

The Organisation of Asylum and Migration Policies in Norway

Report to the European Migration Network from the Norwegian Contact Point



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About the European Migration Network and its Norwegian Contact Point

The European Migration Network provides the main hub for gathering and spreading information in the region. The Network is supported and coordinated by the European Commission. Norway has been a member of EMN since 2010 as the only non-EU country.

The Norwegian contact point to the EMN (NO EMN NCP) consists of Ministry of Justice, the Directorate of Immigration and Institute for Social Research. In addition to providing and spreading comparable information on migration and asylum in Europe, it is the ambition of the Norwegian member-group to bring attention to the link between Norway and the EU in these politically sensitive areas.

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1. INTRODUCTION

This study aims to provide an overview of the organisation of asylum and migration policies in Norway to an audience with limited knowledge of the Norwegian system. It describes the Norwegian system as of January 2012

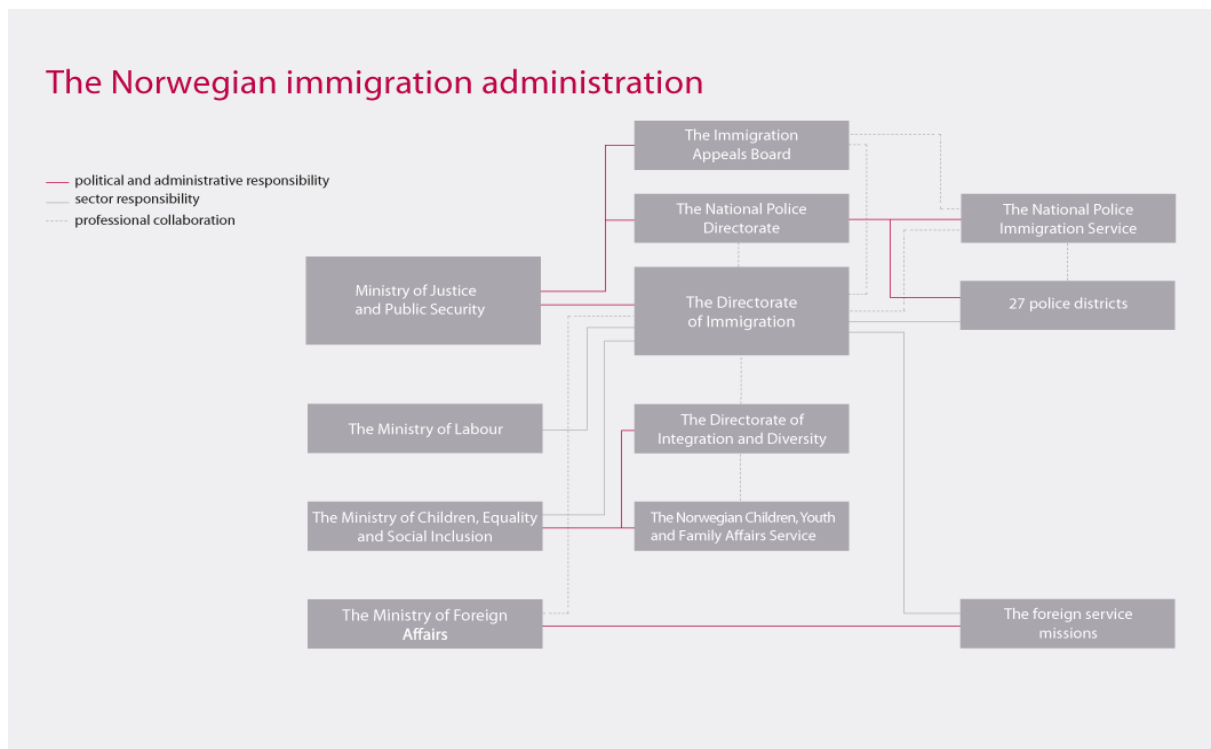
The report does not cover the history and development of the Norwegian system prior to 2010 This report is intended for civil servants, politicians, researchers, NGOs, journalists and others interested in the organisation of migration policies in Norway.

The report is based, in the main, on Norwegian legislation and on information from respective agencies as well as their websites of the agencies involved in Norwegian asylum and migration policy.

The report is written by members of NO EMN NCP with support in quality assurance from relevant Norwegian ministries.

