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THE EUROPEAN UNION**

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REPORT

from: Evaluation Committee
to: Working Party on Schengen Matters (Schengen Evaluation)
Subject: Schengen evaluation of NORWAY
- Draft report on land borders

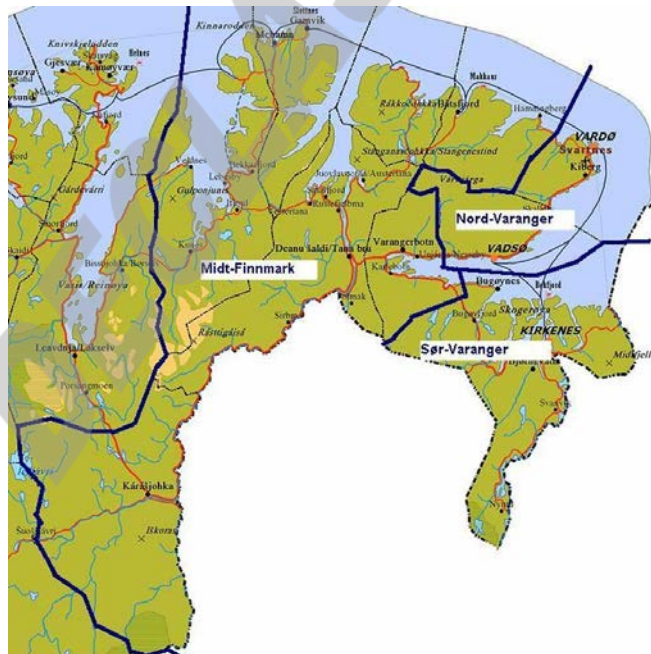


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The members of the Evaluation Committee wish to thank the Norwegian authorities for the good organization of the visit and the cooperation and assistance provided by the staff on the spot in helping them to carry out their tasks during the visit.

1. INTRODUCTION

Based on the mandate of the Schengen Evaluation Group (SCH/Com-ex (98) 26 def), the Schengen Evaluation Programme 2008-2013 (6949/3/08 REV3) and the overview of programs, participants, technical details for the Schengen evaluations in 2011 (5031/11 and subsequent REV's), experts carried out a Schengen evaluation of the Norwegian land borders.

This report was made by the Evaluation Committee and is brought to the attention of the Working Party on Schengen Matters (Schengen Evaluation), which will, after approval, submit a report and the follow-up thereto to the Council.

The Evaluation Committees visited the following sites:

- Headquarter of the Østfinnmark Police District in Kirkenes
- Border Guard Battalion at the Garrison of Sør-Varanger
- Border Crossing Point Storskog
- Border Guard Station Skogfoss
- Border Guard Station Svanvik
- Observation Post Bjoernsund
- Observation Post Vardoefjell
- Observation Post "247".

2. MANAGEMENT SUMMARY

The evaluation report on the Norwegian land borders is based on replies to a questionnaire and additional questions from the Member States provided by the Norwegian authorities both before and during the evaluation. The report also reflects the findings of EvalCom from the visits to authorities and sites mentioned above.

The EvalCom was able to carry out the programme as agreed.

Norway has an area of 323,759 km², a coastline of 25,148 km, an external land border with Russia (196km) and internal land borders with Sweden (1,619 km) and Finland (727 km).

The EvalCom is of the opinion that border control of the land border in Norway is on the whole carried out in accordance with the Schengen acquis and border management follows generally the EU concept of integrated border management.

As already stated in the reports on the evaluation of the air- and sea borders, there is no written border security model, yet Norway follows – in implementation – the concept of Integrated Border Management (with measures in the countries of origin and transit, at the external Schengen borders, in the context of FRONTEX and also with other Schengen-countries within the Schengen-area).

As regards border control there is no independent authority. Border control in general is an integral part of the competences of the Norwegian Police, who is, among ordinary police-tasks, also responsible for border checks as well as surveillance and coordination and cooperation between all security services and forces regarding the circulation of people, controlling foreign nationals and investigating trafficking in human beings.

In general there is clear understanding of the provisions of the Schengen Borders Code as regards border checks. Also the level of knowledge of Schengen provisions was found to be satisfactory in the main.

Comparisons with the results of the previous evaluation have shown improvements in the following areas:

- Strengthened focus on Integrated Border Management – through national and local threat analyses and inter-agency cooperation
- New Immigration Act and Regulation incorporating the Schengen Borders Code
- New Borders Act in progress
- Cooperation Agreement between the Police and Customs Service, which entered into force on 1 October 2010, regulating forms of cooperation
- Introduction of INDICIA – national intelligence database
- EUROSUR – NCC to be established at the N.CIS
- Publication of “Docunews” – intelligence on false documents published by Kripos (The National Criminal Investigation Service)
- Delivery of new equipment to read biometric passports
- Delivery of mobile units for border checks.

As regards the external land border, the situation in Norway has to be considered specific. Particular attention was therefore devoted to the set-up, tasks and training of the Garrison of Sør-Varanger, since border surveillance, although being part of the competences of the Norwegian Police, is being carried out – under the command of the Chief of Police of the Østfinnmark Police district, by the Border Guard battalion of Sør-Varanger, a well selected and highly motivated military unit.

In this context it could be verified that also there the following basic improvements have been implemented since the previous evaluation:

- Conclusion of the “Cooperation agreement between the Østfinnmark Police District, the Border Guard Battalion of the Garrison of Sør –Varanger and the Norwegian Border Commissariat”, signed 1 February 2008 and including
 - Annex 1: Training
 - Annex 2: Observation and detection
 - Annex 3: Border Act and Border Agreement
 - Annex 4: Norwegian Immigration Act (Schengen Assignment)
- Exchange of LO’s in the operational Centres of the Police district and the Garrison of Sør-Varanger
- Establishment of a well-structured hierarchy as regards the responsibility for border control (annual letter of the Chief of police and, based upon this letter, operational and fragmental orders by the Garrison)
- Regular meetings between the Border Commissioner, the Østfinnmark Chief of Police and the GSV Commander to evaluate and further develop the commonly agreed approach.

Detected shortcomings - as regards the whole visit - concerned mainly a general imbalance between border surveillance at the green border and border checks at the BCP Storskog, where EvalCom was confronted with an infrastructure, which was found to be too small, insufficient as regards staffing and, due to those staffing-problems, also lacking in the procedures concerning entry- and exit-checks.

Although the general motivation and knowledge of the officials met on the spot at the BCP were again acknowledged, it furthermore had to be realized that – partly due to the existing rotation-system between the BCP and the other areas in the Østfinnmark Police District – there is limited stable and well-acquainted group of officials doing the checks at the BCP, but that the head of the BCP is constantly training new staff.

While EvalCom could observe that the units deployed in the Border Stations and Observation Posts were equipped with technical devices in a sufficient number and on a modern standard, it had to be realized that in the area of border checks there were shortcomings also in the field of equipment. Therefore, besides general recommendations regarding the correction of certain procedural shortcomings (stamping, signposting etc.) and improvements in the infrastructure, recommendations were also made concerning equipment and staffing and also as regards the general institutional set-up of the BCP and its position within the Østfinnmark Police District.

General aim should be to bring also the level of performance at the BCP to the same – high – level as it could be encountered in the area of border surveillance.

The complete findings and the results of the evaluation can be found in the "Comments and Recommendations" and the "General Conclusions and Recommendations" at the end of the report.

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3. GENERAL INFORMATION

3.1. Strategy

3.1.1. Legislation

On 29 November 1949 Norway entered into a border regime agreement with the Soviet Union. The agreement must primarily be seen as a solution to the territorial and defence issues affecting the two countries.

On 14 July 1950 Norway passed a Border Act that was a national follow-up of a border regime agreement with the Soviet Union. The Act concentrated on technical, administrative regulations and provided no rules concerning checks on persons or surveillance of the border.

In the years leading up to the present day, civilian border surveillance and combating cross-border crime have not been regulated by any formal overarching strategy or legislation. However, control of foreign nationals at the borders is regulated by the Norwegian Immigration Act 35/2008.

As regards the allocation of limited civil police authority to the military border guard on the Norwegian - Russian border and border control on the green border between Norway and Russia, specific instructions have been issued by a Royal decree on 5 August 2005.

In order to regulate the relations between all partners involved in border control at the land border towards Russia, a cooperation agreement was finally signed between the Øst-finnmark Police District, the Border Guard Battalion of the Garrison of Sør-Varanger and the Norwegian Border Commissariat on 1 February 2008 and containing the following four annexes:

- Annex 1: Training
- Annex 2: Observation and detection
- Annex 3: International Boundaries Act and Border Agreement
- Annex 4: Norwegian Immigration Act (Schengen Assignment).

Pursuing the goal of renewing and updating the border management, a "Border Act Committee" (an inter-ministerial Committee appointed by the Government in 2007) has in the meantime submitted its recommendations concerning the borders and their supervision and concerning the control of traffic across the borders. The report culminates in a proposal for a new Border Act. Presently a proposition for a new Border Act is under preparation in the Ministry for Justice and the Police. The proposition is foreseen to be presented to Parliament late 2012 or early 2013.

In this context reference must also be made to the Police Directorate's Border Control Directive, dated 9 July 2010, for planning and implementing border control. This directive provides instructions on how and why the border authorities shall carry out comprehensive border control. This shall include developing appropriate threat- and risk analyses. In this directive, the various individual elements of the overall border work, both on checks on persons and border surveillance, are described. Also described is the need for immigration control in the territory, the use of SIS as well as cooperation between national authorities in this field, and Norway's participation in Frontex.

In 2010 the Multi-Annual Programme for the Norwegian implementation of the EU's External Borders Fund was elaborated. This plan outlines the overall strategy for the maintenance and further development of the Norwegian border control regime.

The above mentioned Border Control Directive combined with the National Multi-Annual Programme for EU's EBT is supposed to replace the previous mentioned Border Security Plan.

3.1.2. General strategy for border management

Norway, located in the most northern part of Europe, has an area of 323,759 km² and a population of 4,9 Mio. Norway has an external land border with Russia (196km), a coastline of 25,148 km and internal land borders with Sweden (1,619 km) and Finland (727 km).

Norway was a member of the Nordic Passport Union since 1958 and is an operative Schengen member since 2001.

In 1949 Norway entered into a border regime agreement with the Soviet Union. The agreement must primarily be seen as a solution to the territorial and defence issues affecting the two countries.

In 1950 Norway passed a Border Act that was a national follow-up of a border regime agreement with the Soviet Union, concluded in 1949 to be a solution to the territorial and defence issues affecting the two countries. The Act concentrates on the technical, administrative regulations and provides no rules concerning checks on persons or surveillance of the border.

In the years leading up to the present day, civilian border surveillance and combating cross-border crime have not been regulated by any formal overarching strategy or legislation. However, control of foreign nationals at the borders is regulated by the Norwegian Immigration Act.

The Border Act Committee (an inter-ministerial Committee appointed by the Government in 2007) has submitted its recommendations concerning the borders and their supervision and concerning the control of traffic across the borders. The report led to a proposal for a new Border Act (see comments under pt. 3.1.1;).

In this context see also comments on the Police Directorate's Border Control Directive and the Multi-Annual Programme for the Norwegian implementation of the EU's External Borders Fund (elaborated 2010) under the pt 3.1.1.

Altogether the model for border security in Norway is based on the police having overall responsibility for performing checks on persons at border-crossing points and for ensuring that the surveillance of external borders is carried out. For surveillance at the maritime border the police are assisted by the Coast Guard (CG) and, at the land border with Russia, by the border Guard Battalion of the Garrison of Sør-Varanger (GSV).

Police furthermore carry out immigration control on the territory.

