

UNHCR Observations on the Proposal on amendments to the Immigration Act and the Immigration Regulations – procedural rules for collective protection etc.

[Forslag til endringer i utlendingsloven og utlendingsforskriften - saksbehandlingsreglene for kollektiv beskyttelse mv]

I. Introduction

1. The United Nations High Commissioner for Refugees (“UNHCR”) Representation for the Nordic and Baltic Countries (“RNB”) appreciates the invitation by the Government of Norway to provide observations on the “Proposal on amendments to the Immigration Act and the Immigration Regulations – procedural rules for collective protection etc.” [*Forslag til endringer i utlendingsloven og utlendingsforskriften - saksbehandlingsreglene for kollektiv beskyttelse mv*] - hereafter the “Proposal”.¹
2. UNHCR has a direct interest in law proposals related to asylum, as the agency entrusted by the UN General Assembly with the mandate to provide international protection to refugees and, together with Governments, seek permanent solutions to the problems of refugees.² Paragraph 8 of UNHCR’s Statute confers responsibility on UNHCR for supervising international conventions for the protection of refugees,³ whereas the 1951 Convention relating to the Status of Refugees⁴ and its 1967 Protocol (hereafter collectively referred to as “1951 Convention”) oblige State Parties to cooperate with UNHCR in the exercise of its mandate, in particular facilitating UNHCR’s duty of supervising the application of the provisions of the 1951 Convention (Article 35 of the 1951 Convention and Article II of the 1967 Protocol). This has also been reflected in European Union (“EU”) law, including by way of reference to the 1951 Refugee Convention in Article 78(1) of the Treaty on the Functioning of the EU.⁵ The UN General Assembly has also entrusted UNHCR with a global mandate to provide protection to stateless persons world-wide and for preventing and reducing statelessness.⁶

¹ Ministry of Justice and Public Security, Norway, *Proposal on amendments to the Immigration Act and the Immigration Regulations – procedural rules for collective protection etc.*, 18 December 2025 (in Norwegian), <https://www.regjeringen.no/contentassets/1373598b07da491985819c3504d7bfac/horingsnotat-forslag-til-endringer-i-utlendingsloven-og-utlendingsforskriften.pdf>.

² UN General Assembly, Statute of the Office of the United Nations High Commissioner for Refugees, 14 December 1950, A/RES/428(V) <https://www.refworld.org/docid/3ae6b3628.html> (“the Statute”).

³ Ibid, para. 8(a). According to para. 8(a) of the Statute, UNHCR is competent to supervise international conventions for the protection of refugees. The wording is open and flexible and does not restrict the scope of applicability of the UNHCR’s supervisory function to one or other specific international refugee convention. UNHCR is therefore competent qua its Statute to supervise all conventions relevant to refugee protection, UNHCR’s supervisory responsibility, October 2002 <http://www.refworld.org/docid/4fe405ef2.html>, pp. 7–8.

⁴ UN General Assembly, Convention Relating to the Status of Refugees, 28 July 1951, United Nations Treaty Series, No. 2545, vol. 189 <http://www.unhcr.org/refworld/docid/3be01b964.html>. According to Article 35 (1) of the 1951 Convention, UNHCR has the “duty of supervising the application of the provisions of the Convention”.

⁵ EU, Consolidated version of the Treaty on the Functioning of the European Union, 26 October 2012, OJ L. 326/47-326/390, available at: <https://www.refworld.org/docid/52303e8d4.html>.

⁶ UN General Assembly Resolution A/RES/50/152, 9 February 1996 <http://www.unhcr.org/refworld/docid/3b00f31d24.html>, reiterated in subsequent resolutions, including A/RES/61/137 of 25 January 2007 <http://www.unhcr.org/refworld/docid/45fa902d2.html>, A/RES/62/124 of 24 January 2008 <http://www.unhcr.org/refworld/docid/47b2fa642.html>, and A/RES/63/148 of 27 January 2009 <http://www.unhcr.org/refworld/docid/4989619e2.html>.

