National Criminal Investigation service, and by the cooperation in PTN ("Politi og Toll i Norden" that is "Police and Customs in Nordic countries"). The PTN has posted communication officials in countries both within and outside the Schengen area. The local chief of police may, when necessary, give employees in the Customs Administration, the Armed Forces and others the power to carry out passport examination.

Comments from the Evaluation Committee

The presence of the Armed Forces at the Norwegian-Russian border should be considered as normal as far as national defence purposes are concerned. As far as the involvement in border management is concerned, the army presence is legal; the necessary legal bases are present¹. However, without prejudice of the fact that border surveillance is taken care of by the military, it is clear that the Norwegian Border Guard Company does not operate under the auspices of the Ministry responsible for border management and that border checks and border surveillance do not operate in the context of one administration or one single ministry.

Although the Norwegian authorities are of the opinion that the actual cooperation between the National Police and the Armed Forces is satisfactory - and the Evaluation Committee has no reason to contradict this position - it appears that there are several arguments available to strengthen the opinion that the effectiveness of the actual border surveillance in terms of border management can be improved.

¹ The presence in the border area as such is according the National Border law. The exercise of civilian police authority is according the Norwegian police law 1995. The cooperation between the Police and the Army at the Russian Norwegian border is based on a Royal Decree. However, the legal texts have not been verified because they were not made available to the Evaluation Commission.

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- *Both authorities, National Police and Border Guard Company, work together but are not integrated – not in matters of intelligence, not strategically, not operationally, not on data flow, etc.*
- *The improvement of resources is the responsibility of two different ministries with two different budgets.*
- *The technical means of the Border Guard Company are perhaps suitable for military reconnaissance, but less for border surveillance.*
- *It is the impression of the Evaluation Committee that a great deal of the Border Guard monitoring work is profitable mainly for military purposes.*
- *The training program for the conscripts is focussed on the national defence tasks; the attention to police activities is limited (according to the presentation of the Norwegian authorities, they receive a 40 hour long training from the police).*
- *Without questioning the motivation and the sense of duty of the personnel of the Border Guard Company, the question on the style of approach of their duties remain.*

Having considered these facts, arguments and opinions, the Evaluating Committee is of the opinion that the actual situation is perhaps satisfactory from a purely pragmatic point of view but that it can hardly be considered as an optimal application of the Schengen acquis.

2.2.3. *Specialised services*

There are also several special police agencies that assist the local police. The most important of them involved in Border management are: the National Criminal Investigation Service; the Police Immigration Unit; the National Police Academy; the National Computing and Material Service; the Mobile Police and the Norwegian Border Commissioner for the Norwegian-Russian Border.

2.3 OPERATIONAL EFFECTIVENESS

2.3.1. *Resources*

The police services at the Norwegian-Russian border are the responsibility of the Local police of the Østfinnmark Police District, where there are approximately 165 employees.

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The physical presence of army troops executing Schengen responsibility on the green border is 180 personnel and additional border guard staff, support elements etc.

There is only one land border crossing point, Storskog on the Norwegian-Russian border. At Storskog BCP there are 11 employees, 9 police officers and 5 civilian border guards that carry out border crossing control, as well as staff from the Customs Administration and the Border Commissioner. However, after closing time, the BCP is not manned and the Border Guard Company guards the Storskog BCP on behalf of the Police.

2.3.2. *Level of controls at external border*

The level of control and surveillance is determined on the basis of the threat level. The police services at border crossing points are under the local police, who are responsible for all police matters, including border control. The local police authorities may when necessary give priority to border crossing control and surveillance. In practice the aim is the 100% control of all border crossings.

2.3.3. *Situational awareness and reaction capability at different parts of the borders*

The BCP Storskog is manned by the police during opening hours. The hermetic surveillance of the BCP during opening hours would require some more personnel and technical equipment. When the BCP is closed, its monitoring is the responsibility of the Army. The Evaluation Committee had the impression that this function should be clearly improved, since no physical presence or continuous surveillance by technical means had been arranged.

In regard to the green border line, major parts of it are subject to constant monitoring of the armed forces' observation posts. Patrols are used for surveillance of the areas outside of line of sight. Some of these patrols are equipped with dogs.