The numbering of the sections refers to the comparative report that will be published by the European Migration Network in 2012, and are therefore not fully sequential. Chapter 3 of the template is optional and left out in this presentation.

2. OVERVIEW OF ORGANISATION OF POLITICAL, LEGISLATIVE AND INSTITUTIONAL FRAMEWORK IN NORWAY



This section will provide an overview of the overall political system and institutional framework in which Norwegian asylum and migration policies are developed and implemented. It will furthermore seek to illustrate the involvement of different institutions at different stages of policy implementation in a practical and accessible manner. The second part of this section provides an overview of the legal framework. Norway enacted comprehensive new immigration legislation in 2010, and this legislation will be described in detail.

2.1 Overall Political System and Institutional Framework

The Norwegian Storting (Parliament) enacts laws, adopts the central Government's budget and oversees the actions of the Government. As such, the Storting approves the broad principles of immigration policy. The Government carries out immigration policy in accordance with the Immigration Act (2008) and the Regulations based on this legislation. The Government, the Ministry of Justice and Public Security, the Immigration Appeals Board (UNE), Directorate of Immigration (UDI), the Police and other public authorities (Immigration Act section 75) are responsible for implementing the Immigration Act.

2.1.1 Ministries

The principal ministry in charge of migration issues is the Ministry of Justice and Public Security¹, and within it, the Department of Immigration. This Ministry is in charge of coordinating legislation on immigration, asylum seekers and refugees. The Ministry of Labour is formally in charge of labour immigration policy. The two principal subordinate implementing agencies are the Directorate of Immigration (UDI)² (first instance decision-making) and the Immigration Appeals Board (UNE) (second instance decision-making).

Two other Ministries are also involved in making and overseeing migration and integration policies:

The Ministry of Children, Equality and Social Inclusion³ is formally responsible for coordinating integration policies of refugees and immigrants within the governmental ministries. This Ministry is also responsible for the settlement in municipalities of refugees, and the Introduction act and Introduction program of newly arrived refugees and family members (implemented through its subordinate agency the Norwegian Directorate of Integration and Diversity, IMDi⁴). This Ministry is in addition responsible for citizenship policies (implemented through the Norwegian Directorate of Immigration (UDI)). Finally, this Ministry is also in charge of providing accommodation and other care for unaccompanied minor asylum seekers under the age of 15 (through its subordinate agency the Directorate for Children, Youth and Family Affairs, Bufdir⁵).

The Ministry of Foreign Affairs⁶ is involved with foreign policy aspects of migration and development issues and acts as the Norwegian focal point to the Global Forum on Migration and Development (GFMD) process. It also has an important role in the implementation of immigration policy, as Norway's diplomatic missions receive applications to visit and reside in Norway on behalf of UDI, and process most visa applications. They also assist UDI to obtain and verify information and documents in residence and asylum cases. The Ministry of Foreign Affairs is also involved with negotiating international agreements related to migration, including readmission agreements.

2.1.2 Central implementing agencies

2.1.2.1 UDI

UDI is the central administrative authority which implements and coordinates Norwegian asylum and migration policies and handles citizenship applications. The framework within which UDI operates is set out in the annual allocation letter from the Ministry of Justice and the Police.

The Directorate of Immigration is divided into 6 departments:

- The Administration, Service and Development Department,
- The Department for Regions, Reception and Return, with 6 regional offices
- The Asylum Department,
- The Managed Migration Department,
- The Department for Strategy and Coordination, and the
- Department for E-Government.

¹ Website: <http://www.regjeringen.no/nb/dep/jd.html>

² Website: <http://www.udi.no>

³ Website: <http://www.regjeringen.no/nb/dep/bld.html>

⁴ Website: <http://www.imdi.no>

⁵ Website: <http://www.bufetat.no/bufdir/>

⁶ Website: <http://www.regjeringen.no/nb/dep/ud.html>

Additionally, there is a Communications Staff Unit, an internal audit function, the EFFEKT Secretariat (EFFEKT is a program set up to develop better electronic instruments for services and case processing) and finally the office of the Director General.

UDI has approximately 1100 employees (2011).