3. UNHCR’s observations are structured as follows: Section II sets out the scope of the Proposal. Section III sets out observations to clarify procedural considerations on asylum interviews, the situation in Ukraine as part of the basis for an assessment for the asylum decision, and recommendations on temporary protection and transitions for the Ukraine refugee situation. Section IV sets out the conclusions.

II. The Scope of the Proposal

4. Section 34 of the Norwegian Immigration Act governs temporary collective protection (“TCP”) in mass flight situations.⁷ Section 34 was activated by Royal Decree on 11 March 2022 following the full-scale invasion of Ukraine in February 2022 and forms the basis for granting refugees from Ukraine temporary protection in Norway. TCP is granted one year at a time and may be renewed or extended for up to five years. In February 2025, the Government extended TCP for one year until March 2026.⁸ At the time of writing, no announcement has yet been made on a further extension of TCP, although it is expected an announcement on an extension until March 2027 is forthcoming, in which case the TCP scheme will have reached its maximum duration of five years.
5. The Proposal introduces three main changes. First, it seeks to remove the right to appeal decisions to refuse to renew or extend TCP. The Ministry’s rationale is that maintaining appeal rights for this scheme is inconsistent with the temporary nature of the TCP scheme and creates a significant administrative burden for the immigration authorities, especially at a time when the TCP scheme is being phased out. The proposed change does not impact the individual’s right to apply for asylum in the ordinary procedures.⁹
6. Second, greater flexibility is proposed regarding access to work for individuals who previously held TCP residence permits and who are or will be considered under the ordinary asylum procedures. The change will allow authorities to grant permission to work even when an asylum interview has not yet been conducted, to prevent loss of employment while the asylum application is pending.¹⁰
7. Third, the Proposal outlines existing and specific situations in which the Directorate of Immigration (Utlendingsdirektoratet – “UDI”), may refrain from conducting asylum interviews, as regulated in the Immigration Regulations and Ministerial Instructions cited.¹¹

⁷ Norwegian Immigration Act (Lov om utlendingers adgang til riket og deres opphold her, LOV 2008-05-15-35 <https://lovdata.no/dokument/NLE/lov/2008-05-15-35>.

⁸ Norwegian Ministry of Justice and Public Security, *Displaced people from Ukraine may have their residence permit for Norway extended by a further year*, 11 February 2025, <https://www.regjeringen.no/en/whats-new/displaced-people-from-ukraine-may-have-their-residence-permit-for-norway-extended-by-a-further-year/id3087364/>.

⁹ Proposal, pp. 6-7.

¹⁰ Proposal, pp. 8-9.

¹¹ Proposal, pp. 5-6. Section 81 of the Immigration Act and Section 11d of the Public Administration Act regulate the right to be heard, but do not decree the right to an asylum interview definitively. Section 94 of the Immigration Act states that exceptions to conducting asylum interviews can be made if there is a high probability that the applicant will be granted protection under Section 28 of the Immigration Act. Section 17-2 of the Immigration Regulations states that asylum interviews shall be conducted as soon as possible unless the case falls under the first country of asylum concept or the Dublin Regulations. Ministerial Instruction GI-02/2023 allows the UDI to refrain from conducting asylum interviews in certain cases such as: 1) the applicant has a valid residence permit in Norway, and underwent a thorough registration with the police, and

In this regard, the Proposal wishes to expand the exceptions to conducting asylum interviews for the UDI in situations where country information and established asylum practice indicate a high probability of rejection. A prerequisite will be that the applicant has been given the opportunity to state their reasons for fear of return to their country of origin. The Ministry has also added a safeguard, noting that if there is doubt whether the application is sufficiently informed, or if there is information that may be of significance to the asylum case, the applicant shall be summoned to an interview with the UDI.¹²

8. The Ministry has assessed that the proposed expansion to exceptions to conduct interviews could apply to asylum cases from Ukraine, where both country information and practice support this. According to the Proposal, over 400 cases from Ukraine processed in the ordinary asylum procedure have been rejected as of late 2025 with the exception of a few residence permits granted on humanitarian grounds.¹³
9. For the purpose of these observations, UNHCR will only address the part of the Proposal which concerns expanding the exceptions to conducting asylum interviews, while also sharing its recommendations around temporary protection and transitions for the Ukraine refugee situation.

