

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE GOVERNMENT OF THE FEDERAL DEMOCRATIC REPUBLIC
OF ETHIOPIA
AND
THE GOVERNMENT OF THE KINGDOM OF NORWAY

The Government of the Federal Democratic Republic of Ethiopia and the Government of the Kingdom of Norway (hereinafter referred to as "Parties");

Recognizing that the right of all individuals to leave and return to their country of origin is basic human rights enshrined, *inter alia*, in Article 13 Sub-Article 2 of the 1948 Universal Declaration of Human Rights and Article 12 Sub-Article 2 and 4 of the 1996 International Covenant on Civil and Political Rights; the 1951 Geneva Convention and the 1967 Protocol on the status of refugees, international treaties concerning repatriation, transit and readmission of nationals seeking asylum in a foreign country;

Desiring to work with each other to achieve full observance of International Human Rights and Humanitarian standards in the process of implementing assisted return and reintegration of Ethiopian nationals residing without authorization in the Kingdom of Norway;

Have reached the following understanding:

Article 1

Objectives

The objective of this Memorandum of Understanding (hereinafter referred to as "MOU"), is to lay down the basis for a closely coordinated, phased, dignified and humane process of assisted return of Ethiopian nationals in Norway with respect primarily to voluntary return and the importance of safe and dignified return and sustainable reintegration.

Article 2

Scope of Application

1. This MOU shall be applied only in respect of Ethiopian nationals whose nationality is ascertained by the competent Ethiopian authorities, staying temporarily in the Kingdom of Norway and whose request for a refugee status or residence permit has been properly considered, but rejected through due process of law, and who are within the territories of the Kingdom of Norway where:
 - a. They are found not to have protection needs or humanitarian reasons in accordance with the national laws of the Kingdom of Norway and the international agreements to which the Kingdom of Norway is a party and who may opt for voluntary return after a final negative decision on their asylum claim; or
 - b. They have no protection or compelling humanitarian needs justifying prolongation of their stay in Norway, but who, nevertheless, continue to refuse to avail themselves of the option of voluntary return and who may be ordered to leave Norway as an option of last resort. The return process of such persons will be phased, orderly, humane and in accordance with internationally accepted norms.
2. Notwithstanding the foregoing Sub-Article, the scope of this MOU may extend to Ethiopian nationals with pending application for asylum, who decide of their own free will to return to Ethiopia. They may opt for voluntary return before a final decision has been passed.

Article 3

Modalities of Return

1. The Parties hereby accept that the return of the Ethiopian nationals shall, primarily, take place at their freely expressed will.

2. The request for the return of Ethiopian nationals within the scope of this MOU shall be submitted in writing by the Norwegian Embassy in Addis Ababa, Ethiopia, to the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia and to the National Intelligence and Security Services (NISS). Replies shall be sent directly from NISS to the Norwegian Embassy.
3. The Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia will assist the Government of the Kingdom of Norway, where necessary, in determining the identity and nationality of individuals covered by this MOU and whose return has been requested in accordance with the foregoing Sub-Article by and through the National Intelligence and Security Services to ascertain within a reasonable period of time.
4. The Norwegian side shall provide the Ethiopian side with as much information as possible with regard to the returnees.
5. The details of the process under this Article will be described in Annex 2.

Article 4

Commitments upon Return

1. The Government of the Federal Democratic Republic of Ethiopia shall carry out the necessary measures for the return of Ethiopian nationals from Norway.
2. The Federal Democratic Republic of Ethiopia shall support the humanitarian and reconstruction programs set by intergovernmental bodies and local NGOs, geared at the envisaged community based assistance in accordance with the laws of Ethiopia, which shall also benefit returning Ethiopian nationals from the Kingdom of Norway.

Article 5

Documentation

The Government of the Federal Democratic Republic of Ethiopia shall, through its Consulate General in Stockholm, Sweden, issue travel documents at its own cost, within a reasonable period of time; in accordance with the immigration laws of Ethiopia; through diplomatic channels, to Ethiopian nationals, who do not hold travel documents, returning under this MOU.

Article 6

Preservation of Family Unity

The Government of the Kingdom of Norway, shall, in cases where the members of a family, who are all Ethiopian nationals covered by this MOU, decide to return to Ethiopia, make every effort to ensure that families are returned as units and that involuntary separation is avoided.

Article 7

Special Measures for Vulnerable Groups

The Parties shall take special measures to ensure that vulnerable groups (children, women, elderly, people with mental illness and physical disability) receive adequate protection, assistance and care throughout the return and reintegration process.

Article 8

Means of transportation

The Parties agree that the preferred mode of return from Norway to Ethiopia shall be by air transport.

Article 9

Return Transportations Assistance

The Government of the Kingdom of Norway shall meet the costs of travel for Ethiopian nationals covered by this MOU up to their final destination in Ethiopia.

Article 10

Reintegration Assistance

1. The Government of the Kingdom of Norway shall provide the necessary support to facilitate the reintegration of Ethiopian nationals returning from the Kingdom of Norway. The form and modalities of reintegration assistance or support to be given to the returnees shall be determined in Annex 1 of this MOU.
2. The Administration of Refugees and Returnees Affairs (ARRA) of the Federal Democratic Republic of Ethiopia and the Embassy of the Kingdom of Norway in Addis Ababa shall be the competent authorities to follow up the implementation and monitoring of this reintegration assistance.