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According to information from the Russian authorities there could be a reshuffle of the Russian forces at the border in the near future and the abandoning of the electronic guarding system at the green border. This could seriously affect the security of the border and the Norwegian strategy and planning.

Reaction capability is present, 24 hours a day; in theory the whole Police District (165 persons) can be mobilized for duty at the BCP and all available forces from the Army Garrison in Kirkenes at the green border. Army helicopters can operate in times of difficult terrain movement.

2.3.4. *Availability and permanency of resources (human, technical)*

The Storskog BCP would seem to benefit from some additional staff. In regard to border surveillance, the resources are permanently in place.

The BCP is open from 7 a.m. until 21 p.m. No officer stays at the BCP during closing hours but the staff is available between these opening hours in two shifts, each shift at least 4 officers.

Technical resources are sufficiently available at the BCP. At the green border, new technical equipment for surveillance is being commissioned.

In general, the available number of personnel allows for maintaining the presented functions constantly.

2.4 RISK ANALYSIS, INTELLIGENCE AND DATA-FLOW MANAGEMENT

2.4.1. *Organisation*

The National Police Directorate coordinates the risk analysis, intelligence and data-flow management. The National Criminal Investigation Service coordinates the operational activities on national level when it comes to risk analysis, intelligence and data-flow management. The Police Districts coordinates the operational activities on local level.

2.4.2. *Methods*

There is a new model for National Border Security Plan describing the threats, the control and the risks on each border crossing and summing up at the level of the different police districts. The police district will use the model when they developed their local analysis.

The National Criminal Investigation Service will use the result from the local police districts together with other sources on national and international level when they developed national operational analysis.

2.4.3. *Responsibilities*

The National Police Directorate has the overall responsibility and it formulates the strategic national analysis. The National Criminal Investigation Service has the responsibility for operational analysis on national level. The Police District has the responsibility for the local analysis both on strategic and operational level.

As the responsibility for the collection, co-ordination, arrangement and evaluation of intelligence information and the responsibility for the establishing, updating and maintaining of central registers are placed with the National Central Investigation Service, where the national Interpol, Europol and SIS/SIRENE-offices are also located, the co-ordination of information, as far as legislation permits, is ensured.

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2.4.4. *Horizontal and vertical data flows*

The National Criminal Investigation Service is responsible for establishing, updating and maintaining various registers in order to collect current information. The information is reported from the local police from all over Norway, but also from the established co-operation with e.g. Interpol and Europol. The co-operation between the Nordic countries' Police and Customs, called PTN ("Politi og Toll i Norden" that is: "Police and Customs in Nordic countries"), has been established in order to reinforce the efforts particularly directed against drug crime and organised, cross-border crime. The Scandinavian countries have posted 35 Scandinavian communication officials altogether, both within and outside the Schengen area, e.g. in Thailand, Russia and Pakistan. The information generated by this work is also reported to the National Criminal Investigation Service, who carries the operational responsibility for this service. The national Interpol-office is situated on the National Criminal Investigation Service's premises. In addition the national SIS/SIRENE-function and the national Europol contact point are placed here.

2.5. INVESTIGATION AND ALIEN POLICING

2.5.1. *Legal background*

The basic legislation is the National Immigration Act, the National Immigration Regulation, the National Circular on Common Manual and the Police Act. Investigation and prosecution is based upon the Criminal Procedure Act and the prosecution instructions.

The Immigration Act of 24 June 1988 and the Immigration Regulations issued pursuant to the act are the most important legal basis for all matters concerning the controlling of entry and exit of foreign nationals and their presence in Norway in accordance with Norwegian immigration policy. The act has i.a. provisions on the duty of a foreign national to provide proof of identity. It gives the police the authority to confiscate travel documents, tickets etc. to help establish the identity and

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previous residence, to search clothes, other property and means of transport etc. It obliges relevant public authorities, educational institutions, and employers etc. to provide the police with information about foreign nationals they are in contact with, in order for the police to check when necessary whether the foreign national has a leave to reside or work in Norway. It gives the legal basis for the taking and registering of fingerprints in immigration cases in a computer-based fingerprint-register, and provides a basis for the exchange of fingerprints with the competent authorities of other countries. The act also has provisions on the liability for expenses and penalties, and there are provisions concerning custody and arrest.