3.1.3. *Analysis of environment and threats*

Norway is surrounded by territorial waters to the south, west and north. The coastline consists of many long and deep fjords, bays and islands. The total length of the coastline is, as already mentioned, 25,148 km, the baseline is 2646 km. The territorial waters border on the Barents Sea, the Norwegian Sea, the North Sea, and the Skagerak. These waters are to a large extent dominated by cold and windy climate, demanding high professional seamanship to sail safely.

Norway has, as mentioned before, a 196 km long land border to the Russian Federation in the very North East part of the country. The border is partly on land but mostly in rivers/lakes. (About 2/3 of the border follows the river Pasvik which cannot be crossed on foot except when covered with ice during winter/spring). The climate reflects that we are in the northern part of the country, with a long, cold and dark winter season and a short, light summer season. The police are responsible for control at the sole border crossing point at Storskog in Finnmark. The surveillance of the border is executed by the military border guard company on behalf of the police.

These geographical conditions create a challenging environment for border management, especially at sea. At present there are no regular ferry connections with non-Schengen countries. A few intra Schengen ferries connect with Sweden, Denmark and Germany.

Ships crossing the maritime border are, besides cruise ships, mainly fishing vessels, Norwegian as well as vessels from Russia and from EU countries. There is also regular commercial ship traffic crossing the external maritime border,

Smaller ships and pleasure boats seldom cross the maritime border in the north and west of Norway.

Controls of the maritime border traffic over many years show that there are few irregularities. Traditionally, there are few examples of crime, such as smuggling of goods, drugs, or human beings.

The external land border can also be described as a low risk area. Because of the harsh climate and geographical circumstances, the applied border regime at the external land border and at the airports, the southern part of the country – and there the internal borders – are considered more exposed to threats.

EvalCom was informed that it is over the internal borders, mostly in the southern part of Norway where most of cross border crime and illegal immigration is registered and where also the Norwegian authorities expressed an increase. In this context, the Norwegian authorities provided the following information (investigations related to facilitating illegal immigration 2006 - 2011 Østfold Police District-border region towards Sweden).

Year	2006	2007	2008	2009	2010	2011*)
Investigations	0	0	0	0	20	18

*) by May 2011

3.1.4. International cooperation (regional, bilateral and readmission agreements, measures in countries of transit and origin)

Norway has signed bilateral agreements with Russia that are relevant to border security work (i. a. the already mentioned Border Regime Agreement from 1949, which specifically regulates the procedures for contact and communication between the two countries in the border area, and which aims at ensuring border cooperation, and reducing the risk of violations of border regulations).

Norway and Russia have also signed a cooperation agreement to combat cross-border crime. The agreement primarily facilitates information exchanges to prevent and solve criminal acts involving the two countries.

An agreement between the Norwegian and Russian government on cooperation in border issues has also been entered into. The agreement shall ensure close cooperation between the parties to prevent rule breaches in the border area and to prevent and solve cross-border crime.

In the context of the Second Ministerial Meeting of the Northern Dimension on 2 November, 2010, Norway and Russia have also signed an agreement on facilitation of travel for border residents in Norway and Russia (not yet in force, but expected to enter into force in Mid-2012).

According to this agreement, residents in those parts of Norway and Russia that lie within 30 kilometers of the border, as well as in the entire territory of Korzunovo municipality, will be eligible to apply for a local border traffic permit. The holder will be permitted to stay for up to 15 days at a time in the border area of the other state without a visa. About 9 000 persons in Sør-Varanger municipality on the Norwegian side and 45 000 persons in Pechenga region on the Russian side will be covered by the agreement.

There is also a protocol for tripartite cooperation between Finland, Russia and Norway in border issues.

In 1958 Norway, as a part of the Nordic countries, signed an agreement as a basis for the Nordic Passport Union.

The Baltic Sea Task Force on Organized Crime (BSTF) was finally established by the Heads of States of the Baltic Sea Countries in 1996. Both Norway and Russia participate here. The purpose is to work closely and effectively to combat organized crime in the region. BSTF works in close cooperation with Europol, Interpol and PTN (Nordic Police and Customs Co-operation).

In 2006 the Council of the Baltic Sea States established a Task Force against Trafficking in Human Beings (TF-THB) with participation of all Baltic Sea Countries. Composed of representatives of authorities with a variety of expertise the Task Force has a cross-sector approach to this issue. Norway has the Chair from 1 July 2011.

The Baltic Sea Border Control Cooperation is a cooperation between the Baltic Sea and the Nordic Countries on Sea Border Control and maritime questions. BSBCC should contribute to stability in the region through combating organised cross-border crime. Focus is on false documents, smuggling, THB, illegal immigration and environmental criminality. Norwegian point of contact is NCIS.

Norway has furthermore deployed the following LO's:

- a) PTN liaison officers (Nordic Police and Customs Liaison Officers as part of the Nordic Police and Customs Co-operation): PTN liaison officers have a general mandate related to the fight against serious and cross border crime. Their duties include also border issues and they are deployed at:

- The Arab Emirates (Dubai)
- Pakistan (Islamabad)
- Russia (Moscow, Murmansk)
- Serbia (Belgrade)
- United Kingdom (London)
- Spain (Malaga, Madrid)
- Bulgaria (Sofia)

Further deployments within the framework of the PTN can be found in the Netherlands, the Baltic Countries, Kosovo, Albania, Turkey, Poland, Romania, Russia (St. Petersburg), China, Thailand.

The named liaison officers are subordinate to the Ministry of Justice and the Police and the National Police Directorate. They have been seconded to main source or transit countries of organized crime. They also investigate migration-related issues.

- b) Immigration liaison officers from the police: police officers, particularly appointed for i.a. verifying identities abroad, preventing smuggling in human beings and assisting involuntary return.

Norwegian ILO's from the police are posted in the following countries:

- Ethiopia (Addis Abbeba)
- Jordan (Amman)
- Thailand (Bangkok)
- Algeria (Alger – under establishment – moved from Morocco (Rabat)

These positions were established in 2008 as part of Norwegian priority to the field of illegal immigration.

In addition, immigration liaison officers have been posted by the National Directorate of Immigration (subordinate to the Ministry of Justice and the Police) at the following destinations:

- Kenya, Nairobi
- Jordan, Amman
- Syria, Damascus
- Pakistan, Islamabad
- Iran, Teheran
- Russia, Moscow
- Iraq, Bagdad
- Afghanistan, Kabul

3.1.5. Cooperation with the European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union

The National Police Directorate is responsible for all contact with FRONTEX. Norway is member of the Management Board and participates also in different trainings, operational activities and expert groups. Norway has for the moment a national FRONTEX pool of 29 officers in the RABIT pool (Rapid Border Intervention Teams). The 29 officers are from police districts all over Norway.

3.2. Organisational (functional) structure

3.2.1. Centralised supervision and instructions

In Norway, the police have the primary responsibility for checks on persons at border-crossing points and surveillance of the border areas.

The police are under the responsibility of the Ministry of Justice and the Police, which has the overall responsibility for the implementation of the Schengen Acquis within the fields of visa policy, external border control, police cooperation, Schengen Information System (SIS) and data protection.

Norway has, however, a “two-track-system”, which means that each police district has also special units with prosecuting competence. The Prosecuting Service is at the higher level organised in regional districts under the supervision of the Director General of Public Prosecutions and operates independently from the Minister of Justice and the Police in executing criminal investigation and prosecution.

3.2.2. Coordination and inter-agency cooperation, division of responsibilities

Military units and the Coast Guard, subordinate to the Ministry of Defence, assist the police with the performance of surveillance tasks on both land and sea borders.

The Customs Service, under the Service of the Ministry of Finance – in specific the Directorate of Customs and Excise - is responsible for controls of goods at border crossings and may assist the police with checks on persons at the border-crossing points.

The Ministry of Justice and the Police directs the police’s border management through the National Police Directorate, which has national responsibility for planning, coordination and management of the country's 27 police districts, including those which have duties in border areas. Operational policing is carried out by police personnel assigned to each police districts headed by a chief of police. Border control is but one of many police tasks that are performed by the Norwegian police, being an integrated organization which is not divided between several police organizations.

The Ministry of Defence manages the military forces through a so-called integrated management model where the central military command is integrated into the Ministry's organization. There is in addition an operational command centre, the Norwegian Joint Headquarters outside the Ministry, which, among other tasks carry responsibility for the surveillance of external land, sea and air borders.

In the surveillance of the external land border with Russia the police are assisted by the Border guard Battalion of the Garrison in Sør-Varanger, which has its own border guard company to perform this task. Likewise, the Coast Guard assists the police with mobility based surveillance and control along the sea border.

The government's coordination of border management takes place in the “Special Committee for Schengen matters”, a forum at the ministerial level, in particular with a view to fulfilling Norway's Schengen area obligations. An inter-ministerial forum called the Coordinating Committee has also been established at a higher level. Here, issues of a more fundamental and strategic kind regarding Norway's obligations towards the EU are discussed by these ministries.

The distribution of tasks and responsibilities among the ministries has until now not been regulated by statute in Norway. As mentioned above, a proposal for a new border act is now being discussed, intended to provide the legal basis for the surveillance of Schengen external Borders.

3.3. Operational effectiveness

3.3.1. Availability of resources (human, technical)

The organizational structure of the Norwegian Police is based on the principle of integrated border policing – border control as one of many police tasks performed by the same unit. Therefore, the required personnel strength stated in the organizational and duty roster for a specific unit cannot always be associated clearly with a specific field of responsibility.

The level of control and surveillance is determined on the basis of the threat level. The police duties at border crossing points are under the local chief of police, who is responsible for all police matters, including border control.

3.3.1.1. At Air borders

At the Norwegian main airport, Oslo Lufthavn Gardermoen, the border control is organised as an independent subdivision at Gardermoen Police Station in Romerike Police District. It is the largest work force in the police district, with a total of 135 employees.

At other large Norwegian airports with permanent border control resources (e.g. at Stavanger Airport Sola, Torp Airport Sandefjord and Moss Airport Rygge), the general staff are also responsible for control of the sea border in the local police district. These airports all have permanent staffing during opening hours.

At smaller airports with no permanent established non-Schengen flights, the airport calls the local police unit on duty when non-Schengen flights are due to arrive.

It is mainly the local police patrols that are responsible for border control at sea borders. The needs of staff presence are continually evaluated.

3.3.1.2. At sea borders

At sea border crossing points with regular traffic, the local police provide the necessary staff to achieve the required control and surveillance. Various authorities in co-operation, particularly the Coast Guard (on behalf of the Police) and the Police carry out control and surveillance.

The Coast Guard monitors the territorial waters and external borders by technical installations and physical surveillance. The Military is continuously monitoring and exercising control with air, sea and land based surveillance systems. The surveillance centre at the National Joint Headquarters is operational 24/7.

The Coastal Operational and Surveillance System (COSS) register entry notifications and entry/departure reports from foreign non-military vessels that enter or depart from Norwegian internal waters. Furthermore, the COSS registers information reported by civil servants at Coastal administration.

3.3.1.3. At the land border

At Storskog BCP, the only BCP at the Norwegian land border, there are 12 employees, 1 Police superintendent, 6 police officers and 5 civilian border controllers that carry out border crossing control, as well as staff from Customs Administration and the Border Commissioner. When necessary, Kirkenes Police Station will reinforce Storskog BCP in a limited period of time.

Border surveillance and adapted reaction at the 196 km long Norwegian – Russian land border is executed by the Border Guard Battalion of the Garrison of Sør-Varanger/ on the behalf of the Chief of Police in Østfinnmark Police District.

3.3.2. *Level of controls at external border*

The police duties at border crossing points are, with a few exceptions, as already explained, under the local chief of police, who is responsible for all police matters, including border checks and border surveillance (within the structure described in the previous chapter).