Article 11

Coordination Mechanism

1. In implementing this MOU, the Parties shall be committed to coordinating and consulting closely with each other.
2. The parties will appoint their representatives constituting a Steering committee. The mandate of the committee shall be determined in Annex 4.
3. The Steering committee shall meet at least every three months to consider the conditions of implementation and the progress of the assistance program as well as the progress of the return of individuals referred to in Article 2.1.b.

Article 12

Personnel

The Parties shall facilitate the entry and stay, through issuance of visas as necessary, in accordance with their applicable national immigration laws, of their officials and personnel to facilitate the implementation of this MOU.

Article 13
Dispute Settlement

Any dispute that may arise on the interpretation or implementation of this MOU shall be resolved through diplomatic consultation between the Parties.

Article 14
Amendment

1. This MOU may be amended by mutual consent of the Parties in writing through exchange of notes via diplomatic channels or signing of a separate amendment agreement.
2. Any amendment(s) made to this MOU in accordance with the foregoing Sub-Article forms an integral part of it.

Article 15
Annexes

Annexes 1 – 4 shall form an integral part of this MOU.

Article 16
Entry into Force, Duration and Termination

1. This MOU shall enter into force upon signature by the Parties and shall remain valid for a period of five years unless either Party terminates it by giving the other a prior written notice of six (6) months through diplomatic channels. The Parties may extend or renew this MOU for another period.

2. Where either Party terminates this MOU in accordance with the foregoing Sub-Article, any ongoing specific obligations entered into in respect of a person shall continue to apply in accordance with its provisions.

In Witness Whereof, the undersigned being duly authorized by their respective Governments have signed this MOU in two originals in the English language, both texts being equally authentic.

Done at ----- on this ---day of the Month of ---- 2012,

FOR THE GOVERNMENT OF
THE FEDERAL DEMOCRATIC
REPUBLIC OF ETHIOPIA

FOR THE GOVERNMENT OF THE
KINGDOM OF NORWAY

Annex 1

Return and Reintegration Program for Ethiopian Nationals

The objective of the program is to facilitate voluntary return of Ethiopian citizens from Norway to Ethiopia.

Assistance to returnees

Persons without residence permits in Norway who return voluntarily to Ethiopia will receive a grant of NOK 15 000 (approx. 1 875 €) per person. The program also offers reintegration support in-kind (i.e. not in cash) of up to NOK 30 000 (approx. 3 750 €) per person.

Norwegian authorities will through IOM arrange transport of the returnees to his/her final destination in Ethiopia (ref. Article 9 of the MOU). IOM will offer individual information and advice, help to obtain travel documents, transport within Norway, organize the return journey, airline tickets, transit visas and assistance during transit and on arrival in Ethiopia.

IOM will be responsible for transferring the cost connected to this program from the Norwegian authorities (the Directorate of Immigration (UDI)) to the Administration for Refugees and Returnees Affairs (ARRA).

ARRA will be responsible for the implementation of the return and reintegration program in Ethiopia. ARRA will offer individual counseling and reintegration support such as help to find a job, training and financial assistance, support to set up a business, and support regarding training courses and other education.

Project on reintegration of returnees

A project will be set up to assist reintegration of returnees from Norway to Ethiopia. The project will be administered by the Administration for Refugees and Returnees Affairs (ARRA).

Project costs will be calculated according to the number of Ethiopians returning from Norway voluntarily, based on NOK 26000 (approx. 3 250 €) per person plus administrative costs.

The modalities of the project will be agreed upon by the Steering Committee (ref. Art. 11 of the MOU) after proposal from ARRA. Project details must be approved by the Steering Committee.

Reporting details as lined out in Annex 4.

Annex 2

Return procedures

Article 1

Return of Ethiopian citizens

Ethiopian authorities shall, upon application by the Norwegian authorities as provided for by this MOU, readmit to its territory all persons whose applications for refugee status or permanent residence have been properly considered, but rejected through due process of law, provided that evidence is furnished in accordance with Article 3 of this Annex, that they are Ethiopian citizens.

Article 2

Return application

1. A return application from the Norwegian authorities shall be submitted in writing by the Royal Norwegian Embassy in Addis Ababa to the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia and National Intelligence and Security Services/Immigration.
2. The return application shall contain the following information:
 - all available particulars of the concerned person to be returned (e.g. given names, surnames, date and place of birth, sex and the last place of residence);
 - all available means of evidence regarding citizenship;
 - where necessary, a statement indicating that the person to be returned may need help or care, provided the person concerned has explicitly consented of the statement;
 - any other protection or security measures which may be necessary in the individual return case.

A form to be used for return applications is attached as Annex 3.

Article 3

Means of evidence regarding Ethiopian citizenship

1. Ethiopian citizenship may be proven by the following documents:

- passports (national passports, diplomatic passports, service passports);
- identity cards (issued by kebele administration or governmental organs).