III. Observations

The situation in Ukraine

10. On 27 September 2024, Norway announced a rule change to the TCP scheme, designating six areas (oblasts) in Ukraine as safe. On 13 January 2025, the list of safe areas was expanded to include an additional eight areas.¹⁴ UNHCR has previously expressed concern regarding Norway's designation of safe areas in Ukraine.¹⁵
11. The security situation in Ukraine remains precarious and characterized by nationwide risks that are not confined to frontline areas. Reports in late 2025 document an escalation of long-range missile and drone attacks affecting multiple regions across the country, including areas in the west previously perceived as relatively safer. Humanitarian situation updates from October to November 2025 record repeated large-scale strikes hitting a wide

there is no doubt about the applicant's identity, and it is a clear case where protection will be granted (over 90 per cent recognition rate for the caseload); 2) manifestly unfounded cases, provided the applicant has been given an opportunity to state their reasons for seeking protection and fear of return to country of origin; 3) the applicant already has a permanent residence permit or a temporary residence permit forming the basis of a permanent residence permit and the application is subject to rejection under Ministerial Instruction GI-15/2023.

¹² Proposal, p. 9.

¹³ Proposal, p. 9. See also the latest figures on asylum decisions by the Norwegian Directorate of Immigration (UDI) which indicate a total of 606 refusals for the period January to December 2025, <https://www.udi.no/statistikk-og-analyse/statistikk/asylvedtak-etter-statsborgerskap-og-utfall-2025/>.

¹⁴ Ministry of Justice and Public Security, *The Government is changing the rules: Norway will grant collective protection to fewer Ukrainians*, 27 September 2024, <https://www.regjeringen.no/no/aktuelt/regjeringen-ender-reglene-farre-ukrainere-vil-fa-kollektiv-beskyttelse-i-norge/id3055194/>; Norwegian Directorate of Immigration (UDI), *Several areas are exempt from the right to collective protection*, 13 January 2025, <https://www.udi.no/viktige-meldinger/flere-omrader-unntas-fra-retten-til-kollektiv-beskyttelse/>.

¹⁵ *UNHCR recommendations to Norway for strengthened refugee protection in Norway, Europe and globally*, November 2025, pp. 3-4, <https://www.unhcr.org/nordic-and-baltic/media/unhcr-recommendations-norway-november-2025-long-1-pdf>.

geographical spread, including western regions such as Lviv, Ivano-Frankivsk, Khmelnytskyi and Ternopil, alongside central and eastern regions.¹⁶

12. These attacks have increasingly targeted critical civilian infrastructure, particularly the energy sector, with direct consequences for access to electricity, heating, water and other essential services during winter conditions. UN reporting to the Security Council in December describes the year 2025 as one of the deadliest for the people of Ukraine.¹⁷ Large-scale strikes affecting multiple regions have left hundreds of thousands without power and basic utilities following attacks on energy and transport infrastructure. Public monitoring of the air war similarly indicates a pattern of mass missile / drone waves directed at energy infrastructure in late 2025, with significant humanitarian impact.¹⁸
13. Against this background, UNHCR has publicly cautioned that aerial attacks in Western Ukraine demonstrate that no part of the country can be considered safe.¹⁹ UNHCR considers that it is not appropriate to conclude that certain areas of Ukraine are safe for return, or that internal relocation is available for Ukrainian applicants channeled to the ordinary asylum procedure.²⁰
14. UNHCR further recalls that internal relocation is not a purely geographic question. Even if an area of relocation is considered practical, safe and legally accessible to the individual, an internal flight assessment requires a reasonableness analysis to determine whether the individual can lead a relatively normal life without facing undue hardship. This includes considering the individual's personal circumstances (health, disability, age, trauma, family situation, other vulnerabilities, etc.), ability to find safety and security, economic survival (access to accommodation, livelihood opportunities, etc.). In an environment of recurring nationwide strikes and infrastructure disruption, these factors may change rapidly and may affect applicants differently depending on their profile and place of origin.²¹

¹⁶ UNHCR News comment: *Deadly attacks in Western Ukraine show no part of country is safe*, 20 November 2025, <https://www.unhcr.org/news/press-releases/unhcr-news-comment-deadly-attacks-western-ukraine-show-no-part-country-safe>; ACLED, *Ukraine war situation update, 15-21 November 2025, Overview of political violence and conflict events in Ukraine from 15 to 21 November 2025*, 26 November 2025, <https://acleddata.com/update/ukraine-war-situation-update-15-21-november-2025>; ACLED, *Ukraine war situation update, 25-31 October 2025, Overview of political violence and conflict events in Ukraine from 25 to 31 October 2025*, 5 November 2025, <https://acleddata.com/update/ukraine-war-situation-update-25-31-october-2025>.