The level of border checks and surveillance is determined, as EvalCom was explained, on the basis of the determined threat level. In this context EvalCom had to note with concern that at the BCP Storskog it was quite openly admitted that there was no longer 100% control of all vehicles and that controls are based on profiling and risk assessment.

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

The National Police have basically 24/7 operational capability. No specific information could be obtained as regards the average reaction-time to an incident at a particular BCP. Although the level of threat has to be considered low, the reaction capability has to be considered limited, as there are only limited human resources available. There is the possibility to deploy additional forces that usually perform other tasks, to the border in case of need, but in this context it has to be taken into account that the additional staff available for reinforcement, very often lack the necessary training.

3.4. Risk analysis, intelligence and Data-flow management

3.4.1. Organisation / Responsibilities

There is a national strategy worked out for intelligence and analysis that describes the different roles and how they are divided between the Police Districts, the National Criminal Investigation Services (NCIS) and the National Police Directorate.

The strategy governs and analyses processes at a local, regional and national level. National threat assessments and risk analyses are developed by NCIS based on relevant information and analysis from police districts and other special agencies within the police and from external sources.

The National Police Immigration Service (NPIS) performs analyses, intelligence and data-flow management in line with the concept of Integrated Border Management, including having a four-tier situational picture (measures in third countries, cooperation in the FRONTEX Risk Analysis Network (FRAN) and inter-agency cooperation) and ensuring a two-way data flow. The NPIS works in close cooperation with the Directorate of Immigration (UDI) and the NCIS as well as the police districts in Norway.

Regarding the processing of crime information on a national level the NCIS has also been mandated with the responsibility to produce an annual "Threat Assessment", which is forwarded to all relevant law enforcement institutions. The NCIS shall also continuously collect and make available information on all aspects of serious crime, including illegal immigration. In this process the NCIS cooperates with the Directorate of Immigration (UDI), the NPIS and with the police districts to ensure that relevant information reach out to end users.

In accordance with the development of the EUROSUR project on a European level, a national coordination centre (NCC) will be established at the NCIS. The main task will be to coordinate the different authorities involved in border surveillance and border control management. The NCC will have a central role in the creation of analysis on a national level.

3.4.2. Methods

On the operational level the Police Directorate has issued a National Strategy for Police Intelligence and Analysis. The aim is to upgrade competences and working methods in order to enhance the use of risk analyses and threat assessments as the basis for operational policing at daily basis, including Border Control Management.

According to this national strategy appropriate attention is also devoted to the regularly distribution of written assessments and analyses to relevant recipients as well as to the central databases. Information concerning illegal immigration, transnational and organised crime, is, for the time being, made available to all police districts and special agencies through national databases.

Risk analyses in general are produced regularly in each police district and in central units. At national level, the NCIS prepares, in coordination with the Norwegian Customs Service and the Norwegian National Authority for Investigation and Prosecution of Economic and Environmental Crime semi-annual threat assessments for organised crime, including trafficking in human beings (THB).

The NPIS regularly distributes relevant information concerning illegal immigration. To provide this information statistics from the various police districts in Norway on a monthly basis using templates cover the following indicators:

- Illegal entries (including clandestine entries)
- Illegal stay
- Asylum
- Refusals
- Expulsions
- Cross border crime (including facilitation and THB)
- Immigration controls on the territory

Every second month the NPIS prepares a risk analysis for FRONTEX Risk Analysis Network (FRAN). The NPIS cooperates closely with the Norwegian ILO's situated in third countries, the various police districts in Norway and the NCIS in preparing these bi-monthly reports. The analysis is based on close monitoring of the situation concerning the situation in third-countries, the situation at the borders, facilitation of illegal migration, migration flows, modus operandi, travel routes, cross border crime, mitigating measures and institutional changes.

On a weekly basis, the NPIS prepares an analysis of the asylum flow. The statistics on arrivals and an analysis of the key points are sent to the network of contact persons who provide material for the statistics and the data that are sent to FRAN. The analysis includes an examination of the situation in the actual week compared with the situation the previous week, new emerging trends and information about travel routes and modus operandi. The analysis is developed as a tool for intelligence driven controls in the police districts.

As regards delivery of products to FRAN, EvalCom was informed that a short summary of the received products of the different Risk Analysis Units is regularly sent to the network of contact points in the police districts and the NCIS, who provide data on illegal migration and cross border crime.

Tailored Risk Analyses (TRAs) are sent to the national experts working in the field under examination. Moreover, Norway is in the process of establishing a system (KODE) within the police where all relevant information can be uploaded.

Intelligence information on illegal migration, cross border crime and organized crime is handled in the databases GK, Indicia and SMART.

The NPIS is also in the process of developing a new system, UTSYS, which will collect data from all available systems in the immigration field as well as criminal investigation of immigration cases (finalization not yet known). UTSYS will contribute to

- efficient data sharing and better cooperation within the immigration administration, including strengthening of immigration control, identity investigation, removal of illegal aliens and administration of the detention centre at Trandum.
- the establishment of a common system in the NPIS that is integrated with other systems in the police and with the systems of other immigration authorities.
- establish a well-working database for management of information at the NPIS and within immigration administration in general.
- reduce the risk of error due to lack of interaction between systems
- establish a well-working database for analysis and statistical needs of the NPIS and immigration administration in general

3.4.3. *Information gathering (APIS, ILO's etc.)*

According to section 20 of the Act 15 May 2008 No. 35 On the Entry of Foreign Nationals into the Kingdom of Norway and their stay in the Realm (*Immigration Act*) the King may by regulations make provisions to the effect that the commander of an aircraft arriving from or departing for another country, shall give the police a list of passengers and crew members. Further provisions may also be made in respect of information the lists shall contain, and how the information shall be communicated.

Section 4-24 of Regulations 15 October 2009 On the Entry of Foreign Nationals into the Kingdom of Norway and their stay in the Realm (*Immigration Regulations*) states that on request, the commander of an aircraft which is coming from or going abroad shall give the police a list of the passengers and crew, after the check-in process has been completed, see section 20, first paragraph (a) of the Act. The list shall contain the same information as the passenger list.

While these provisions ensure police access to passenger data, further regulations on i.a. data transmission, data processing and sanctions are needed in order to fully implement APIS/Directive 2004/82 into the Norwegian legislation. The legal and practical issues related to implementation are currently being assessed by the Ministry of Justice and the Police. An upgrade of the police information and communications technology, which will facilitate technical implementation of APIS, is in progress. The necessary legislation is under consideration as part of the Ministry's ongoing work on the new Border Act (proposal to be presented in 2012).

3.4.4. *Horizontal and vertical data flows*

The system of horizontal and vertical data flow, as it could be observed by EvalCom, is well in place, but needs to be looked at in a very special manner:

- Norway has, as already mentioned several times, no independent border control authority. Border control is to be seen as an integral part of the police.
- Although said to be rising, especially at the internal border, the level of threat is generally low. There are still – compared to the threat level in other Schengen-MS low figures as regards illegal migration.

In this environment a number of international reports and Intelligence on Immigration matters are regularly received, summarized and disseminated i.a. through the intranet, in specific the Borders Portal.

3.5. **Policing and investigation of illegal immigration**

3.5.1. *Legal background*

The Immigration Act, § 21, gives the police the right to demand proof of identity and otherwise to demand that foreigners supply information to clarify their identity in order to determine the legality of their stay in the kingdom.

In connection with the enforcement of the provisions on foreign entry and stay, the police may stop a person and ask for identification when there is reason to believe that the person is a foreign citizen.

Foreigners are not obliged to carry passports or identification documents with them at all times. However, they are obliged to provide approved identity documents on request, without delay.

The police will carry out further checks if credentials are not displayed, or if they are considered inadequate. Presentation of passport, for example, may lead to a rapid conclusion of the control.

The Immigration Act and its regulations do not regulate directly the circumstances in which the police are allowed to stop a supposed alien and verify their identity. The action will be related to police enforcement provision and of the provisions on entry and stay of foreigners in the kingdom. However, there is a police circular dealing with checks on persons within the territory.

The National Police Directorate's guidelines "Foreigners and crime control methods and sanctions" and the Immigration Directorate's various circulars review more closely the Immigration Act and its regulations.

3.5.2. Organisation and methods

The Norwegian police are the main competent authority for combating illegal immigration in Norway. The Norwegian police are one uniform police service. The competence of the police follows from the following legal acts:

- the Police Act and the Police regulations,
- the General Civil Penal Code,
- the Criminal Procedure Act,
- the Customs Act,
- the Immigration Act and
- Immigration Regulations, circular letters and directives.

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

The NCIS is a special police agency directly subordinated to the National Police Directorate. It maintains the register of fingerprints in immigration cases (EURODAC), keeps survey and statistics of individuals registered in the fingerprint register, co-ordinates communication channels for police enquiries in other countries in matters concerning illegal immigration, implements criminal technical investigations of travel documents, takes care of competence building at the central border control sites by means of Document Image Transmission and provides investigative assistance and guidance in cases involving organised illegal immigration.

The National Police Immigration Service was established in 2004 and is responsible for the registration of asylum seekers, investigation relating to travel-routes and carrying out of negative decisions.

3.5.3. *Means deployed to combat illegal immigration networks*

Every police district has its own contact person, who is responsible for human trafficking, smuggling and to analyse threats.

A task force to combat human trafficking has been established under the Baltic Sea cooperation. This is a working group with participants from all member countries of the Baltic Sea cooperation. Composed of representatives of ministries with a variety of expertise, it consequently has a cross-sector approach to this issue.

3.6. **Staff and training**

3.6.1. *Adequacy and level of professionalism*

As regards the adequacy of personnel it has to be again recalled that the organizational structure of the Norwegian Police is based on the principle of integrated border policing – border control as one of many police tasks performed by the same unit.

The National Police University College has the responsibility for training of police officers and practical training of other employees in the Police force.

The number of staff deployed has to be considered low and, although said to be possible, doubt remained that redeployment or reinforcement is indeed possible in case of need (and that the same level of expertise can also be delivered by the reinforcement-staff).

3.6.2. *Responsibilities of Border Guards*

As regards the responsibilities see pt. 3.6.1

3.6.3. *Selection criteria*

The criteria for recruitment are different at different BCP's (e.g. at the Norwegian main airport Gardermoen 1st line border guards are all civilian officers, without prior police training).

Applicants need to have:

- completed High School or other relevant 3-year education after primary school;
- good command of at least one foreign language (English), preferably more;
- relevant work-related experience;
- knowledge of, and experience with, the use of computers as a work tool;
- driving license, class B;
- knowledge and understanding of other cultures;
- normal colour vision, and be generally physically fit;
- the ability of cooperation, being service minded, meticulous and the will and ability to solve problems;
- a clean police record.

In addition, regular Police officers involved in border guard and immigration duties have 3 years at the National Police University College. Document experts have special training, both nationally, and through FRONTEX seminars and educational gatherings. In Norway, all pupils have English on the curriculum from 1st grade onwards.

At medium airports there are both police officers and civilian officers working at the first line control. At all these airports all officers are trained as border guards by local Schengen instructors educated at the National Police University College.

At the BCP Storskog police officers, before starting up their duty, are given additional training. They are then selected after their skills and interest for this working field.

While the selection-process seems to function quite well (the general motivation and knowledge of the officials met on the spot at the BCP were found quite high), it had to be realized that – partly due to the existing rotation-system between the BCP and the other areas in the Østfinnmark Police District – there is a limited stable and well-acquainted group of officials doing the checks at the BCP, but that the head of the BCP is constantly training new staff.

Civilian border guards are recruited from the civilian labour market, based on their education and practise, normally higher education and more than 5 years of practice in other fields.