In the Norwegian aliens' legislation, a distinction is made between two types of refusals: "*bortvisning*" which is a decision whereby the person is refused entry for minor reasons (e.g., if the visa has expired); and "*utvist*" when entry is denied for more serious reasons (e.g., in case of smuggling). The "*bortvisning*" decision is taken by the Police District close to the border and does not entail an entry ban, while the "*utvist*" is decided by the Immigration Department and always entails an entry ban from 2 to 5 years.

2.5.2. Organisation

According to the Criminal Procedure Act, criminal investigation is instituted and carried out by the Police. This act i.a. also assigns the Police with the authority to perform searches, to make seizure of evidence and to apprehend and arrest a person who is suspect of an act punishable by law.

The National Criminal Investigation Service is a special police agency directly subordinated the National Police Directorate. The National Criminal Investigation Service shall maintain the computer-based register of fingerprints in immigration cases, EURODAC, keep survey and statistics of individuals registered in the fingerprint register, co-ordinate communication channels for police enquiries in other countries in matters concerning illegal immigration, implement criminal technical investigations of travel documents, competence building at the central border control sites by means of Document Image Transmission and investigative assistance and guidance in cases involving organised illegal immigration.

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The National Police Immigration Service was established in 2004 and is responsible for the work of the police service in asylum and immigration cases. The unit is established to strengthen, improve efficiency and to co-ordinate police efforts in respect of immigration. The main task is to register and identify asylum seekers who have had their request for asylum refused. The National Police Immigration Service is also responsible for the transportation of other foreign nationals who are to be removed or deported from Norway.

2.5.3. *Methods*

Norway has not defined any specific method for investigating illegal immigration. Fight against crime, including combating illegal immigration, may be conducted all over the country as a part of the police's ordinary work. There is no specific legislation concerning what kind of control that can be conducted in border zones or other specific areas in the country. The control should be based on analyses. Controls of aliens inside the territory shall be a part of the Police's total activity. Aliens may be stopped and asked to establish their identity. As a part of this control, cars may be stopped. When the police control aliens within the territory, they must not base the selection solely on the fact that the person has a foreign appearance or belong to a special ethnic group or religion. Such controls shall be register by the local police. Investigation takes place after notification from persons or companies, or based on information gathered by the police authorities.

2.6. STAFF AND TRAINING

2.6.1. *Adequacy and the level of professionalism*

The border guards in Norway are police officers educated from the National Police University College after three years with a bachelor degree. Normally they do police work in other fields than border guard activity for years and than they are recruited as border guards.

Civilian border guards, employed in the police force and given adequate training always work together with a police officer.

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2.6.2. *Responsibilities of the Border Guards*

The Police district covers all police matters, including border. Civilian border guards are responsible only for the first line control, while the police officer covers all the police tasks, including investigation powers.

2.6.3. *Selection criteria*

The police officers are selected through a thorough process before the start their education at the National Police University College. After starting up their duty at local police district they are given additional training before acting as border guards.

Civilian border guards are recruited from the civilian labour market, based on their education and practice, normally higher education and more than 5 years of practice in other fields. Some of the civilian border guards are case- workers in immigration matters in the police force when they are not serves as border guards.

2.6.4. *Basic training*

Police officers are graduated from the National Police University College after three years study with a bachelor degree.

Civilian border guards employed in the police force have their civilian education outside the police force and there are recruited based on their competences, specially the linguistic practice with at least 2 foreign languages.

The National Police Directorate has actively worked with the establishment of the Common Core Curriculum as a platform for common standards for border guard training all over Europe.

The National Police Academy has the responsibility for training of police officer and practical training of other employees in the police force. This includes training for border guard activity and other police tasks related to foreigners.

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The new education model started up in April 2005 and will be in place in all police districts before April 2006. There is a national plan for education, starting with education of trainers from each police district, which is given 5 weeks course at the National Police Academy consisting of 3 weeks defined content given in the Common Core Curriculum and 2 weeks educational practice. The trainers are police officer with experience from border guard activity, defined as mid level officer in the Common Core Curriculum. The National Police Academy has the responsibility in cooperation with the trainers to define and produce the content of the course to be held in the police districts, lasting for at least 1 week.

The EU-training day will be included in the national ongoing program, following the schedule from Ad-hoc Centre for Border Guard Training in Traiskirchen. There will be a yearly meeting at the National Police Academy for trainers to develop and update the yearly program for border guard training.