2.1.2.2 Other relevant agencies

Other relevant agencies and institutions involved in asylum and migration policy in Norway:

- The Immigration Appeals Board (UNE), which processes appeals against decisions made by UDI
- The Directorate of the Police (POD), which e.g. oversees border control and the implementation of the Schengen Agreement
- The National Police Immigration Service (PU)⁷, which registers asylum claims and escorts persons without legal residence in Norway out of the country
- Local police districts, which receive and prepare applications on behalf of UDI
- Diplomatic missions, which receive immigration applications and process visa applications
- The Country of Origin Information Centre (Landinfo)
- The Directorate of Integration and Diversity, IMDi, is responsible for settling former asylum seekers who have received a residence permit and resettlement refugees. The Directorate also acts as a competence centre and driving force for integration-related issues particularly directed towards the local communities.

The role of these actors at different stages in the immigration process will be illustrated in the following sections.

2.1.2.3 Illustration of the participation of different agencies at various stages of the process

This section will illustrate the involvement of the different agencies at different stages of the immigration process. More detail will be provided under section 4 below.

Examination of asylum and immigration applications

UDI examines most applications for immigration to Norway, including all asylum applications, in accordance with the criteria established in the Immigration Act and in the Nationality Act, as well as the Public Administration Act.

Asylum seekers must first present themselves to the National Police Immigration Service (PU), which registers and checks their identities and travel routes. Asylum applications are then examined by the Asylum Department of UDI, which carries out asylum interviews (with the use of an interpreter) and determines refugee status. The Asylum Department is divided into several sub-units, each with a regional or thematic focus. This Department is also in charge of the selection of refugees for resettlement in accordance with cooperation agreements with the United Nations High Commissioner for Refugees (UNHCR).

Other categories of immigrants must apply either to a Foreign Service mission in their country of origin or habitual residence, or to the local police district if applying from within Norway. The police districts receive and prepare applications for residence permits, travel documents, permanent residence and citizenship, and they initiate expulsion procedures. In some types of cases, local police districts

⁷ Website: https://www.politi.no/politiets_utlendingsenhet/

may grant first permits (if there is no doubt that the conditions are met). In most cases, however, the case files are forwarded to UDI. The four sub-units of the Department of Managed Migration processes claims for, respectively, citizenship, permanent residence and travel documents; study permits, visas and work permits; family reunification; as well as expulsion cases.

UDI relies on assistance from Landinfo, the Norwegian Country of Origin Information Centre⁸, in the examination of asylum applications. Landinfo is an independent expert body, but it is administratively affiliated with UDI. Landinfo's country analysts collect and analyse information about social conditions and human rights in countries relevant to the work of the immigration authorities.

UDI's Department for Regions, Reception and Return is in charge of housing asylum seekers during the asylum process. Its 6 regional sub-offices oversee the reception centres in their region. Municipalities and private actors usually run reception centres. Main private actors running reception centres include the Norwegian People's Aid, Hero and Link.

In the event of a negative decision – appeals and return

In the event that an application for asylum or immigration is rejected, the individual may appeal this decision to UDI. UDI may overturn its own decision, in particular if new and relevant information is supplied, but will usually forward the case to the Immigration Appeals Board (UNE)⁹. UNE is an independent, quasi-judicial body that considers appeals against decisions made by the UDI.

UNE reaches decisions by several different methods. Decisions can be reached at appeals board hearings with the appellant present, at appeals board hearings without the appellant, by a board leader or by the legal secretariat. A board leader determines the processing method for each case. There is no possibility to appeal the decision regarding processing method. In cases that concern particularly consequential or principled questions, a Grand Board may be convened, consisting of three board leaders and four lay board members. Decisions reached by a Grand Board are precedent setting for UDI and UNE.

Negative decisions in UNE are final. However, it is possible to submit new appeals to UNE requesting a reconsideration of the decision, for example in cases of changed circumstances or new information. It is also possible to file lawsuits against UNE in an ordinary court of law. Such cases can only be brought before the Oslo District Court.

The National Police Immigration Service, PU, is responsible for escorting persons without legal residence in Norway out of the country if they do not leave voluntarily, and thus implements expulsion decisions and negative decisions once they are final. Issues concerning voluntary return of former asylum seekers are also the remit of the Return Unit in UDI's Department for Regions, Reception and Return. They cooperate with PU as well as the International Organisation of Migration, which runs an assisted voluntary return program (VARP) from Norway (described in further detail below in section 4.1.7).