¹⁷ *UN urges halt to attacks on civilians and renewed push for diplomacy in Ukraine*, Officer-in-charge for Europe, Central Asia and the Americas Kayoko Gotoh, Remarks to the Security Council on the situation in Ukraine, New York, 9 December 2025, <https://dppa.un.org/en/mtg-sc-10057-ukraine-9-dec-2025>.

¹⁸ Konrad Adenauer Stiftung, Foundation Office Ukraine, *Ukraine Air War Monitor Vol XII – Analyses for the Protection of Ukrainian Cities and Infrastructure*, Marcu Welsch, 10 January 2026, <https://www.kas.de/en/web/ukraine/blickpunkt-ukraine/detail/-/content/ukraine-air-war-monitor-vol-xi>.

¹⁹ UNHCR News comment: *Deadly attacks in Western Ukraine show no part of country is safe*, 20 November 2025.

²⁰ See also UNHCR, *UNHCR Position on Returns to Ukraine*, March 2022, <https://www.refworld.org/policy/countrypos/unhcr/2022/en/124038>, para. 7 where UNHCR is concerned that recent developments in Ukraine are giving rise to an increase in international protection needs for people fleeing Ukraine, and para. 8 which states that UNHCR does not consider it appropriate to deny international protection to Ukrainians and former habitual residents of Ukraine on the basis of an internal flight or relocation alternative.

²¹ UNHCR, *Guidelines on International Protection No. 4: "Internal Flight or Relocation Alternative" Within the Context of Article 1A(2) of the 1951 Convention and/or 1967 Protocol Relating to the Status of Refugees*, HCR/GIP/03/04, 23 July 2003, <https://www.refworld.org/policy/legalguidance/unhcr/2003/en/32047>. See

15. In UNHCR's view, the situation in Ukraine remains highly volatile, leading to increased humanitarian needs within the country. Decision-making in the ordinary asylum procedure should therefore avoid treating prior refusal rates and trends, designated safe area lists or internal relocation as determinative in current and future asylum processing.

Procedural considerations on asylum interviews

16. The Proposal purports to expand the exceptions to the requirement for an asylum interview as a procedural adjustment intended to facilitate the transition out of the TCP scheme and to ensure preparedness for potential future mass displacement situations. UNHCR has concerns about this proposal even if characterised as a transitional or situational measure.
17. However, the wording of the proposed amendments to the text of Section 17-2 of the Immigration Regulations is framed in general terms and is not limited to asylum applications from TCP beneficiaries, to specific nationalities, or to mass influx situations. The proposed text of Section 17-2 second paragraph of the Immigration Regulations reads as follows:

*“An asylum interview may also be waived if one of the following conditions is met: (...) b. The asylum application is considered manifestly unfounded, or **country information and asylum practice indicates that there is a high probability that the application will be rejected**. It is a prerequisite that the applicant has been given the opportunity to express his or her views on the reasons for the application and what he or she fears upon returning to his or her home country.”²² [emphasis added]*

18. Thus, the introduction of a ground allowing omission of asylum interviews where country information and established asylum practice indicate a high probability of rejection would apply and have implications across ordinary asylum procedures more broadly. In practice, it would amount to a structural change to the role of the asylum interview in first instance asylum procedures.
19. UNHCR wishes to outline its considerations on the importance of asylum interviews as a key procedural safeguard and protection against refoulement, particularly in situations where there is a high presumption of refusal of the asylum claim.
20. Whilst the 1951 Refugee Convention does not expressly guarantee a right to a personal interview as part of asylum procedures, UNHCR – as the body charged with supervising the Convention – has consistently interpreted fair and effective refugee status determination as requiring an individual interview. In addition, the right to be heard is a cornerstone of international law.²³ UNHCR's *Handbook on Procedures and Criteria for Determining Refugee Status* (“Handbook”) stresses that, while the burden of proof in principle rests on