If a valid new generation passport (machine readable passport) is presented, the Ethiopian authorities shall investigate the document and respond within a short period of time (15 days).

2. Ethiopian citizenship may be reasonably assumed on the basis of the following documents even if their period of validity has expired:
 - photocopies of passports and identity cards;
 - birth certificate, marriage certificate, school certificate, driving license and work certificate. In the absence of originals, photocopies can be used.
3. Proof of citizenship cannot be furnished through forged or falsified documents.
4. If none of the documents listed in Article 3 (1) and (2) of this Annex can be presented, Ethiopian authorities shall verify the concerned person's identity by making the necessary investigations based on the available particulars.

If an Ethiopian citizenship cannot be proven or reasonably assumed through the investigations that are carried out, the Ethiopian authorities shall interview the concerned person in order to establish his or her citizenship. Instead of the Ethiopian authorities examining the available particulars in Ethiopia, an interview can be conducted.

Such interviews shall take place in Norway, organized by the National Police Immigration Service and conducted by representatives from the Ethiopian authorities, as deemed necessary.

Article 4

Time Limits

The Ethiopian authorities shall reply to the return application from the Norwegian authorities within a reasonable period of time after the date of receipt of such application. If a return application has not been replied to within three months, the Ethiopian authorities shall, in writing, inform Norwegian authorities about the reasons for this delay.

Article 5

Issuing of travel documents

In connection with an affirmative reply to a return application, Ethiopian authorities shall, without due delay, issue a travel document to the concerned person. The travel document must be valid for at least 6 months. This travel document will be sent from the Consulate General of the Federal Democratic Republic of Ethiopia in the Kingdom of Sweden and to the Nordic countries to the Norwegian National Police Immigration Service.

If, for legal or practical reasons, the person cannot be transferred within the period of validity of the travel document, Ethiopian authorities shall, as soon as possible and in any case within a maximum of 14 calendar days, issue a new travel document with the same validity.

Article 6
Transfer

The Norwegian National Police Immigration Service shall notify via the Royal Norwegian Embassy, in writing, to the Consulate General of Ethiopia in Sweden and the Ethiopian immigration authorities, 7 (seven) days in advance of the transfer.

Annex 3



POLITIET
POLITIETS UTLENDINGSENHET

**The National Intelligence and Security Service in Ethiopia
via the Royal Norwegian Embassy in Addis Ababa**

Your reference

Our reference

Date

Exempt from public disclosure

RETURN APPLICATION

PHOTO

A. Personal details

Name and middle name:

Surname:

Maiden name:

Date and place of birth:

Address of residence in the state of origin or permanent residence:

Citizenship and language:

Civil status:

If married, name of spouse:

Names and age of children (if any):

Also known as (earlier names, other names used/by which known or aliases):

B. Means of evidence attached / Request for interview, if no documents available

Passport no, issuing authority, date and place for issue, expiry date:

National identity card no (kebbele card no), issuing authority, date and place of issue, expiry date:

Driving licence no, issuing authority, date and place of issue, expiry date:

Other document no, issuing authority, date and place of issue, expiry date:

C. Special circumstances relating to the transferee

State of health:

Indication of particularly dangerous person:

D. Observations

Signature, National Police Immigration Service

National Police Immigration Service – Norway

Street address: Christian Krohgs gt. 32
Postal address: P.O.Box 8102 Dep, 0032 OSLO
Phone: 22 34 24 00 Fax: 22 34 24 80
E-mail: politiets.utlendingsenhet@politiet.no

Org. nr.: 986 210 504 mva
Bankgiro: 7694.05.10836

Annex 4

Steering Committee (re. Article 11 of the MOU)

1. The Parties shall set up a Steering committee which will in particular have the task to
 - a. Monitor the implementation of this MOU
 - b. Monitor the implementation of the Return and Reintegration program and whether the program works as intended
 - c. Monitor the implementation of the return of individuals not participating in the program (re: Art. 2.1.b of the MOU)
 - d. Discuss a financial status of the return and reintegration program to be presented by ARRA
 - e. Propose amendments to this MOU if necessary.
2. The Steering committee shall also synchronize statistical data on return to Ethiopia from Norway.
3. The Steering committee will agree upon the modalities of the Project on reintegration of returnees (ref. Article 11 of the MOU) after proposal from ARRA. Project details must be approved by the Steering Committee.
4. The Steering committee is responsible for financial and narrative reporting to Norwegian migration authorities both on the Return and Reintegration program and the Project on reintegration of returnees. Reports shall be forwarded through diplomatic channels every six months.
5. The Steering committee shall meet at least every three months. Minutes shall be made from each meeting.
6. The Steering committee shall be composed of the following members.
 - a. From the Norwegian side:
 - Representative(s) from the Royal Norwegian Embassy in Addis Ababa.
 - When necessary representatives from the Norwegian migration authorities.
 - b. From the Ethiopian side:
 - Representative(s) from the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia (MoFA)

- Representative(s) from the National Intelligence and Security Service in Ethiopia (NISS)
- Representative(s) from the Administration for Refugees and Returnees Affairs (ARRA).