GSV/ Border Guard Battalion – land border surveillance

a) General remarks:

All men and women who serve as border guards have to fulfil certain mandatory criteria's as follows:

- Norwegian citizenship
- No criminal record. It is The Chief of Police in Østfinnmark Police District who issues the temporary police authority that everybody needs for being allowed to serve as border guards.
- No other issues that can compromise Norway or its allies/ collaborating partners. This check is conducted by the defence security service.
- Minimum age of 18 years.
- Satisfy specific medical, physical, psychological and educational criteria.

b) Conscripts

Through the national law regulating the draft system in Norway every man should serve a certain number of months as a conscript. Women can apply to serve as a conscript. Today approximately 25% of the men are drafted and the border guard is provided with personnel of highest ranking, selected according to special criteria adapted to the skills that are required in the service as border guards. These criteria are stated by GSV.

c) Non-commissioned officers

NCO's are recruited through a national admission and selection system that includes all NCO schools in the Norwegian army. The officer's cadets that are to be educated through the NCO border guard school and afterwards serve as border guards are selected by the top 30 % percent and some of them have served as conscripts in the Border Guard Company.

- d) All of the officer cadets have applied especially for this education that can lead to becoming a border guard. After examination they serve one year as compulsory officers in the Border Guard Training Company and after this year of service they can apply for a position in the Border Guard Company. The NCO school that educates border guards is located at GSV.
- e) Regular officers and commissioned officers
 Officers examined from War Academy are recruited either through the national admission and selection system or through selection after NCO school and minimum 1 year of service. The cadet selected through the national admission and selection system undergo 4 years of training at the Norwegian Army War Academy before they graduate and can apply for a position at the Border Guard Battalion. The cadet recruited from the applying NCOs undergo 3 years of training at the Norwegian Army War Academy before they can apply for a position at the Border Guard Battalion. These graduated officers have to serve minimum 1 year in the Border Guard Training Company or the Border Guard Support Company before they are positioned in the Border Guard Company. Only in special cases GSV positions a newly educated officer at the border.

3.6.4. *Basic training*

The National Police University College has the responsibility for training of police officers and practical training of other employees in the police force. This includes training for border guard activities and other police tasks related to foreigners. The basic training for police officers for service in the Norwegian police is a three years education, and post education training covers various other areas of the police profession.

- Education for Police Officers:

The Bachelor's Degree in Police Education comprises three years of studies at the National Police University College. All police officers get the same education, which leads to a Bachelor's Degree.

The Bachelor's programme is based on the principle that newly educated police officers shall be generalists. A generalist shall have developed a foundation for further training and personal development through active policing.

The Police Education programme (180 credits) is split into five main areas of study plus one elective subject. Knowledge based on experience and scientific research, as well as ethics are included in all main areas. The main areas are Police and Society, Methodology, Operative Policing, Crime Prevention and Investigation. The students will study these five main components throughout the three-year period.

The first and third year of the study programme is spent at the college while the second year is made up of practical experience at training units in the various police districts. Border guard activities as well as other subjects related to cross-border issues make up an integral part of this practical period.

- Implementation of the Common Core Curriculum in the education of Police Officers
The content of the Common Core Curriculum is to a large extent implemented in the national basic education for police officers. During studies to become a police officer, the college has amongst others focus on investigation, forensic science, report writing, arrest techniques and physical fitness training, psychology, communication and conflict management, sociology, ethics, human rights, information technology, administration, civil law, criminal law and criminal procedures, weapon training and first aid.

Most students speak English very well. English for Policing is a mandatory subject. In some of the elective subjects the students are required to read material in English.

During the second practical year of studies a course in Document Checking is offered. Students make use of the “Patrol Manual for Document Checking”. This manual is issued by the NCIS and provides the student with sufficient basic knowledge to be able to conduct a document check and detect false documentation. The manual is part of the curriculum for “Operative Policing” and is to be used as a tool to prevent illegal entry into the country, to detect illegal travel documents, residence/employment as well as identification of illegal persons or asylum procedures detecting asylum seekers, trafficking of human beings and other types of crime.

The Police University College wants to amend the subject “Police Data Systems” when it comes to systems used for checking foreign vehicles and persons and in connection with border crossings. A more thorough education in the central intelligence register “ELYS II” is expected to strengthen the knowledge for dealing with the detection of international crime registered at SIS or Interpol. Teaching in this subject will be more focused on practical procedures in the system portfolio. In the past number of years the use of SIS has been taught by searches done on the police operation system “agent search”. However, more focus will now be put on teaching the use of N-SIS applications targeting in particular searching procedures for persons, weapons, goods and vehicles. This will comprise part of the first and third year studies.

All first- and third-year students attend lectures on International Police Cooperation and Schengen border control.

In the second year students are given an introduction into administrative tasks connected to Schengen regulations. Students participate at certain periods in operational units responsible for border controls.

In the third year students may choose an elective subject, for example, “International Police Cooperation” where they learn about international police organizations and Schengen cooperation with particular emphasis given to border control and the use of SIS.

- Education for Civilian Employees in the Police:
The Police University College also offers courses and practical studies to civilian employees in the police force who deal with border control and immigration matters. Courses in “Administrative Law” (10 credits), Module I and II, and “Education of Employees in the Police with Limited Police Authority” (15 credits) are offered in order to increase competence. Civilian border guards are one of three employee-segments that are offered the opportunity to participate in courses set up for those with limited policing authority. The Police University College is preparing Module II (5 credits) for this study, which is specifically targeted at those who are employed as border guards.

- Implementation of the Common Core Curriculum in Studies for Civil Employees
“Administrative Law” covers topics related to administration including the police’s position in dealing with immigration issues, use of police registers, detection of false documents, use of interpreters as well as administrative routines and practices in various cases involving foreign nationals. It can be said that parts of the Common Core Curriculum are currently implemented in the studies.

Studies in “Limited Police Authority” deal with topics connected to the field of law, including human rights, selected parts of the Immigration Act, the Criminal Code and Criminal Procedure Act, social issues, amongst these handling conflict and stress, cultural understanding, ethics, police methods such as arrest techniques, report writing and document checking as well.

- Implementation of the Common Core Curriculum at different sectors of the border
 - At Norwegian main airport Oslo-Gardermoen the EU Common Core Curriculum of the Border Guard is fully implemented.
 - At Storskog BCP the basic training for border guards is for police officers given by the National Police University College. For civilian employees the training is done locally, based upon the Schengen catalogue and the Schengen handbook.
 - At the GSV/ Border Guard Battalion conscripts have to follow a well-defined training. Conscripts are initially trained through a basic training period where basic military skills are in focus. Then they follow a period where they train specific skills within communication, patrol commander, medical and scout. During the specialist period conscripts have a 40 hours course within police matters. During the service in the Border Guard Company 23 hours are added to this course.

After this specialist period they start training specified towards their role as border guard. In this period they have focus on basic training within the 4 manned patrols, setting the patrol together as a team. They also have courses in vehicles and technical equipment and in exercises conducting surveillance and patrolling missions in the border area.

Before the final TOA (transfer of authority) between the Border Guard Training Company and the Border Guard Company all conscripts have to fulfil a three-week on the job-training program together with the Border Guard Company. In this period they combine basic skills with specified tasks connected to the border jurisdiction, especially focused on Schengen control of the border, and areas close to the borderline.

All officers have been through ordinary basic and extensive military training, at different levels according to rank and educational level. The Police course at 63 hours is needed to comply as an officer in the Border Guard Company. To train specifically for border guard service, officers have a three-week on the job training at the border surveillance station they will later continue working at. Moreover, to secure a minimum level of experience those who start serving as officers in the Border Guard Company have to go through a duty officer’s course and fulfil a written exam. The officers also go through the same comprehensive certification system in national laws and regulations, reporting, surveillance and communication etc.

The Police Directorate composes the 40 hours Police course curriculum and the course is conducted by the police in Østfinnmark Police District. The border commissioner is also involved concerning the border agreement between Norway and Russia. The police course teaches soldiers and officers how they shall perform and act within police specified matters, concerning the border agreement between Norway and Russia, Schengen regulations and jurisdiction according to Norwegian national laws. The course also contains specified training together with the police. The course contains what is necessary for the border guard concerning the EU Common Core Curriculum.

The period serving in the Border Guard Company is filled with training and exercises focused on people trying to illegally cross the border between Norway and Russia. This training is executed involving the local police. There are 6 exercises each year with both police and border guard in joint operation at all levels. This is a training program according to the agreement between GSV and the police.

In the first period with new conscripts in the Border Guard Company the different specialists are given extra training in their special functions, which shall give the patrol more professionalism in conducting operations along the borderline and executing their mission.

3.6.5. *Further specialised training*

The Norwegian Police University College is also responsible for further education. The aim is to offer studies and courses that cover the areas where there is the greatest need for new knowledge and professional updating.

In 2010 the Norwegian Police University College arranged a 6-week teacher-training course on Schengen Border Control (20 credits). Before that the last course on this topic was arranged in 2005. Trainers from most police districts participated to become so-called Schengen instructors. The course consisted of 2 weeks of defined content given in the Common Core Curriculum, 2 weeks of educational practice and 2 weeks of teaching practice in local police districts. Special emphasis was given to the Schengen Border Code and Practical Handbook which are both implemented in Norwegian law, national legislation with focus on coercive measures and investigative methods, document studies as well as forged/ falsified documents, human rights, ethics, communication skills and the importance of good analyses. The trainers are police officers with experience in border guard activity, defined as mid-level officers in the Common Core Curriculum.

After completed education, instructors are required to complete training connected to Schengen border controls in their own district adapted to suit local requirements. The Norwegian University College is responsible along with the trainers for defining and producing the content of the training to be held in the police districts, lasting for at least one week.

In the spring of 2010 the Police University College carried out a one-week training course for Schengen instructors in all police districts and special agencies in connection with the new Immigration Act (in force from 2010) and regulations coming into operation. Major parts of Schengen regulations have been implemented in this law.

The Police University College in cooperation with the Norwegian Police Directorate hold annual gatherings for Schengen instructors from the police districts and from special agencies. Such gatherings have been held since 2005. The purpose of these gatherings is to update instructors regarding new regulations and practices, to exchange information, also regarding best practices, and to maintain a network dealing with border control issues.

The Police University College holds annual courses in further education in "General Investigation" (10 credits) and "Combating Organised Crime" (20 credits). "General Investigation" deals with topics such as cross-border property criminals and cultural understanding in the field of investigation. In connection with the subject "Combating Organised Crime" the students have the opportunity to visit the National Criminal investigation Service, which informs them about international cooperation as well as the use of SIS.

As regards further specialised education the following information was received by EvalCom:

1. Document checking: except for Oslo-Gardermoen airport, there are no specific plans for further continuing education. The Schengen contacts and Schengen instructors in each police district are responsible for "follow-up" education when needed.
2. Language skills; BCP Gardermoen continues education in Arabic, Bosnian, German, English, Japanese, French, Serbian, Russian, Spanish, Kinyarwanda, Hebrew and Romanian. Between Sweden, Denmark, Iceland and Norway the respective native languages are used. There is no national plan for such education.
3. Stolen cars: no specific further education.
4. Other specialized skills: every police district has its own contact person, who is responsible for human trafficking, smuggling and to analyse threats. At Gardermoen there are officers trained in human trafficking and smuggling.

3.6.6. Specialised training for different managerial levels

No specific information could be obtained as regards this topic.

3.6.7. Measures to prevent corruption

Suspicion of corruption or detected cases would be investigated by the Norwegian Bureau for the Investigation of Police Affairs, a separate national investigative and prosecuting authority. Corruption has a strong focus but is of very limited extent within the Norwegian Police.

3.7. Readmission, expulsion, voluntary return and carrier-liability

3.7.1. Administrative structures and coordination

The Directorate of Immigration (UDI) takes all decisions regarding readmission and expulsion. Readmissions are regulated through the various agreements Norway has signed with a number of countries as well as through the Dublin II-agreement.