UNHCR, *Observations on the proposed amendments to the Norwegian Immigration Act and Regulation: Høring – Endringer i utlendingslovgivningen (Innstramminger II)*, 12 February 2016, www.refworld.org/legal/natlegcomments/unhcr/2016/en/108947 for UNHCR's critique of the removal of the reasonableness criterion from the Immigration Act in 2016.

²² Proposal, p. 11.

²³ Article 14 of the International Covenant on Civil and Political Rights (ICCPR); Article 10 of the Universal Declaration of Human Rights (UDHR), Article 12 of the Convention on the Rights of the Child (CRC), Article 6 of the European Convention on Human Rights (ECHR).

the applicant, the duty to ascertain and evaluate all the relevant facts is shared between the applicant and the examiner.²⁴ The Handbook also notes that basic information gathered through a standard questionnaire [or in the case of the Proposal a written registration or statement] will normally not be sufficient to enable the examiner to reach a decision, and one or more personal interviews will be required.²⁵

21. UNHCR's *Procedural Standards for Refugee Status Determination under UNHCR's Mandate* are explicit on the role of the interview in first instance asylum procedures, stating that all applicants undergoing individual refugee status determination (RSD) must have the opportunity to present their claims in person in an interview with a qualified officer. As a general rule, an asylum application should not be determined in the first instance on the basis of a paper review alone. As the applicant's own testimony is often the primary if not the only source of relevant information available, an individual interview is essential to establish the facts of the claim, including to probe the credibility of the applicant's statements on material elements.²⁶
22. UNHCR accepts the omission of a personal asylum interview only where the asylum authority can already conclude on the basis of available information that the applicant clearly qualifies for protection and a positive decision can be taken.²⁷ This is due to the fact that the applicant suffers no prejudice from the lack of an interview and the core safeguards of the asylum procedure are not undermined. Where refusal is possible, however, an interview remains essential to ensuring individualised assessment, procedural fairness, and protection against refoulement. A full personal interview remains a key procedural safeguard in asylum applications which are considered to be 'manifestly unfounded' or likely to be rejected.²⁸
23. A similar logic is reflected in UNHCR's *Refugee Status Determination Backlog Prevention and Reduction* paper.²⁹ In the face of backlogs, the paper cautions against the temptation to reduce quality or procedural standards for the sake of efficiency and notes the risk of pushing the backlog further down the chain to appeal stages or re-applications.³⁰ Drawing on Executive Committee Conclusion No. 30, the paper also recalls the grave consequences of an erroneous determination and the need for such a decision to be accompanied by appropriate procedural guarantees, including a personal interview.³¹
24. In view of the above, UNHCR underlines the essential role of an individual interview in asylum procedures and strongly urges the Ministry to reexamine the Proposal, given the

²⁴ UNHCR, *Handbook on Procedures and Criteria for Determining Refugee Status and Guidelines on International Protection Under the 1951 Convention and the 1967 Protocol Relating to the Status of Refugees*, HCR/1P/4/ENG/REV. 4, April 2019, para. 196, <https://www.refworld.org/policy/legalguidance/unhcr/2019/en/123881>.

²⁵ UNHCR Handbook, para. 200.

²⁶ UNHCR, *Procedural Standards for Refugee Status Determination Under UNHCR's Mandate*, 26 August 2020, p. 145, <https://www.refworld.org/policy/legalguidance/unhcr/2020/en/123306>.

²⁷ UNHCR, *Procedural Standards for Refugee Status Determination Under UNHCR's Mandate*, 26 August 2020, p. 145, <https://www.refworld.org/policy/legalguidance/unhcr/2020/en/123306>.

²⁸ UNHCR, *UNHCR's Position on Manifestly Unfounded Applications for Asylum*, 3 European Series 2, p. 397, 1 December 1992, <https://www.refworld.org/policy/legalguidance/unhcr/1992/en/71867>.