2.6.5. *Further continuing education*

Further training takes place at local level based on needs and competences.

2.6.6. *Linguistic training*

Additional linguistic training takes place at local level based on needs and competences.

2.6.7. *Specialised document checking training*

Specialised document checking training is base on local needs and competences.

2.6.8. *Specialised training for different managerial levels*

The National Police University College as well as civilian education institutions offer education for different managerial levels.

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2.7. READMISSION, EXPULSION AND ILLEGAL IMMIGRATION

2.7.1 *Administrative structures and coordination*

The National Police Immigration Service is a specialist agency for the National Police Service. The Agency is responsible for coordinating of all removals in immigration cases from Norway; Norwegian contact point for returnees in connection with the Dublin Convention and returning agreements with other countries ; documentation and reassuring quality of Norwegian returns; national co-ordination of combating illegal immigration

2.7.2 *Removal and readmission of persons who are not admitted or who are found illegally present*

According to the answers of the Norwegian authorities at the questionnaire, readmission agreements exist with the following EU Member States: Sweden, Lithuania, Latvia, Estonia, Czech Republic, Slovakia and besides that the Dublin Convention would apply.

A readmission agreement exists with the following third countries: Romania, Croatia, Moldavia, Bulgaria, Sri Lanka. In addition, Norway has ongoing negotiations concerning readmission agreements with 20 other states.

There are no statistics available of persons sent back since 2000 under these agreements. The same applies to the number of persons readmitted: no statistics available.

As far as removal is concerned it is the National Police Immigration Service that has the responsibility for escorting and financing the removal of aliens.

2.7.3 *Means deployed to combat illegal immigration networks*

The Immigration Act provides the basis for controlling the entry and exit of foreign nationals and their presence in Norway. According to the act, its provisions are put the National Police Directorate, the Directorate of Immigration, the local police and other public authorities. Pursuant to

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the Immigration legislation the Police is responsible for border controls. The chief of police can, however, give custom officers, military personnel or any other person without police authority the power to carry out passport examination.

With regard to cooperation between competent authorities, reference is also made to the following memoranda between the Ministry of Justice and the Police, and the Ministry of Defence:

Memorandum concerning military support to the police authorities in peace-time, authorised by the King in Council 13 February 1997 and the Memorandum of governmental cooperation concerning border control activities at the frontier between Norway and Russia authorized by the King in Council in August 2005.

The Norwegian Police is the main, competent authority for combating illegal immigration in Norway. The National Police Immigration Service is responsible for the work of the police service in asylum and immigration cases. The unit was established in 2004 to strengthen, improve efficiency and to coordinate police efforts of immigration. The main task is to register and identify asylum seekers arriving in Norway. Furthermore the unit coordinates the repatriation of asylum seekers who have had their request for asylum refused. The National Police Immigration Service is also responsible for the transportation of other foreign nationals who are to be removed or deported from Norway.

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3. REPORTS ON NORWEGIAN LAND BORDER TO RUSSIA

The Committee visited the only land border crossing point in Norway, Storskog, at the Norwegian-Russian border. The Østfinnmark Police District is the responsible unit.

3.1. GENERAL INFORMATION

3.1.1. Environment, structure of border crossing point, organisations, traffic, threats, crime statistics

Storskog BCP is located close to the Norwegian-Russian border in South-Varanger. The BCP consists of 3 main buildings: the passport and customs area for individual control; a visitation building for vehicles, buses and trucks, and a storage garage used by the Police and the Border Guard Company. The latter also have a housing/op facility at one end of the building. Police, Customs and army personnel from The Border Commissionaire's Office are using the BCP.

The BCP at Russian side is quite close to the borderline.

The traffic at the BCP is mainly trucks, lorries, minivans, buses (including regular lines) and ordinary vehicles. It is not allowed to cross the border on foot, however the Committee was told that in a few cases tourists managed to enter the BCP area and reached the borderline.

There are no crime statistics available for the BCP it self. The BCP recorded in 2004 the total of 108.671 persons crossing the border (no more then 21 persons/hour) and 31.285 cars. Concerning the whole district, the statistics are as follows:

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Statistics (Article 11 and Annex II of the Schengen Borders Code)

<i>Statistics for Østfinnmark Police District</i>			
	2002	2003	2004
Rejections	25	42	34
Expelled	3	21	13
Asylum	37	56	30
Total number of border crossings	122247	112078	108671

3.1.2. Regional or local strategy, inter-agency cooperation, international cooperation (regional and cross border cooperation)

The Police at the BCP works closely with the National Police Immigration Service, the Immigration Division at the National Criminal Investigation Service and the Norwegian Border Commissioner for the Norwegian-Russian Border.