Expulsions are regulated through the Immigration Act (practically meaning that the expelled person will be refused re-entry into Norway for a period of time set in the expulsion decision).

3.7.2. *Removal and readmission of persons who are not admitted or who are found illegally present (identification, detention, issue of documents, escort, financing)*

Practical removals and readmissions normally take place via the detention centre at Oslo – Gardermoen airport. For the handling of migration-issues and in an attempt to concentrate expertise in the immigration field the National Police Immigration Service (NPIS) was founded in 2004 as a special body reporting to the Police Directorate. NPIS currently has about 380 employees.

The primary responsibility of the NPIS is to register and identify asylum seekers, in addition to remove from the country all individuals without lawful stay in Norway. These may be asylum seekers who have had their applications rejected, or other foreign nationals who are in the country illegally. The NPIS is also responsible for the Police Detention Centre.

The NPIS is furthermore a resource-centre for the Norwegian Police and assists other police districts in immigration cases. In addition, NPIS runs a daytime and evening telephone service for the police districts, and assists other police units as required.

The NPIS consists of eight departments, among them the following:

- The Departments of Operations, each interdisciplinary organized and responsible for different geographical areas, register all asylum seekers arriving Norway. They aim at identifying persons of foreign origin with unknown identities. In addition, these departments coordinate all arrests, and remove foreign nationals without legal stay in Norway.
- The Department of Strategy and Analysis' main goal is to support and supply the organization with relevant information, to ensure development and supply analysis in order to secure that NPIS has the relevant tools to achieve its goals. It is also responsible for sharing this information, internally as well as externally.
- The Transit Department runs the Police Detention Centre. In addition the department has the responsibility for transit services at Oslo Airport for asylum seekers and individuals expelled or rejected from Norway. The Transit Department also assists with removals from Norway.
- The NPIS also has a Legal Department, a Department of Administration and a Department of Process.

As regards forced returns, EvalCom was provided the following data:

Forced returns 2007 – April 2011	
Year	Total
2007	2.187
2008	2.326
2009	3.340
2010	4.615
2011	1.579

RESTREINT UE/EU RESTRICTED

Forced returns 2010		
Country	Total	%
Serbia	415	9,0 %
Somalia	407	8,8 %
Nigeria	334	7,2 %
Afghanistan	327	7,1 %
Iraq	293	6,3 %
Eritrea	289	6,3 %
Russia	272	5,9 %
Kosovo	171	3,7 %
Stateless	161	3,5 %
Lithuania	148	3,2 %
Others	2213	48,0 %
Total	4615	100,0 %

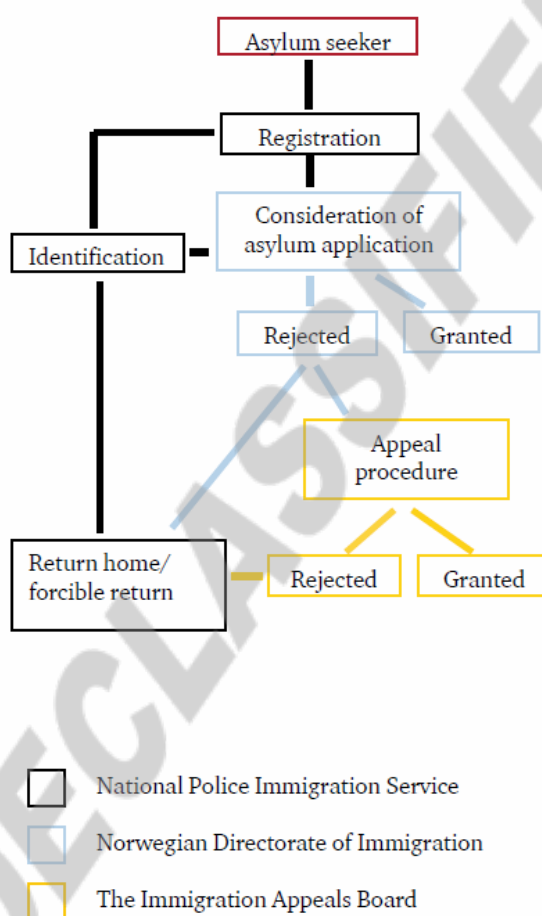
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Russia	272	5,9 %
Kosovo	171	3,7 %
Stateless	161	3,5 %
Lithuania	148	3,2 %
Others	2213	48,0 %
Total	4615	100,0 %

Forced returns January – April 2011		
Nationality	Total	%
Iraq	158	10,0 %
Russia	152	9,6 %
Nigeria	138	8,7 %
Somalia	83	5,3 %

RESTREINT UE/EU RESTRICTED

Afghanistan	77	4,9 %
Kosovo	71	4,5 %
Eritrea	52	3,3 %
Stateless	52	3,3 %
Serbia	51	3,2 %
Iran	44	2,8 %
Others	859	54,4 %
Total	1579	100,0 %

As regards the handling of asylum-cases, EvalCom was finally provided the following flow-chart:



3.7.3. *Assisted voluntary return (structure, cooperation, programmes)*

Return is promoted inter alia through personnel at the reception centres and through the web site of the Directorate of Immigration (UDI). There is good cooperation with NGO's, but AVR-programming is, co-financed by the RF, done by the relevant department of the UDI.

Norway has an assisted voluntary return program (special focus to Iraq and Afghanistan) in cooperation with IOM. Persons, who return voluntarily, are offered financial support (cash grant). Additional financial support is given for swift returns. Special grants are given to returnees as well as financial contributions to reintegration programmes.

3.7.4. *Implementation of carrier-liability*

Directive 2001/51 EC (concerning the obligation of carriers to return third country nationals who are refused entry by the member state of destination) was transposed into Norwegian legislation in 2001. Since then, sanctions can be imposed on carriers (according to Norwegian legislation an average of 25 000 NOK per person in cases of lack of passport or visa with the local chief of Police being the competent authority). The directive is thus implemented, however, except for Oslo-Gardermoen airport (32 penalties in the last three years; total amount of fines: 2.125.000 NOK) no other BCP could provide information.

4. THE BCP STORSKOG

4.1. General information

4.1.1. *Environment, organisations involved in border control, traffic and crime statistics*

The BCP Storskog, in operation since 1984, is the only border crossing point at the 196 km long land border between Norway and Russia. The corresponding BCP on the Russian side is Borisoglebsk.

As regards the number of passengers EvalCom was provided the following data:

	Passengers under visa-obligation	Total
2006	59 184	106 644
2007	64 136	108 708
2008	64 073	104 584
2009	71 591	109 535
2010	102 629	140 855
2011*		180 000
2012*		260 000
2013*		330 000
2014*		400 000

(* = Prognosis)

The above table shows that

- the overall figures are rising dramatically,
- the number of passengers under visa-obligation is proportionally rising at the same speed and that
- the total number of passengers was already 2010 1.5 times bigger as the calculated maximum capacity of the BCP (will rise until 2014 to 4 times the capacity of the current infrastructure).

There are several reasons for the dramatic rise in cross-border-traffic.

1. There are good contacts with the Russian side and economical ties are tightening.
2. The Norwegian government has declared the region of Østfinnmark one of the future most important regions as regards oil, gas and other natural resources.
3. At the consulates of Archangelsk and Murmansk Norway increasingly issues Visa C issued in accordance with the Visacode for persons living in the "Pomor-region"; main reasons are historical ties; main group of persons for whom the visa are issued are businessmen, drivers and seamen; persons eligible for those visa do not have to show justification for stay; issuance at 1st time for single entry, then - in accordance with the code up to 5 years.
4. An additional push is expected from the Agreement between the Norwegian Government and the Government of the Russian Federation on Local Border Traffic (expected to be ratified in the Duma in November, which would lead to entering into force in May 2012).

The border crossing point opening hours are currently daily from 0700-2100. There are, as EvalCom was informed, already requests from the local and regional political side to enlarge the opening hours to 0600 – 2200 and to furthermore consider having the border crossing point open 24/7 (any extension to be coordinated with Russian authorities).

4.1.2. Risks and threats

As the Russian side is performing quite strict checks at their border (there are e.g. several controls on the roads from Murmansk to the border; Russian authorities also have the possibility to hinder a Russian citizen from exiting the country) the general threat level has to be considered quite low currently. This is also caused by the existence of a border zone on the Russian side with very limited access for the population and in general by a low population density in the areas close to the border.

However, EvalCom was informed that the risk still has to be taken into consideration due to facts such as:

- approximately 15.000 third country nationals living in the county of Murmansk.
- Russian border guards intercept annually 20-40 illegal migrants of very different nationalities (Asian, African and South American countries) approaching the border.

EvalCom was nevertheless informed that, as already stated above, the number of travellers through Storskog BCP is rising every month, which brings particular challenges also to the area. In realising these challenges, the execution of Schengen-related tasks is based up on a comprehensive threat assessment and risk analysis.

4.1.3. Risk analysis and intelligence functions

Østfinnmark Police District produces quarterly threat assessments in the field of border control with contributions of the Police (common operational unit, immigration unit, security police and Storskog BCP), Customs, GSV Border Guard, Border Commissioner, Coast Guard and Directorate for Fishery (analysis subunit “Russian group”). This product, taking into account the different seasonal challenges and being applicable for land-, air- and sea-border in the region, is also the contribution sent from regional level to central level (National Criminal Investigation Services).

The unit in charge of threat assessments and risk analysis at District level for Østfinnmark is the Intelligence Unit, which consists of 5 officers and is based at the HQ in Kirkenes. The head analyst has a working position in the control room of the operations centre.

4.1.4. Means deployed to combat illegal immigration networks

No information could be obtained concerning this topic.

4.2. Infrastructure and equipment

4.2.1. Structure of border crossing point

The border crossing point currently comprises

- a main terminal between the entry- and exit-lanes, where border checks are performed and where also offices for police and customs are located,
- in the terminal two workplaces on the entry- and two workplaces on the exit-side
- Narrow and too small waiting area (long queues e.g. already in case of the arrival of one bus)
- No separate lanes for 2nd line controls at entry or exit
- One vehicle exit-lane (further expansion not possible due to the close lake)
- Four vehicle entry-lanes (last one added since June 2010)
- Radiation-gates and barriers (handled from inside) at entry
- a vehicle-inspection-hall being under the responsibility of the customs and
- the district K9-unit (dog-platoon; military unit) with altogether 6 dog-units (4 German and 2 Belgian shepherds and 6 dog-handlers).

Since the current infrastructure was originally planned for a maximum capacity of 100.000 passengers, there is an urgent need to further enhance the infrastructure. As EvalCom was informed, there is already a temporary expansion being planned and there is even a new BCP under consideration (no plans yet available; since an enlargement at the current place is impossible due to the given topography, the new BCP is to be planned further inbound close to the current entry-gate to the BCP; said to be finished until 2015; a study comprising the future needs that was elaborated jointly between all local and regional authorities was presented to EvalCom).

During the evaluation visit no concrete information about possible common NO/RU BCP at Storskog/Borisoglebsk was provided to the EvalCom. However after the evaluation visit Norway has informed that Norwegian and Russian authorities have agreed to establish an ad-hoc working group to look into the possibility of closer cooperation between Russia and Norway on a new common BCP on Storskog/Borisoglebsk. This was decided on a high-level meeting headed by the Russian Vice Minister for Regional Affairs Mr Travnikov and the Norwegian Secretary of State Ms Lind, Ministry of Trade and Industry in the WP on closer cooperation regionally and in the border area as late as 27-28 October 2011.