²⁹ Brian Barbour, *Refugee Status Determination Backlog Prevention and Reduction*, Research Paper No.37, UNHCR, January 2018, <https://www.refworld.org/reference/lpprs/unhcr/2018/en/120868>.

³⁰ *Ibid.*, p. 2.

³¹ *Ibid.*, p. 11.

risks posed to procedural fairness, the need for an individualised assessment and protection against refoulement.

Temporary protection and transitions for the Ukraine refugee situation

25. UNHCR notes that the Proposal is framed as a preparatory and technical adjustment to ensure that the immigration authorities are operationally equipped to process individual asylum applications efficiently should beneficiaries of TCP apply for ordinary asylum in the future. Beyond the proposed introduction of greater flexibility to access work for individuals who previously held TCP and who will be considered under the ordinary asylum procedure even when no asylum interview has been conducted, the Proposal does not consider other forms of transitional measures beyond processing of TCP beneficiaries in the asylum procedure, once the TCP scheme ends. As such, UNHCR aims to address this in the below sections.

Transition to alternative forms of legal status in Norway

26. As of 28 February 2026, more than 84,000 persons held valid TCP permits,³² many of whom have resided in Norway for several years since February 2022. Ukrainians currently holding TCP in Norway have over time, integrated into Norwegian society through work, education, language acquisition, and community ties.
27. Recent research commissioned by the Norwegian Directorate of Integration and Diversity (IMDi) shows that labour-market integration among Ukrainian refugees in Norway has increased steadily and significantly. Employment rose from 17 per cent in early 2024 to 42 per cent by October 2025, with a majority of those employed working full time and an increasing share holding permanent contracts.³³ 18 per cent of respondents in the study were self-employed with their own businesses.³⁴ Municipalities report that Ukrainian refugees contribute positively to addressing labour shortages in both private and municipal sectors and to countering population decline, particularly in smaller and less central municipalities.³⁵ These findings indicate that a sizeable share of beneficiaries of TCP are already economically active and increasingly self-sufficient. A potential large-scale return would greatly affect local labour markets and societal services.³⁶
28. The study further documents that a significant number of Ukrainians in Norway, including both children and adults, are engaged in education at various levels, with high participation in compulsory and upper secondary schooling and increasing enrolment in adult and vocational education.³⁷

³² Norwegian Directorate of Immigration (UDI), *Statistics on the Ukraine Situation*, <https://www.udi.no/statistikk-og-analyse/ukraina/>.

³³ Integrerings- og mangfoldsdirektoratet (IMDi), *Experiences and perceptions of Ukrainian refugees and municipal refugee services in Norway (2024-2025)*, January 2026, p. 12 and 101, https://www.imdi.no/globalassets/rapporter/2026/25_16983-1-ukrafly-report-2025-678501_1_1.pdf.

³⁴ *Ibid.*, p. 13.

³⁵ *Ibid.*, p. 21.

³⁶ *Ibid.*, p. 214.

³⁷ *Ibid.*, pp. 98-100.

29. The same research highlights that prolonged temporariness itself has become a barrier to further integration. Temporary residence status is reported as a ‘somewhat important’ factor that makes employers hesitant to hire or invest in workers.³⁸
30. Several structural barriers are also identified in the report affecting Ukrainian refugees’ ability to qualify for alternative residence permits. These include qualification and language requirements embedded in existing labour migration frameworks, the frequent mismatch between current employment and prior formal education, and the time-limited nature of language training. The report documents that many refugees are in steady employment or education but nonetheless struggle to meet standard criteria for work- or study-based permits, prompting calls from both refugees and municipal services for adapted or alternative pathways.
31. Against this background, UNHCR encourages continued reflection on other transitional arrangements beyond channeling TCP beneficiaries into the ordinary asylum procedure, to address protection and integration needs that would benefit Norway’s broader migration framework. As a further extension of TCP to March 2027 may mark the end of this arrangement for refugees from Ukraine in Norway, concerted efforts should be made to prepare for transitions to alternative forms of legal status and solutions.³⁹ An important element of a coordinated approach is the need to ensure that vulnerable groups are not left behind in these efforts. UNHCR encourages States to invest in options which are inclusive of the largest possible number of temporary protection beneficiaries, including with regard to transitions into alternative longer-term residency permits.⁴⁰
32. Concrete proposals for transitional measures were also made and reflected in IMDi’s report by both Ukrainian refugees and municipal refugee services.⁴¹ These include the introduction of a work-based residence permit qualifying for permanent residence with less stringent qualification requirements than those currently applied, allowing individuals under TCP who are in stable employment to remain in Norway irrespective of whether their job corresponds to prior formal education or qualifications. Such proposals are presented as a means to better reflect actual labour-market participation, incentivize continued employment, and align residence pathways with the realities observed at the municipal level. The report also notes that comparative experiences from other European countries⁴²