In the event of a positive decision – settlement and integration

In the event of a positive decision in an asylum application the Directorate of Integration and Diversity (IMDi) is in charge of settling those with a residence permit in municipalities across the country. The persons become the responsibility of the municipality, which for five years receive a

⁸ Website: <http://www.landinfo.no>

⁹ Website: <http://www.une.no>

special ‘integration support grant’ for former asylum seekers and resettlement refugees settled there. The municipalities also have to provide the two-year, full time, Introduction Program.

IMDi also follows up the Introduction Programme for refugees and family members reunited with them, in addition to persons granted residence on humanitarian grounds and families reunited with them as well as other provisions of the Introduction Act, which e.g. regulates the provision of Norwegian language instruction to the abovementioned groups and some other groups of immigrants. This language training is carried out by the municipalities and funded by the state (described in further detail below under section 4.1.4).

Persons receiving a residence permit in Norway and intend to reside here for more than 6 months must register in the National Population Register, administered by the Norwegian Tax Administration. The Tax Administration issues Norwegian personal identification numbers or D-numbers (temporary registration numbers for persons staying up to six months, needed for tax and social security purposes). It also issues the tax deduction cards that are required in order to work in Norway.

Foreign workers with a job offer who do not require an entry visa may apply in order to work in Norway at the local police or at a designated Service Centres for Foreign Workers¹⁰, which exist in Oslo, Stavanger and Kirkenes. These centres are set up in cooperation between UDI, the Norwegian Tax Administration, the Labour Inspection Authority and the Police. They as well as the police carry out registration of workers from Member States of the European Economic Area (EEA) and the EFTA (Switzerland and Lichtenstein in this case. Iceland is included in a Nordic Labour Market Agreement) and provide fast-track processing of applications from skilled or specialist workers. The centres provide a one-stop location where workers can also get their tax deduction cards.

2.1.3 Involvement of non-governmental organisations in the asylum and migration process

Two main non-governmental institutions are involved at different points in the asylum process. At the very beginning of the process, the Norwegian Organisation for Asylum Seekers (NOAS)¹¹ provides information services to recently arrived asylum seekers. This is described in further detail under section 4.1.1.

At the other end of the process, as mentioned, the International Organisation for Migration (IOM)¹² runs a Voluntary Assisted Returns Programme (VARP) in Norway. This programme has been operative since 2002, and returns are organised to all countries/territories, with the exception of Gaza and Somalia. There are special Assisted Voluntary Return programmes for Afghanistan and Iraq, which contain provisions on training, financial and in-kind support. IOM administers return under these country-specific agreements as well. This is described in further detail in section 4.1.7.

Some other non-governmental organisations may be involved in the immigration process on an *ad hoc* basis. NOAS occasionally provides free legal aid to failed asylum seekers; as do some other law students’ associations (Juss-Buss, JURK and Jusshjelpa). Additionally, the organisations SEIF (Self-Help for Immigrants and Refugees), OMOD (the Organisation against Public Discrimination), The Norwegian Centre Against Racism, and the MIRA Centre may occasionally get involved with individual immigration cases. They also work more broadly to improve the conditions of immigrants. The Directorate of Integration and Diversity, IMDi, also funds NGOs among others the Norwegian

¹⁰ Website: <http://www.sua.no>

¹¹ Website: <http://www.noas.no>

¹² Website: <http://www.iom.no>

Red Cross and Save the Children Norway, MIRA Centre, the Norwegian Centre Against Racism, OMOD and SEIF which operate different integration programmes.

The Ministry of Justice and Public Security, UDI and other public institutions mentioned in this section may commission research into specific areas of asylum and migration policy from independent researchers and research institutes. Institutions such as the Institute for Social Research (ISF), the Institute for Labour and Social Research (Fafo), the Peace Research Institute Oslo (PRIO), NTNU Social Research and the Christian Michelsen Institute (CMI) have all carried out such research in the recent past. Such institutions may also be commissioned to evaluate specific programs.

2.2 Overview of the Norwegian Legal Framework

The Immigration Act (Utlendingsloven) of 15 May 2008 no. 35 entered into force on 1 January 2010 as did its additional secondary legislation: Regulations of 15 October 2009 on the entry of foreign nationals into the Kingdom of Norway and their stay in the realm (Immigration Regulations; in Norwegian Utlendingsforskriften) which further extend the content of the various sections of the Act itself.¹³

Further to these instruments, the immigration area is also regulated by secondary legislation such as instructions, regulations and guidelines issued by a superior authority to subordinate agencies or institutions. As an example, the Ministry of Justice and the Police can instruct the Directorate of Immigration in its policy implementation, although not in individual cases. The said Ministry cannot, however, instruct the Immigration Appeals Board (considered a quasi judiciary institution) other than through legislation. The Directorate of Immigration, in its turn, can instruct the police in immigration matters as well as diplomatic missions as regards their involvement in immigration work, e.g. issuance of visas, etc.