There is also a well developed and very good cooperation with the Finnish Border Guard (FBG). This cooperation is being used on almost a daily basis with personal contacts in the FBG. A regular exchange of information takes place between this BCP and the BCP of Raja-Joseppi at the Finnish-Russian border. Meetings are also being held several times a year to coordinate the border controls in northern Finland and Norway due to the crime intelligence reports.

3.1.3. Risk analysis and intelligence functions

The National Police Directorate coordinates the risk analysis, intelligence and data-flow management. The National Criminal Investigation Service coordinates the operational activities on national level when it comes to risk analysis, intelligence and data-flow management. The Police Districts coordinates the operational activities on local level (See also point 3.4. of the report on Norway).

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3.2. INFRASTRUCTURE AND EQUIPMENT

3.2.1. *Separation of flows*

The arriving and departing passengers are divided on each side of the main building. . However, at peak times there is some risk of mixing up the entry and exit flows. This is also due to the fact that there are rarely officers standing outside the BCP to monitor the flows. This was confirmed by the local personnel that pointed out some needs to develop separation or surveillance of the BCP area, since they regarded it possible that checked passengers might be mixed with those not checked yet.

3.2.2. *Lanes for checks*

The individual passport control facility is located in one hall in the main building, containing two passport control hatches. Two signs dividing “Schengen” and “Non-Schengen” travellers. No separate lines inside the main control facility, except for a small fence in front of the passport control.

3.2.3. *Control facilities*

Inside, the Police border control post is located in the middle of the main control facility. The post executes control both arriving and departure travellers from the same room. When Police border control is finished, travellers are being sent to the customs area. The inside of the main control facility is covered with CCTV.

4 offices are used by the police, 2 offices used by CO/XO, 1 office for interrogation/questioning/EURODAC, 1 office for technical equipment EDISON/specimen. Storskog BCP has one holding cell.

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Outside, there are 3 lanes for traffic on arrival, one for nothing to declare, one for goods to declare and one line for buses/trucks. The departure consists of one lane only. A light road bar blocks the lanes.

3.2.4. *Equipment: first line, second line, mobile*

7 Data terminals with all police registers including SIS. 12 Schengen stamps 6 entry/6 exit.
3 optical passport readers, Edison for document examination and EVID for control of vehicles.

2 QDX-430 with different filters; 4 Checkpoints D; 2 microscopes Nikon SMZ 800 with camera;
Several magnifying glasses, some with lights; 2 portable tools for document examination

The first line and second line equipment is aligned with the recommendations.

Storskog BCP is equipped with telephone/fax/mail/internet and police radio communication. The working frequencies of the Border Guard Company are also available to the Police to improve and coordinate the effort if incidents occur at or around the BCP.

3.2.5. *Transportation and mobility*

There is one uniformed and one plain police car at the BCP.

3.2.6. *Access control / fencing*

A mesh fence with no barbed wire surrounds the BCP, and the main gate consists of an old wrought iron-gate. The Committee was informed that few accidents have occurred due to the insufficient fencing, but that there are no immediate plans to enhance current infrastructures.

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3.3. CONTROLS AND PROCEDURES

3.3.1. *Traffic handling / traffic modes*

The Police is responsible for border checks in regard to all types of traffic. Most of the traffic occurs on Thursday, Friday and Sunday. About 80% of the traffic is constituted of Russians travelling for purposes of tourism (visits, shopping).

3.3.2. *Procedure of checking on entry and exit (profiling, interrogation, checking conditions of entry, checking the documents, stamping)*

An ordinary control of a citizen from a country outside Schengen and the EC includes the following: check of passport and visa, where applicable, tickets, health insurance (this seems to be a general requirement), and a letter of invitation/guarantee (or, alternatively, an amount of about 60 US dollars per day). The person's passport will be checked in the passport reader, checking towards the SIS system. However, not all officers seemed to make a systematic check of third-country nationals in the SIS, especially in relation to frequent and well known travellers. The name and date of birth can also be checked in the different national Police Systems. The person will be asked about the purpose of the trip or visit to Norway, if it is for pleasure or for business. In spite of the fact that the great majority of travellers is Russian, only one of the civilian employees speaks fluently Russian (plus another person working in the Customs; most of the officers only have a basic knowledge and interviews at the first line often take place in English (or Norwegian). There are two interpreters available to be called in case of need.