In this context EvalCom wants to forward the following information: Bearing in mind the currently ongoing discussions concerning the *Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) and the Convention implementing the Schengen Agreement* EvalCom urgently reminds the Norwegian authorities of the need to have a bilateral agreement for this. For the conclusion of such bilateral agreements between Member States and neighboring third countries on cooperation in border control with joint border crossing points, furthermore an explicit legal framework is needed (also covering certain key issues such as the situation of persons requesting international protection). The amendment currently under discussion (amendment of Annex VI, pt. 1), which will constitute this legal framework will, when adopted, allow Member States to conclude bilateral agreements. Taking into account the current state of discussions it just needs to be mentioned that a date of adoption can yet not be foreseen and consequently - until then - joint BCPs have to be considered not in compliance with the Schengen Borders Code.

4.2.2. *Traffic handling / traffic modes and separation of flows*

As already mentioned under pt. 4.2.1., there are four lanes available on entry and one on exit. The first two lanes are for vehicles with "nothing to declare", the third lane is for lorries and buses and the forth one is for vehicles with "goods to declare". The only lane on exit has to serve for all types of vehicles.

Border checks are performed in a way that all passengers arriving (entry and exit) have to park their vehicles in the available lane, leave the vehicles and go to the control-booths inside the terminal. After completion they return to their vehicles and continue their journey.

There were, at the time of the visit of EvalCom, no particular checks of the vehicles performed by officers. The area is yet monitored by two cameras operated by the officers working at first line control.

4.2.3. *Lanes for checks and signposting*

The lanes on exit and entry are equipped with signposting as mentioned under pt. 4.2.2. There are no separations between "EU, EEA and CH citizens" and "All passports". There are traffic lights for each of the lanes to indicate, whether a lane is opened for traffic and are controlled by the officers inside the booth as well as barriers at the lanes (both entry and exit lanes) which are controlled electronically by the first line officer.

The workplaces inside the building (two for entry and two for exit; another one for entry foreseen as a part of the foreseen temporary extensions) are equipped with signposting in compliance with annex III of the Schengen Borders Code (562/2006).

4.2.4. *Control facilities*

Border checks are performed inside the terminal, where there are two workplaces each on entry and exit. Border guards working there are facing the passenger (position allows easy profiling, yet the waiting areas are narrow and - in the case of clearance for a whole bus, which could be observed by EvalCom on exit - there are long queues).

For second line checks there is an area between the workplaces on entry and exit.

For second line checks of vehicles there is a fully-equipped inspection hall (except facilities to unload frozen goods) belonging to customs. Being questioned about the cooperation between police and customs the police informed EvalCom that there were no problems getting access also for the police if need be.

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

Each of the control-areas on entry and exit are equipped with computer terminals for consulting the national databases and the SIS and also with access to intranet, an optical passport reader and a fixed telephone line. There are no UV lights, nor retroreflective lamp, nor magnifying glasses available.

Each border guard on duty has an entry or exit stamp which are not personal. Via the intranet each border guard can furthermore access the electronic version of the SBC, the Schengen Handbook and the annexes, other relevant EU legislation, an exit/entry database, national police databases on vehicles and persons, eReporting, EUVID and specimen of different travel documents (iFADO not yet available but installation planned).

The following equipment was found to be available in second line:

- Video spectral comparator VCS 6000 Foster freeman
- magnifying glass
- Registration system for visa holders
- EURODAC
- FAX

The EvalCom was told that, apart from the mentioned inspection-hall, there is no technical equipment for checks of trucks.

The EvalCom found the equipment at the first and second line not sufficient. The EvalCom invites the responsible authorities to provide the necessary equipment.

4.2.6. *Available databases*

National databases:

- PO (police operative system),
- DUF (for foreigners – the directorate of immigration)
- ELYS (national database for criminals),
- NORVIS (National Visa System)
- GK (Border Control System)
- INDICIA (national intelligence and analysis system)
- FREG (population register)

International database:

- SIS
- INTERPOL
- EURODAC (available at the 2nd line office).

iFADO is not available now but the experts were informed that the installation is planned.

4.2.7. *Availability of legislation and documentation, including the Schengen Borders Code, the Schengen Handbook, the Visa Code and the Practical Handbook on the Visa Code*

All officers have, as already mentioned, access to legislation and documentation, including the Schengen Borders Code, the Schengen Handbook, the Visa Code and the Practical Handbook on the Visa Code, yet they did not seem to be very familiar with the information when being asked by EvalCom to use it.

4.2.8. *Communication*

Communication at the BCP Storskog is still performed by analogue radio system. Border guards performing their duties in the northern part in the area with low signal coverage are using mobile base to inverse the signal. Satellite phones are also used in many areas to ensure connectivity and ability to communicate.

The workplaces at the BCP for border checks (entry and exit) are also equipped with fixed telephone lines, which enable to call to the satellite phones.

A TETRA radio system is planned to be installed in a future to insure better connectivity between BGs.

4.2.9. Transportation and mobility

There is one personal car available at the BCP providing basic mobility.

4.2.10. Perimeter access control / fencing

There is a fence surrounding the entire area of the BCP. Entry and exit to the BCP is secured by a gate, which is locked outside working hours.

Outside working hours the entire BCP is also under permanent surveillance by the GSV. Entry and exit lanes are also secured by barriers, operated from the boots.

The entire area is under constant CCTV camera surveillance, consisting of 17 cameras giving good access to the whole BCP area. Received pictures and video are stored in a system for seven days, after which the material is automatically erased. The situation pictures at the BCP are also constantly shown at a screen in the police command and control centre. However the picture, after zooming in on a particular object, was found to be very poor and unclear.

4.2.11. Detention / readmission premises

There is one room (without any furniture) for temporary detention available at the BCP. The room is located in a main building close to the leader office.

4.2.12. Storage of blank visa

Border guards at the BCP are not entitled to issue visa at the BCP. Issuing of the visa is done at the Department for Foreigners at the Police Directorate in Kirkenes.

4.2.13. Storage of entry and exit stamps

Entry and exit stamps were found to be appropriately stored in a metal box in a locked storage room.

4.3. Controls and procedures

4.3.1. Risk analysis, information gathering and APIS

The main risk profiles at the BCP are moving criminal groups, mainly of Russian origin and active in matters such as speed-boat engine thefts.

Additional risks, according to the quarterly threat assessment, are the limited knowledge of the staff about false documents and the undetected passage of the BCP in the lanes over/under the barriers.

The head of the BCP is in charge of intelligence and risk analysis, as well as criminal investigations. Information is obtained from district level and from daily work, but also from trilateral NO-FI-RU meetings, attended by him, the heads of the Finnish BCPs to Russia and the heads of Russian BCPs or regional authorities from Murmansk, bilateral meetings between Storskog BCP and Russian border controllers (4-6 times a year), weekly contact by e-mail and phone between Norway and Finland and daily cooperation with customs.

The relevant information is transmitted within the BCP by e-mail. There are no briefings. E-mails are also used for debriefings from one shift to the next, especially from evening to morning (the BCP is closed by night).

Police officers working in the BCP were found to be aware of the contents of the Indicia system, through which criminal intelligence and risk assessment matters are transmitted for all the Norwegian Police.

4.3.2. First line activities: Procedure of checking on passengers on entry and exit (profiling, verification of conditions governing entry, scrutiny of travel documents and examination of entry and exit stamps)

As EvalCom was informed, controls of vehicles are performed in a way that persons drive up to the barriers, where signs mention that they have to remain seated until the light is on green. Then, while the barriers remain closed, all passengers have to leave the vehicle and present themselves to the entry checks in the main terminal, where at the time of the visit 2 Police officers were being on duty each on entry and exit.

After the checks the passengers leave the terminal through a special exit-door, after which they end up behind the barriers. The driver then has to return to his/her vehicle using a turnstile. After entering the vehicle he/she gets permission to pass the border and after having passed he/she can pick up the remaining additional passengers and continue his/her journey.

During the visit entry stamping of the passport was done correctly and questioning was done mainly correctly, since the Police officer had a good knowledge of the Russian language.

However it was also explained that during peak times, questioning was/could be hardly done.

As regards checks of travel documents, EvalCom had to observe that the authenticity of documents was not thoroughly checked, since no equipment for verification was present at first line; the control relied only on the visual expertise of the Police officer.

During the visit no arrival of lorries could be verified, but the EvalCom was informed that the procedures are basically identical for all kinds of vehicles. The EvalCom could witness the control of a mini-bus, and same procedure was followed.

On exit there is only one lane, yet the same procedures are being followed. Stamping on exit was not found being done in accordance with the provisions of the SBC, as stamps were placed on the MRZ and in the centre of the visa.

If a person would be an overstayer, a fine of 500 NOK could be imposed.

The EvalCom noted for entry as well as for exit that the persons did not have to follow the signposting ("EU – EEA – CH" or "All passports"; procedures obviously due to the limited space in the waiting area).

The EvalCom furthermore noted that for entry and exit all the stamps used by several police officers remained at their workplaces while the Police officers were not there. Only outside the office hours (7 – 21 h), the EvalCom was explained, all stamps are locked.

The EvalCom further noted that at entry and exit there were "entry-cards" available in the public area, which the passengers were supposed to fill in. Reason for these cards was, as EvalCom was explained, to have the data of the passengers also available in case of slow - or not-working IT-connections. In such cases, as EvalCom was informed,

- the data on the cards would be crosschecked with the data in the passports,
- the cards would be collected and
- the data would be put in the system when either connection was again possible.

4.3.3. *Second line checks, including thorough scrutiny of travel documents*

The EvalCom was explained that 2nd line checks are also performed by the officers of the 1st line. If doubts on a document should occur, the EvalCom was explained that by preference a civilian border guard is asked to assist due to the specific knowledge needed for the verification (handling of the ICT).

The civilian border guards present in the BCP have the same access to the systems as the Police officers and have the same possibilities to do the border checks, although they have limited police authority, which implies that only Police officers can handle violation of public order and also investigate violations of the Immigration Act.

Concerning information according to art 7(5) of the SBC, it was explained to the EvalCom that the information can be found on the intranet (KODE) and is available there in 7 languages, i.e. English, French, Russian, Spanish, German, Urdu and Arabic.

4.3.4. *Processing of refusals*

The EvalCom was explained that only a limited number of persons are refused entry. This year only 42 persons had been refused entry, mostly Russian people due to expired visa or the fact that the visa was not valid yet.

The persons are sent back immediately to Russia.

The persons have the right to appeal (no time limit mentioned on the refusal form) and the appeal has no suspensive effect. The person can appeal orally in front of the Police officer, who then has to write the appeal down. This appeal has to be dealt with at the National Immigration Directorate (UDI).

According to the Norwegian law, a person also can be notified a pre-warning of refusal. This document explains that a person might be refused. This can be given in case when a person would e.g. ask for a visa at the border.

Every police officer had the authority to decide on a refusal of entry, in the cases of no valid visa, no valid travel document, in case of wanted or expelled persons in SIS. In other cases they have to make a report and contact the police lawyer in Kirkenes or Vadsø. If there should be false documents involved, the case might also be brought before the National Police Immigration Service or the person can be brought to court in Vadsø.

4.3.5. *Processing of asylum applications*

The EvalCom was explained that the number of asylum seekers in the Østfinnmark area is very low (in 2011 only nine cases occurred, e.g. Colombia, RDC and North-Korea). A case has to be presented to the police lawyer, to be contacted in Kirkenes or Vadsø. If false documents are involved, a criminal case could also be started (depending on the decision of the police lawyer). In any case, the person is then handed over to the National Police Immigration Service and transferred by plane from Kirkenes to Oslo.

The EURODAC system was found in place, and the EvalCom was told that the results were known in about one hour.

4.3.6. *Issuance of visas at the borders*

The EvalCom was explained that no visas were delivered at the border. In the future NORVIS should be foreseen. If a person would need a visa, the person had to be brought to the Department of Foreigners in Kirkenes to issue the visa. In the past this occurred 1 or 2 times, as the EvalCom was told.