The Immigration Act is divided into 14 chapters:

Chapter 1 General Provisions

Chapter 2 Visa, entry and exit control and rejection, etc.

Chapter 3 Stay in connection with employment and studies, etc.

Chapter 4 Protection

Chapter 5 Right of residence on the grounds of strong humanitarian considerations or a particular connection with Norway

Chapter 6 Family immigration

Chapter 7 General provisions concerning residence permits

Chapter 8 Expulsion

Chapter 9 Absolute protection against refoulement

Chapter 10 Organisation of the immigration authorities

Chapter 11 Rules of procedure

Chapter 12 Treatment of fingerprints etc., coercive measures and penalties

¹³ <http://www.regjeringen.no/nb/dep/jd/tema/innvandringspolitikk/midtpalte/utlendingsloven-og-forskriften-pa-engels.html?id=625415>

Chapter 13 Particular provisions relating to foreigners covered by the The Agreement on the European Economic Area, (the EEA Agreement) and the Convention on the establishment of the European Free Trade Association (The EFTA Convention).

Chapter 14 Concluding Provisions.

During preparations for the drafting of the Immigration Act, a discussion took place on whether all aspects should be incorporated into one Act or whether a separate Act should be issued on Asylum and protection issues. Adoption of one holistic Act was decided and thus, the Immigration Act covers all aspects pertaining to a foreigner's access to the realm and his or her stay (section 2). Another feature of the Immigration Act is that its drafters intended it to become a more easily accessible piece of legislation and therefore to facilitate it's reading to a larger extent than what had been the case with previous immigration laws. The present Immigration Act thus contains all relevant, principled sections that could otherwise have been found in the secondary legislation.

Section 1 of the Act further illustrates and underlines the purpose of the Act. It is worth noting that particular emphasis has been attached to Norway's international obligations, a policy which, as will be illustrated further below, reflects an internationalisation and a Europeanisation of Norwegian immigration law and policy.

Section 1 on the purpose of the Act states:

The Act shall provide the basis for regulating and controlling the entry and exit of foreign nationals and their stay in the realm, in accordance with Norwegian immigration policy and international obligations.

The Act shall facilitate lawful movement across national borders, and ensure legal protection for foreign nationals who are entering or leaving the realm, who are staying in the realm, or who are applying for a permit pursuant to the Act.

The Act shall provide the basis for protecting foreign nationals who are entitled to protection under general international law or international agreements by which Norway is bound.

The relationship between the Immigration Act and international obligations has been incorporated into section 3 which explicitly states that the Act shall be applied in accordance with international provisions by which Norway is bound when these are intended to strengthen the position of the individual. This provision is a continuation of a similar provision in the previous law. However, in spite of this general reference to due respect being paid to our international obligations, the Act of 2010, contains several provisions which further underline fundamental principles of international law of which Norway is bound. One example is section 73 which explicitly prohibits refoulement. Another example is contained in section 28 on asylum to foreigners in need of international protection. According to this provision, alinea a, persons who are eligible under the refugee definition contained in the 1951 refugee Convention, are to be recognized as a refugee and be granted a residence permit (asylum). Furthermore, in accordance with alinea b, persons who are not covered by alinea a, but who are at risk of being exposed to death penalty, torture or other inhuman or degrading treatment or punishment upon return to the home country, equally have the right to a residence permit (asylum).

Provisions in regard to protection in the Immigration Act, sections 28-30, largely build on the standards set out in the EU Council Directive (2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (Qualification

Directive) although Norway is not bound by any of the European instruments which constitute the Common European Asylum System (CEAS), with one exception, the Dublin Regulation.

Although CEAS in general and the Qualification Directive in particular have had an inspirational effect on the Immigration Act, section 28 alinea b of the Norwegian Act takes the obligation of protection one step further than the Qualification Directive which would afford subsidiary protection in some cases where the Norwegian Act provides a right to asylum. This concerns persons who are in need of international protection due to obligations emanating from the European Convention on Human Rights article 3 and decisions by the European Court on Human Rights. This is in addition to persons who fall within the scope of the 1951 Refugee Convention.