Profiling is also a method used by the passport control officer.

Copies of the passport of third country nationals who are not known by the BCP and who are considered as 'doubtful' (but there are no sufficient grounds to refuse entry) are often kept for precautionary purposes.

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The Common Manual is available in the national police intranet and is available in daily work at the border control premises.

According to the information given by the Norwegian authorities, every vehicle on arrival is being checked, sometimes on departure. During the inspection however, not all cars were systematically checked.

3.3.3. *Utilization of registers*

The person's passport will be checked in the passport reader, checking towards the SIS system. The name and date of birth can also be checked in the different national Police systems. The check of the SIS and of other national police databases is not done simultaneously.

3.3.4. *Processing of refusals and asylum applications*

The decision of refusing entry is not taken directly by the border crossing point but by the competent police district, in cases where a "*borstvisning*" decision is issued, or by the immigration police, in case of "*utvist*" decisions (see above under 3.5.1.). Different stamps correspond to the two types of decision (*N.B. This is not in line with the Common manual, which provides for a specific stamp to be put on the passport in case of refusal*).

The person refused entry is notified in writing, in both cases, and has the right to appeal. However, no standard form of refusal is used and none of the officers interviewed by the Committee seemed to be aware of the existence of a uniform form at EU level (Decision No 2004/574/EC).

When asylum seekers meet at Storskog BCP, they will be handed over to the Foreign Division at Østfinnmark Police District.

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3.3.5. *Issuance of visas at the border*

Issuance of visas at the border takes place only after collecting information about the case and after informing the Directorate of Immigration, who takes the decision. Only few visas have been issued in 2003 (3) and 2004 (1) at this BCP. Due to the non-availability of the printer at the BCP, visas are no longer issued there but directly at the Police district. Some empty visa stickers were nevertheless available at the BCP and kept in a safe located in a room next to passport control room.

3.3.6. *Second line activities*

Police officers are responsible for all the police tasks, also investigation. Contacts with lawyers and the Directorate of Immigration are possible.

3.4. BORDER SURVEILLANCE

3.4.1. *Tactics applied, including system of border patrolling, command and control*

The border surveillance is the responsibility of the Border Guard Company belonging to the Armed Forces (regular Norwegian army)¹. The length of the border line is 196 kilometres and it is surveilled from 6 border guard stations. Each station is basically manned by a platoon of conscripts under command of professional officers. Each station has an area of responsibility that it covers by visual surveillance from the station, observation posts and by patrolling. The surveillance is concentrated to the border and the area closest to the border. No systematic surveillance activities in the hinterland were described.

Operational command and control line goes through the military hierarchy with the exception of tactical command in civilian type border violations. In handling these cases the Border Guard act under police authority based upon a mandate according the Norwegian Police Law. The Police will, if deemed to be the most practical approach considering the circumstances, deploy Police personnel.

¹ Reference is made to the Evaluation Committee's comments on the role of the Armed Forces in point 2.2.2. of this report.

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3.4.2. *Situational awareness (description of methods of surveillance used in order to detect and identify potential illegal crossing of the border)*

Approximately half of the borderline is covered by constant optical surveillance from the BG-stations and observation posts. It was indicated that the vegetation might give a good protection to possible intruders even on the areas covered visually from the observation posts. The other areas are covered at least weekly by a dog patrol. Recently, one land surveillance radar has been deployed to the company.

The experts approximate that in average the area is quite well covered in terms of ability to detect illegal border crossing. Weekly patrols on those parts that remain outside of constant observation, could in theory give a 1/7 probability of detecting illegal border crossing (provided that the dog is able to detect a 24 hour old track).

An additional element is the Russian border surveillance system. It was stated that the Russians have intercepted approximately 85 attempts for illegal border crossing during the last year.