4.3.7. *Removals/returns from the country*

Removals of Russian nationals from Norway normally take place by air from Oslo-Gardermoen airport. However, some cases returned from the north east are sent through the BCP Storskog (2 so far in 2011).

Plans to send over these returnees, who previously must have been documented, are received at the BCP from the National Police Immigration Service (responsible for removals) and are then sent to the Russian authorities in Murmansk via the Norwegian and Russian Border Commissioner. Once the transfer is approved (1-2 days), the returnee is brought to the BCP and, if necessary, escorted until the border line.

4.3.8. *Sanctions imposed on carriers*

Only a few sanctions were imposed so far. It was explained that only 1 or 2 cases existed, and the fines were imposed on bus companies. Each fine is 8000 NOK (about € 1000). If it would be found out that a smuggler would have brought several illegal persons, the fine could be up to 25000 NOK (about € 3000), all decided by the police lawyer.

4.3.9. *Use of new technologies (Automated Border Control)*

The National Immigration Directorate (Ministry of Justice) is developing a system of e-gates to be installed at the BCP in Storskog in order to be used by holders of the permits for local border traffic (no further information could be obtained by EvalCom). The system is expected to be ready in May 2012.

4.4. Staff and training

4.4.1. Availability and permanency of staff

a) Border Checks:

The National Police are responsible for border checks at the only BCP at the Schengen external land border. The Østfinnmark Police District has a staffing-level of 161 (110 Police Officers with three years Police training at the National Police University College in Oslo and 51 civilian employees) and is responsible to staff 9 Police Stations in the region. Storskog has 12 officers (1 Commanding Officer, 5 Police Officers and 6 civilian passport controllers). It is policy of the District Headquarters to make every Police officer in the District familiar with Schengen matters and so the Police officers at Storskog are posted there from Kirkenes Police Station for a limited period only. This “rotation” (it has to be noted that some Police officers volunteer for the job in Storskog and have already served some stints of 6 to 9 months or volunteer to stay even longer) contributes to the fact that there is limited permanency of staff and that the newcomers have to be trained on the job by the Station Commander).

The number of staff can under no circumstances be considered sufficient taking into account the procedures which would request at least one officer at the entry and exit lane to check that everyone presents himself to border control and does not hide in the vehicle. It is expected, as EvalCom was informed, that by spring 2012 the staff will be increased by 8 Police officers (depending on the budget for 2012).

b) Border surveillance:

This is a traditional task of the Border Guard Battalion of the Garrison in Sør-Varanger, a military unit of battalion strength (59 commissioned officers, 42 non-commissioned officers, 2 enlisted, 6 civilian employees and 554 conscripts). The conscripts are taken in twice a year and usually only one candidate out of three is selected (limit to best and fittest). The conscripts do the national service of one year duration in the Battalion. The Battalion is able to staff 6 border Guard Stations, 7 OP and 8 so called field observation posts (FOPs) of which only the FOP Pikevann is permanently staffed, while the other seven FOPs are staffed only on a temporary basis.

c) Rapid response team:

Østfinnmark has a highly specialized and well equipped Rapid Response Team with a staffing of 13 officers to react quickly under all weather conditions if a border incident is reported. It has to be noted however that the Police officers perform normal Police duties during working hours and are not on stand-by. Another shortcoming is the fact that 5 members are distributed throughout the District and are not readily available in Kirkenes. As EvalCom was informed the Rapid Response Team is able to leave within 45 minutes after alert for any scene of the incident.

4.4.2. Adequacy and level of professionalism

a) Border Guard Battalion:

The high staffing of officers and NCO's in the Battalion guarantees a very high level of professionalism in the performance of duties. In addition only the best conscripts are chosen for service in the Border Guard Battalion, which contributes – together with the 90 years tradition – to a very positive corporate identity and a good service record. The training is permanently revised and adapted to the changing needs.

b) BCP Storskog:

The Police officers and civilian border guards present during the time of the visit showed a rather good level of professionalism, they could handle the available equipment accordingly and performed the passport checks according to the Schengen Acquis. The available data bases were used routinely and the officers interviewed could demonstrate the passport checks in a satisfactory way.

4.4.3. *Training on border control*

- a) Border Guard Battalion: New incoming recruits receive a 4 ½ months training in the training Company at the Garrison in Sør-Varanger, which comprises basic military skills but also police related trainings (40 hours police course during the first 6 months spent in the Training Company). In addition there is a 3 weeks training on the job to prepare the recruit to be a full-fledged member of the Border Guard Company, whose members perform the actual border surveillance.
- b) Border Checks: The Police officers receive three years of training at the Police Academy in Oslo and are well aware of the basic Schengen principles in the field of border checks. It has to be noted however that Police officers who have been newly posted to Storskog have to be trained on the job by the Station Commander until they are able to perform border checks on their own. This procedure has to be repeated with every rotation of new Police officers. The civilian passport controllers receive training on the job by the station commander and have to do most of the studies by themselves. Only a few months later they receive a 5 weeks of training split up into 3 modules (1 week and twice 2 weeks).

4.4.4. *Linguistic skills and training*

At the time of the visit of EvalCom to the BCP Storskog one police officer was able to speak Russian at an advanced level. The other officers present had only a limited knowledge of phrases necessary to handle routine cases. The command of English was generally excellent or at least at a satisfactory level.

Police officers working at the BCP Storskog are, as EvalCom was informed, supposed to undergo a 10 weeks Russian training course split into 3 modules in the near future. The problem stays however unsolved if the principle of rotation is upheld.

4.4.5. *Specialised document checking skills and training*

There is no document expert available at the BCP Storskog BCP. Police students receive basic training in the recognition of forgeries, most of the further training is done on the job.

4.4.6. *Specialised training for different managerial levels*

No information could be obtained on this topic.

5. BORDER SURVEILLANCE

5.1. Strategy and resources

5.1.1. General remarks

According to Norwegian legislation border surveillance is, under the strict leadership of the Police, carried out by the Border Guard Battalion of the Garrison of Sør –Varanger. The Battalion is present and acting in the area since 1921 (originally protecting the border to Finland now being the border to the Russian Federation).

As regards the organization of border surveillance, the following three authorities have to be mentioned:

- Østfinnmark Police District,
- Border Guard Battalion of the Garrison of Sør –Varanger and
- Norwegian Border Commissioner

The overall responsibility for Border control (i.e. border checks and border surveillance) belongs to the Ministry of Justice and the Norwegian Police Directorate, in the area to the Østfinnmark Chief of Police.

Border surveillance is based on the Cooperation agreement between the Østfinnmark Police District, the Border Guard Battalion of the Garrison of Sør –Varanger and the Norwegian Border Commissioner, signed 1 February 2008 and with:

- Annex 1: Training
- Annex 2: Observation and detection
- Annex 3: International Boundaries Act and Border Agreement
- Annex 4: Norwegian Immigration Act (Schengen Assignment).

Based on these agreements the Commander of the Border Guard Battalion of the Garrison of Sør-Varanger is responsible for border monitoring (prevent and intervene against violations of the Norwegian Immigration Act and the Borders Act as well as the Border Agreement; carried out within the authority of the limited police authority assigned and in accordance with a special enforcement directive) of the Norwegian Russian border in close cooperation with the Øst-Finnmark Chief of Police and the Border Commissioner.

He has the duty to expose any violation of the border legislation, which i.a. includes:

- Observation
- Detection
- Documentation
- Reporting
- Localisation
- Apprehension
- Searching and
- Transport.

The responsibility for monitoring of the BCP Storskog area outside the normal opening hours goes to the GSV.

In the event of a violation of the Norwegian Immigration Act, any action is to be based on the collaboration between the Norwegian police and the Norwegian Armed forces with the Police having the tactical command and the aim of the GSV being to create the best possible prerequisites so that the Police can make the apprehension. The form of cooperation has been explicitly put down in annex IV of the Cooperation Agreement (see also pt. 5.1.4.)

Currently border surveillance in the area of Sør-Varanger is, based on foot and mobile patrols and also the deployment of a considerable amount of technical equipment, organized as follows: There are

- six Border Stations
- seven permanent Observation Posts (manned 24/7 with 4-8 border guards; each of them equipped with technical devices such as radars, thermal cameras, night and day vision cameras as well as optical means in order to ensure a 24/7 monitoring of the border)
- eight Field-Observation Posts (one manned permanently, the others manned temporarily)
- nine Patrol Cabins (temporarily manned during patrols)

The EvalCom visited the following sites:

- BGS Skogfoss, EvalCom could observe an exercise where an illegal migrant could be observed and then – with a team that started from the BS – apprehended within 3 minutes - distance 500 m
- BGS Svanvik (formerly shared border with FI, oldest building, started 1944, fully restored, 2 Officers, 2 NCO, 32 conscripts, 2 jeeps, 5 ATVs, 2 out of 6 boats that are available at the Garrison, 8-10 snowmobiles;)
 - OP Bjoernsundhoyen (constantly manned)
 - OP Vardoefjell and
 - OP “247” (1 NCO and 3 conscripts; surveillance of the land border and the sea border up to 12 nautical miles; in case of a crossing from the sea a report goes to headquarter to check if the vessel is registered; surveillance is done with day and night camera and with thermo-vision-camera every 30 min; communication via telephone over a secured line; so far no cases).

Besides surveillance with stationary technical measures the GSV Border Guard Battalion carries out mobile patrols by using several assets like jeeps, all-terrain vehicles, snow mobiles, tracked vehicles and patrol boats. Finally the Border Company contains also a dog platoon with currently -6- dog handlers with tracking dogs

During the presentations the “New Border Guard Concept 2014” was introduced to EvalCom which will bring forward the following changes:

- Abolishment of the six Border Stations and establishment of two new Border Stations (North and South)
- Division of the current Border Company into a Border Guard Company North and a Border Guard Company South
- Increase of the dog-platoon (double the current number).

The number of Observation Posts will be retained.

The new strategy is supposed to bring the following advantages:

- Increased flexibility based on threat and seasonal changes
- AOR for each company
- Increase in available officers and official professionals
- Easier cooperation with Police
- Increased dog capacity

5.1.2. *The Border Guard Battalion of the Garrison of Sør –Varanger*

The Garrison of South-Varanger Border Guard Battalion belongs, as already stated, to the Norwegian Army and was established in 1921. It currently carries out the following main tasks:

- assertion of sovereignty (military defence function)
- executing the Border Treaty with Russia
- conducting border surveillance at the Norwegian-Russian landborder (Schengen task) on behalf of the police

At the moment the battalion consists of 109 officers, non-commissioned officers and civilian staff as well as 554 conscripts and has the following organisational structure:

- Commanding officer
- Battalion staff
- Border Company
- Border Company Education
- Border Company Support
- Officers Education

According to the Norwegian system of conscription every 6 months the battalion receives new conscripts. Firstly they undergo a 6 months soldiers training which includes 40 hours of specific police education. After having passed the training the soldiers serve as border guards in the Border Company for further 6 months. The above mentioned police training continues during this time and includes exercises on staff level and on the level of the border station. Dedicated police trainers ensure the quality of the ongoing training.

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

As regards reaction capability firstly it must be stated that according to Annex IV of the agreement between Police, GSV and Border Commissioner the police is responsible for apprehending people suspected of violations against the Immigration Act. While carrying out this task the police is supported by the GSV which, according to Annex IV, shall assist the police in matters of violations against Immigration Act.

In the case of a border incident there are the following possibilities for the police to enhance reaction capability:

- deployment of patrols
- call for Rapid Response Team

Usually the mobile patrols of the Østfinnmark Police District are the first police forces which can respond to the scene in the case of a border incident. These patrols are not specially designated for border surveillance or intervention as they are carrying out normal police tasks.