³⁸ *Ibid.*, p. 193.

³⁹ *UNHCR Recommendations on the continued use of Temporary Protection arrangements and Guiding Principles for Transition in relation to the Ukraine Refugee Situation*, May 2025, paras. 7 and 16.

⁴⁰ *Ibid.*, paras. 21 and 23. See also examples from Poland, Latvia and Estonia mentioned in para. 23.

⁴¹ *Supra* note 33, p. 214.

⁴² One example presented in the report is **Austria**, which in November 2024, introduced a pathway to permanent residence for Ukrainian refugees and family members who meet specific income, self-sufficiency and language requirements. See *Red-White-Red Card plus for displaced persons from Ukraine*, <https://www.wien.gv.at/en/e-government/rwr-card-plus-ukraine>. In **Germany**, the German Federal Ministry of the Interior (BMI) reports that a programme for the accelerated transition of Ukrainians to long-term residence permits has been in place for several months in 2025. Foreigners’ offices in the federal states have been instructed to help those who work or study to obtain permanent residence permits, <https://visitukraine.today/blog/7032/temporary-protection-is-coming-to-an-end-how-can-ukrainians-change-their-status-in-germany#germany-is-preparing-in-advance>. **Italy** made legislative changes in 2024 to allow Ukrainians to convert their temporary protection permit to work permits, https://drive.google.com/file/d/1z8pnivNw_FoKfaXijtCwYX95zRaflnTK/view.

and guidance from the European Commission⁴³ encouraging transitions to work- and family-based permits are viewed as relevant reference points for future policy development in Norway.

33. UNHCR also encourages consideration of the broader systemic consequences of large-scale refusals in the ordinary asylum procedures following the termination of TCP, if not complemented by other transitional measures. Where return is not feasible in practice, whether due to ongoing insecurity, unresolved questions relating to temporarily occupied territories, or the absence of sustainable reintegration conditions in Ukraine, UNHCR cautions against the consequences of prolonged legal uncertainty rather than return, with potential implications for secondary movements between host states and possible premature return to Ukraine.⁴⁴ The absence of predictable transition pathways may create pressures that are difficult for Norway to manage over time.

Gradual and sustainable approach to returns

34. UNHCR understands that Norway's official policy is that Ukrainians on TCP should return to Ukraine after the war.⁴⁵ UNHCR agrees that for most refugees, returning home to Ukraine remains a central aspiration.⁴⁶ However,⁴⁷ it is important to recognize that, even under conditions of peace, significant time and investment will be required in order for Ukraine to rebuild the necessary services, housing and other necessities to be able to absorb a returning population. In this context, it is important that the return policies of States hosting Ukrainian refugees are carefully calibrated to avoid overwhelming national capacities inside Ukraine. These considerations are particularly pertinent regarding the potential return of vulnerable refugees. Premature returns by vulnerable refugees, including older persons, persons with serious medical conditions or disabilities, due to challenges in host countries risks straining overburdened social services inside Ukraine, deepening vulnerabilities and increasing the risk of renewed displacement.⁴⁸
35. In this respect, UNHCR urges the Norwegian authorities to consider introducing measures which may help organize returns to Ukraine in an orderly, sustainable manner once the TCP regime comes to an end. For example, individuals who wish to return and who enrol in voluntary return programmes may be granted an extended period for voluntary departure (e.g. 12 months) during which time their legal residence in Norway remains valid, to help coordination with the Ukrainian authorities to cater for the needs of returning populations. Extended periods for return may also be granted to families with children attending schools in Norway, and also to vulnerable individuals whose situation does not allow for immediate

⁴³ Council of the European Union, *COUNCIL RECOMMENDATION on a coordinated approach to the transition out of temporary protection for displaced persons from Ukraine*, Brussels, 8 September 2025, <https://data.consilium.europa.eu/doc/document/ST-12015-2025-INIT/en/pdf>.