The experts were informed that the BCP Storskog is closed during the night time. At that time, the surveillance of the BCP and adjacent areas is not the responsibility of the police. The closest army unit recognised an overall responsibility of surveillance, but did not provide any information on systematic and close monitoring of the BCP. In practice it has been proven that the Army is not systematically monitoring the area around the BCP.

3.4.3. *Reaction capability (ability to encounter incidents – routine situations and situations posing an intensified threat)*

The Border Guard Stations are in constant readiness of sending patrols to track those suspected of illegal crossing of the border. The Police could also send a patrol from Kirkenes, but in practice the apprehension would remain to be completed by the Border Guards, based on authorisation by the police. Thus the reaction force is in average within 10-15 kilometers of any point of the border. The terrain is extremely difficult, but road connection supports approach to most parts of the border. Thus, the reaction time to main parts of the border should be less than an hour.

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Two army helicopters are situated in the garrison several days weekly, but they do not have any readiness duties in regard to border surveillance.

The Norwegian authorities pointed out that they would need more mobility. Because of the heavy terrain and bad connections, the ideal solution would be a helicopter permanently based in the vicinity of the border.

The experts approximate that from the geographic point of view the area is vulnerable for illegal border crossing. The Russian side of the border is populated (Nikel, Zapoljarnyi), a road goes along both sides of the border. On the Norwegian side, movement of persons is not limited and there are several tourist attractions on the area. Thus, it is hypothetically easy to bring illegal persons to the vicinity of the border and pick them to a means of transportation on the Norwegian side (during this year, an indication of this has been seen, as one non-Russian third country national was found drowned in the river). In such hypothetical cases, the correct reaction is control of suspected transportation means en route to Kirkenes.

A better assessment of the situation would require more information on regulations concerning movements on the river area and possible restrictions applied on the Russian side.

3.4.4. *Availability and permanency of the above mentioned (human and technical) resources*

The resources are permanently available.

3.4.5. *Communication and encryption*

The patrols have radios and the border is covered by a radio network.

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3.5. STAFF AND TRAINING OF THE NATIONAL POLICE.

3.5.1. *Adequacy and the level of professionalism*

At Storskog BCP the number of personnel was regarded as adequate for maintaining the responsibilities of the Police. All personnel are to be regarded as professionals since they are trained according the National Police education programs.

3.5.2. *Further continuing education*

No specific information for the local situation.

3.5.3. *Linguistic skills and training*

The local Police personnel speak sufficiently English; some of them were able to communicate in Russian. Since the majority of the people crossing the border are Russian it would be advisable to strengthen the linguistic skills.

3.5.4. *Specialised document checking skills and training*

No specific information for the local situation.

3.5.5. *Specialised training for different managerial level*

No specific information for the local situation.

3.5.6. *Availability and permanency of staff*

The Storskog BCP works with a total of 11 persons; 9 police officers and 5 civil employees. Permanency is limited to daytime from 7 a.m. until 9 p.m.

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3.6. READMISSION, EXPULSION AND ILLEGAL IMMIGRATION

There is no specific information available for the Storskog BCP. Reference is made to the information in point 2.7. of the report.

4. GENERAL CONCLUSIONS AND RECOMMENDATIONS ON NORWEGIAN LAND BORDERS

4.1. CONCLUSIONS

Conclusions based on the comparison of the actual situation in Norway and the first evaluation in 2000.

- The situation on the readmission agreement with Russia remained unchanged; there is still no such agreement. A comparison with the situation in Finland is not possible since there are no statistics available on readmission. Norway has been awaiting the conclusion of the negotiations between the EU and the Russian federation on a readmission agreement. As these negotiations were concluded early October, Norway will now take an initiative towards the Russian federation in order to start negotiations on a parallel agreement.
- The Evaluation Committee was in 2000 impressed by the equipment of the Border Guard Company for patrolling the border. The Evaluation Committee in 2005 was less enthusiastic, since it was admitted that there is need for upgrading the technical equipment and to increase the mobility of the patrols.
- The Evaluation Committee noticed in 2000 “some” intelligence on the situation in Russia. It has to be stressed that today, a great deal of the activities on observation is serving military purposes.