A second possibility is to call the Rapid Response Team. It consists of currently 13 police officers who undergo a specific training for serious incidents and who are equipped with special technical devices, weapons etc. All these officers are usually working on different positions in the Østfinnmark Police District (8 in Kirkenes, 5 in other stations). In the case of an alert they first meet in Kirkenes and after having briefed and equipped they respond to the scene. Unfortunately there is no readiness system for this team. That means in the case of an immediate request for support by the response team only an undefined number of officers will be available. The reaction time depends on the circumstances like daytime, weather, availability and varies from 45 minutes up to some hours.

As the EvalCom was told there isn't any helicopter available for police operations like surveillance and transport of response forces.

5.1.4. Reaction coordination between Østfinnmark Police District and the Border Guard Battalion of the Garrison of Sør-Varanger

In general coordination between Østfinnmark Police District and the Border Guard Battalion of the Garrison of Sør-Varanger is organized as follows:

- The Chief of Police issues once a year a "Letter of priorities"
- Based on these priorities the GSV Commander issues also once a year an operations order (OPO) with the most important guidelines for the BG priorities (changes possible in case of need)
- Based on the OPO the GSV Commander issues every month a FRAGO (fragmentary order), which provides guidelines for the allocation of the forces based on the threat assessment

Documentation obtained from the deployed technical devices (i.a. KONSIS) are made available to the Police via GSV

There is an exchange of Los between the Police and the GSV

There is IT-equipment providing the same situational picture at the OPC at GSV and Police

As regards the handling of concrete incidents the following procedures were introduced to EvalCom:

Annex IV of the Cooperation Agreement between the Østfinnmark Police District, the Border Guard/Sør-Varanger Garrison and the Norwegian Border Commissariat deal with the Handling of Immigration Act violations. According to it, the Police exercise executive authority over the Border Guard in the practical performance of duties in connection with violations of the Immigration Act. The Border Guard shall create the best possible preconditions for the Police to enter and carry out the apprehension.

In case an incident is detected by a Border Guard station (BGS), the Police operations centre is informed. In principle, both the BG and the Police should establish a staff to handle the situation, but while this happens, the reaction of the BGS and the Rapid Response Team (RRT) of the Police, will be coordinated by the incident commander (IC), who is the "supreme commander on the tactical level".

The IC is a police officer who normally carries out other duties but can be appointed for this function by the operations centre when the need arrives. In Østfinnmark Police District there are currently 3 police officers qualified for this task. In case none of them can be reached, the senior officer on duty will act as IC.

In order to obtain the qualification as IC, some practical experience prerequisites have to be met. Afterwards, a 4 weeks training by the National Police University College, divided in several stages, is followed.

Once warned by the operations centre, the IC and the officer in command of the RRT shall establish, prior to departure, a threat assessment and a preliminary plan for deployment. After arriving in the area of the incident, it is the intention that the IC and the duty officer of the BGS are co-located to enable the transmission of information and the coordinated use of resources. The chains of command of the Police and the BG, however, are not altered.

In the last phase of the operation, e.g. the actual apprehension of the illegal migrants, the IC can hand over the tactical command to the RRT officer.

Differentiation is made between low level threat and high level threat missions. In low level threat missions (no armed or dangerous persons) the BG can pursue, intercept, surround, apprehend, search and even conduct immediate interviews on suspected persons without having to wait for the arrival of the Police (RRT) and before handing over these persons to them. In high level threat missions, the BG cannot go further than the surrounding phase, and only the Police are authorised to carry out the apprehension.

In any case the decision is made either by the Chief of Police or – in her absence – the Assistant Chief of Police

Asked about how far they can pursue suspected persons inland, BGS officers answered that it is a two marching hours' distance.

Both Police and the BG officers presenting the abovementioned coordination procedure declared it was a well-functioning system and that, although real cases are extremely rare, practical exercises are carried out regularly.

5.1.5. Communication and encryption

For radio communication the police and the Border Guard use analogue networks which allow direct connection in cases of need. The implementation of a digital radio network on TETRA-standard is planned. Additionally in remote areas with low radio coverage mobile stations to reinforce communication and in areas without radio coverage satellite phones are used.

Both the police and the GSV Border Guard have their own command and control centres. The police centre is located in the Østfinnmark Police District building and responsible for command and control duties in the districts' whole area of responsibility. It is manned 24/7 with 1 or 2 duty officers. In case of serious incidents the Chief of Police would take the necessary measures.

The command centre carries out the following tasks:

- receiving of emergency calls for the police (112)
- ensuring the availability of a constant situational picture
- deployment and management of police patrols, giving all necessary instructions to the patrols (operational leadership)
- appointment of an incident commander on the spot

As regards border surveillance the police command and control centre is constantly informed about the current situation at the border by the GSV Border Guard. On a separate screen the available border guard units are shown. Beside this the police have no direct access to the images set up by the technical surveillance system of the border guard.

For the purpose of border surveillance the Border Guard Battalion has an own command and control centre. It is manned 24/7 by a duty officer, two watch keepers and one information manager (daytime). This centre fulfils the following tasks:

- monitoring the border by use of technical means
- ensuring the availability of a constant situational picture
- deployment and management of border patrols (on a regular basis and in case of incidents)
- giving immediately information to the police in case of incidents at the border.

The direct communication with the Russian Border Guard Service in all border issues is the responsibility of the Norwegian Border Commissioner.

6. COMMENTS AND RECOMMENDATIONS OF THE EVALUATION COMMITTEE

The EvalCom is appreciative of:

- The performance of GSV and level of cooperation with the National Police.
- The Border Guard Battalion is well staffed with a rather high percentage of officers and NCO's. The enlisted personnel and the conscripts doing their one year national service are well selected and highly motivated as this unit is regarded an elite Battalion. The technical devices are available in a sufficient number and they are constantly on a modern standard. The training lasts for almost 6 months and comprises Police training which enables the unit to perform their duties in a satisfactory way. Taking the level of threat into consideration the border surveillance is efficiently organized and carried out.
- The knowledge of English language among Police and BG has to be considered on a high level. The staff met by EvalCom was fluently speaking English and English seemed to be well in use as an international means of communication.
- The EvalCom appreciated the high level of performance and situational awareness by the GSV and the clear definition of roles with the Police in case of incidents.

The EvalCom took note of:

- The EvalCom took positive note of the exchange of information with the Russian authorities towards the GSV and the Police, however considers it a challenge to obtain all information in a more rapid way in order to act and react on the moment.
- The EvalCom was also appreciative of the motivation of the staff dealing with border checks and border surveillance, as well as on Police as on GSV level. EvalCom yet had to take note that, contrary to the field of border surveillance, there was still room for improvement in the field of border checks, especially concerning infrastructure, equipment, staffing and procedures. EvalCom invites the Norwegian authorities to urgently review and remedy the detected shortcomings listed further down below so that also border checks can be performed fully in compliance with the SBC (i.e. guaranteeing an equally high level of performance also at border checks).
- In this context EvalCom took positive note of the fact that talks on a two-step development-process for the BCP Storskog have already started.
 - As regards the temporary solution EvalCom welcomes the foreseen enlargement on entry- and exit and just encourages the Norwegian authorities to also adequately increase the staffing and equipment so that the additional resources can also permanently be used.
 - As regards the foreseen construction of a new BCP EvalCom appreciated that the Østfinnmark Police District was already tasked to express its needs and develop a first set of proposals. In view of the received information EvalCom just recommends Norwegian authorities
 - to carefully study the requirements in the SBC, the recommendations in the Catalogue and also other best-practice examples in order to develop a BCP that will indeed comply with the future needs and
 - furthermore to provide for a speedy process in planning and construction so that border checks can soon be performed fully in compliance with the SBC (adequate checks and still fluency of traffic).

The EvalCom sees room for improvement in:

- Referring to the shortcomings mentioned above EvalCom first of all invites the Østfinnmark Police District urgently to review the current rotation-system of personnel between Kirkenes Police Station and Storskog BCP and to ascertain a permanent – and sufficient - number of highly trained Border Control officers with longer experience of the specific jobs to be performed at a BCP according to the SBC. The current rotation system is recognised as a hinder for developing of the needed high level of performance and puts a heavy burden on the Station commander as he has to permanently train new staff.
- As regards procedures EvalCom had to take note that currently there is basically no 2nd line for document-checks at the BCP and that the verification of the authenticity of the travel documents in 1st line seems to only depend on the visual expertise of the Police officer. As there was therefore room for improvement concerning document checks and document expertise at the BCP, EvalCom recommends to enforce training and increase equipment in 1st and 2nd line and to permanently provide for a sufficient number of interested and adequately trained personnel available as document experts in order to be able to perform document checks in accordance with the provisions of the SBC and the recommendations of the Schengen Catalogue.
- EvalCom invites the Norwegian authorities to also ensure availability of appropriate second line equipment for checking hidden persons in trucks. In view of the foreseen heart beat detector EvalCom recommends to the Norwegian authorities to provide for safe and appropriate premises to ensure optimal use of the equipment.
- Although the current character of the BCP shows that it is mostly frequented by low-risk passengers it can be expected – due to the increase in visa-issuance for citizens in the “Pomor region”, the entry into force of the LBT-agreement and the rising economical importance of the area, that the number of passengers – and the need to communicate with them during checks will increase. It is therefore highly recommended to organize Russian language courses for the personnel performing duty at Storskog BCP so that border checks can be performed beyond the level of routine checks. Also in this context it is suggested to reconsider the rotation policy of personnel within Østfinnmark Police District (currently only between Kirkenes Police Station) and Storskog BCP.
- Besides the language-problems EvalCom was told that entry checks at the BCP (also as regards its contents) are not always done as indicated in the SBC, due to a lack of staff. EvalCom would encourage putting the priorities in that way that border checks can be performed thoroughly.
- EvalCom was finally also informed that, due to staffing-problems – the former 100% - check of vehicles had to be abolished and that only random-checks can currently be performed. Apart from the comments on the currently applied system of border checks (leaving the car in the lane and walking through the area for border-checks in the terminal; see further above in the text and also general comments at the end) EvalCom urgently invites the Norwegian authorities to already now considerably increase the staff at Storskog BCP so that sufficient outside surveillance at the entry and exit lanes can be ensured and also the vehicles can be adequately checked. EvalCom is of the firm opinion that the present system of surveillance with cameras and only random checks by personnel (due to staffing problems) could make it quite easy that illegal migrants hide either in the passenger compartment or the boot of vehicles.
- While the signposting in the main terminal (where the actual checks take place) was found to be in compliance with Annex III of the SBC, there was no dedicated lane for EU/EEA/CH-citizens on entry and exit (when approaching the BCP). EvalCom invites the Norwegian authorities to change the signposting existing there and implement signposting in accordance with Annex III of the SBC at this BCP.

- The EvalCom noticed that stamping was not always done according to the SBC. EvalCom invites the Norwegian authorities to correct the stamping to have it in full compliance with the provisions of the SBC.
- As regards stamping EvalCom furthermore had to observe from the stamps affixed in the passports that the ink of the stamps was often mixed (red and black). EvalCom recommends to replace the “ink – tank” to provide for orderly prints with clearly separated red and black ink.
- The EvalCom was explained that no visa could be delivered at the border and that if needed one the person had to be brought to the Foreigners Department in Kirkenes. EvalCom invites the Norwegian authorities to urgently stop this procedure and ensure that a visa, if needed, can be delivered in accordance with the provisions of the Visa code at the BCP.
- According to the Annex IV of the agreement it is the responsibility of the police to react in cases of violations of the Immigration Act like illegal border crossings. However the Østfinnmark Police District has only limited reaction capability resources. In the case of a serious border incident – and contrary to the contents of the agreement - the support by the GSV border guards has to be considered crucial. The EvalCom recommends the Norwegian authorities to
 - establish a rotational readiness system for the Rapid Response Team in order to secure a sufficient availability at any time
 - consider providing appropriate helicopter-readiness close to the Russian border for immediate reaction and transport of response forces.