⁴⁴ *UNHCR Recommendations on the continued use of Temporary Protection arrangements and Guiding Principles for Transition in relation to the Ukraine Refugee Situation*, May 2025, para. 17.

⁴⁵ Supra note 33, p. 215.

⁴⁶ *UNHCR Recommendations on the continued use of Temporary Protection arrangements and Guiding Principles for Transition in relation to the Ukraine Refugee Situation*, May 2025, para. 6.

⁴⁷ Supra note 33, p. 215; UNHCR, *Lives on Hold: Intentions and Perspectives of Refugees, Refugee Returnees and Internally Displaced Persons from Ukraine #6* (November 2024), <https://data.unhcr.org/en/documents/details/112600>.

⁴⁸ UNHCR, *Lives on Hold #6*, November 2024, note 47 above, p. 2

return due to a lack of services or support upon arrival and which will need to be developed inside Ukraine.

Correlation between temporary visits to Ukraine and willingness to return

36. A study on Ukrainian refugees in the Nordics shows that temporary visits to Ukraine are positively linked to return aspirations, as they help maintain social and emotional ties.⁴⁹ In this regard, as pointed out in IMDi's report, Norway's restrictions on temporary visits to Ukraine may be counter-productive if the goal is voluntary return.⁵⁰ UNHCR therefore recommends that the Norwegian authorities reconsider their approach towards temporary visits to Ukraine, with the ultimate goal of supporting voluntary and well informed decisions on return.

Importance of supporting informed, voluntary decision making

37. Finally, UNHCR underlines the importance of supporting refugees to make voluntary and well-informed decisions regarding their future – whether they wish to remain in host countries or voluntarily return to Ukraine through the provision of timely, impartial and objective information.⁵¹ UNHCR encourages the Norwegian authorities to invest in providing information on various options to remain or return to the Ukrainian refugee community – a process which UNHCR stands ready to support.

IV. Conclusions

38. UNHCR appreciates the Ministry's efforts to ensure that the immigration authorities are operationally prepared for a potential transition from TCP to ordinary asylum procedures, including through procedural adjustments aimed at efficiency and continuity of work access. UNHCR also recognizes the significant administrative pressures associated with managing a large and protracted temporary protection caseload.
39. In UNHCR's assessment, the situation inside Ukraine remains highly volatile, and marked by increasing humanitarian needs. No area of the country can currently be considered safe for return.
40. UNHCR is concerned that the proposed expansion to exceptions to conducting asylum interviews where a high likelihood of rejection is inferred from prior practice and country information will undermine key procedural safeguards, including the need for an individualized assessment of refoulement risks. Such an approach also risks creating increasing burdens at the appeal stage of the asylum procedure.
41. UNHCR further encourages continued reflection on transitional arrangements beyond channeling beneficiaries of TCP into the ordinary asylum procedures. Evidence indicates that many individuals currently benefiting from TCP have developed substantial ties to Norway through work, education, and community integration. In this context, protection-

⁴⁹ Hernes, V. & Aasland A. (2025). *How individual-level host- and home-country conditions affect return aspirations: The case of Ukrainian refugees in the Nordic countries*. Working paper.

⁵⁰ Supra note 33, p. 215.

⁵¹ *Ibid.*, para. 19.

sensitive, predictable and inclusive transition pathways may contribute to more sustainable outcomes for refugees and relieve the pressure on immigration authorities. UNHCR additionally recommends that measures are developed to support a sustainable and gradual return to Ukraine, and to support the ability of refugees to take well informed and voluntary decisions on their future options.

42. UNHCR stands ready to discuss these recommendations in greater detail with the Norwegian authorities and provide additional support.

UNHCR Representation for the Nordic and Baltic Countries

30 January 2026