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Conclusions based on the actual evaluation in 2005

- The experts analysed the given facts and found out that the general border situation image can be regarded as reliable. It is evident that the established numbers of illegal crossing of border are very close to the prevailing truth. The experts base this conclusion to the fact that despite some only randomly controlled strips, the border surveillance system is able to detect a substantial part of illegal crossing of the border. Besides with the data on illegal crossing of the green border, also in regard to other forms of irregularities, the situation image was also regarded as reliable. Based on that surveillance, it is possible to state that the Norwegian authorities would be able to detect any large scale illegal phenomenon throughout the area. Nevertheless, since the surveillance is strongly concentrated to the vicinity of the observation posts, it seems to be possible that utilising the non-visible areas, a minor scale illegal traffic might be performed successfully.
- However, it appears that there are several arguments available to strengthen the opinion that the effectiveness of the actual border surveillance in terms of border management can be improved in matters of intelligence, strategic and operational integration, training and basic approach of the duties. Having considered these facts, the Evaluating Committee is of the opinion that the actual situation regarding border surveillance is perhaps satisfactory from a purely pragmatic point of view but that it can hardly be considered as the optimal application of the Schengen acquis. Furthermore, the Schengen Catalogue on External Border control indicates clearly on matters of strategy and organisational structure and the general strategy for border management that the following recommendation and best practice should be implemented: The recommendation states: *“Centralised supervision and instructions for border checks and surveillance under the auspices of a Ministry working in the field of Justice and Home Affairs.”* As best practice the Catalogue mentions: *“The competent public authority is a specialised Police/Border Guard force (not a military force)”* and *“Border checks and surveillance should be executed by professional officials of the same administration organising border management if possible under a single national ministry.”* Without prejudice of the fact that border surveillance is taken care of by the military, it is clear that the Norwegian Border Guard Company does not operate under the auspices of the Ministry responsible for border management and that border checks and border surveillance do not operate in the context of one administration or one single ministry.

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- It is necessary to point out that based on the so-called Tampere conclusions from 1999 the EU has imposed on the new Member States a clear requirement to demilitarize the border security function and that as a consequence of that, this has been implemented in all cases. In some Member States that were involved in the Schengen arrangement already by 1999, the Army still has some active engagement in the field of Schengen border security. This, nevertheless, is not in breach with the Tampere conclusions that literally touched future external borders of the EU. Thus, the evaluation Committee has to maintain a reservation towards the Norwegian structure, where military units have the responsibility in surveillance and apprehension of illegal crossing of the border.¹
- Based on the analyzed situation, the experts are of the opinion that from the point of view of operational effect, the Norwegian Border Control system meets the requirements of the current situation. One clear evidence is the state of play in regard to illegal migration where the extremely low related figures indicate an almost non-existent problem if viewed on the European scale. Obviously, the combined effect of the Norwegian and Russian border control systems has functioned as an effective dissuasive element. Nevertheless, the closeness of Russian inhabitation and communication links suggest maintaining and further developing the entire system on the Norwegian side. The experts regard increase of illegal migration as a likely development in the longer run, since the Russian concept will be changed and as a consequence of that, its effect on the remote areas will decrease.
- However, there are several arguments available to strengthen the opinion that the border control at the Storskog BCP can be improved in matters of infrastructure, staff and training; controls and procedures and surveillance of the premises.

¹ Comment by the Norwegian authorities: *When the Council adopted the decision leading to Norway becoming a full operational member of Schengen in March 2001, Norway's concept on border surveillance was the same as it is today. No reference was made to the conclusions from the European Council in Tampere 1999. Norway is not a Member of the European Union and the Tampere conclusions are therefore not binding for Norway.*

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4.2 RECOMMENDATIONS

- Both authorities, National Police and Border Guard Company, should work on a better integration of intelligence, data flow and use of financial resources.
- The technical means of the Border Guard Company should be upgraded in order to enhance the border surveillance capacity.
- Since the vast majority of third country nationals crossing the border are Russian, the experts deem it advisable to improve the Russian speaking skills of the personnel.
- The Storskog BCP should be better fenced and it should be ensured that entry and exit traffic flows are always kept separate.
- Both the BCP and the adjacent area should be taken under more constant monitoring, especially during the closing hours of the BCP.
- The risk analysis should take onboard a close scrutiny of the possibilities of crossing the river border illegally and continuing to the Schengen area with transportation provided on the Norwegian side. If such risk is found credible, surveillance tactics and resources should be modified.
- Statistics in general and specifically on readmission and removal should be collected and made available.