As further examples of the Norwegian Europeanisation in migration matters, obligations pertaining to the Schengen cooperation and the Schengen acquis by which Norway is bound, can be found in chapter 2 on visa, entry and exit control and in chapter 12 on fingerprinting, coercive measures and penalties. Obligations in accordance with Norway's participation in the Eurodac cooperation are incorporated into section 101 of the Act. A number of provisions of the Act also relate to VIS. Apart from Eurodac in chapter 12, the Dublin cooperation is reflected in chapter 4, section 32 of the Act.

Access to the Norwegian labour market is dependent on nationality, visa requirements and skills of the applicant. Nordic citizens are exempted from any requirement in regard to a work permit and may freely reside and work in Norway without any preconditions (section 5 of the Immigration Act).

EEA or EFTA citizens and their family members may move freely within the EEA area as labour migrants and service providers, for example. Chapter 13 of the Immigration Act covers conditions in regard to immigration from these countries. For citizens from these countries, neither an entry visa nor a work permit is required. However, non-Nordic citizens must register with the police if they intend to stay in the country for more than three months. As a consequence of the EEA and EFTA cooperation, the EU Directive on Citizen's Rights (EC 2004/38) has been transposed into the Immigration Act.

In accordance with the Immigration Regulations (section 1-1), there are further exceptions to the residence permit requirement. This includes cases where employment does not exceed three months, e.g. for professional athletes, journalists working for foreign media, tourist guides or researchers. Special exceptions equally apply to artists and musicians.

For citizens from all other countries, the principal rule is that a residence permit is required in order to access the labour market.

The main rule is contained in section 55, and concerns requirements as to residence permits in order to take up employment and residence:

“Any foreign national who intends to take up employment with or without remuneration or who wishes to engage in business activity in the realm must have a residence permit giving him or her the right to take up employment or to engage in business activity, unless otherwise provided in or pursuant to this Act.

Any foreign national who intends to take up residence in the realm for more than three months without taking employment must have a residence permit. Residence in another country participating in cooperation under the Schengen Agreement shall be equivalent to residence in Norway. The King may by regulations make further provisions in respect of calculation of the period of residence”.

Furthermore, the principal rule is that the application for a residence permit must have been made from abroad (section 56).

The most significant requirements in relation to residence and work in Norway, concern citizens from third countries for whom a visa is required. Reasons for applying vary. They may be labour migrants, students, family members, etc. The Immigration Act has been divided into different chapters that may apply, e.g. chapter 3 on residence in regard to work and studies; chapter 6 on family reunification and chapter 7 that contains the general provisions concerning residence permits. The Immigration Regulations provide detailed supplements to the Act. The Regulations also contain detailed provisions on when the authorities may make exceptions to the principal rule, for example as regards the right to apply from within the realm. Section 10-1 of the Regulations provides a detailed enumeration of when such an exception may be made, e.g. for skilled workers, specialists, spouses, minor or adopted children of a Norwegian citizen, certain seamen, parents of a Norwegian child, etc.

The Immigration Regulations categorise different types of labour migrants: skilled workers, specialists, unskilled workers, seamen, etc. As already indicated above, the legal system allows differentiation between the different categories. Different systems have been set up in order to accommodate skilled workers from abroad. For example, skilled jobseekers may stay in Norway for six months in order to find a relevant job, sec 1-2 and 6-30, and skilled workers can apply for residence permit from within the realm, sec 10-1. Skilled workers or their employer may apply for a residence permit at the service center for foreign workers. They may apply in order to work from within Norway¹⁴ at designated Service Centres for Foreign Workers¹⁵, which exist in Oslo, Stavanger and Kirkenes. See further below under 4.1.

As explained above (2.1) and below (4), the Directorate of Immigration (UDI) is the central administrative authority which implements and coordinates Norwegian asylum and migration policies. UDI examines most applications for immigration, including all asylum applications in the first instance, whereas the Immigration Appeals Board (UNE) examines the appeals as a second instance. The principal ministry in charge of migration issues, however, cannot instruct these subordinate agencies on the result of individual cases. Beyond the administrative apparatus, all immigrants are free to proceed cases before the ordinary courts.

Although the Immigration Act and the Immigration Regulations are the principal instruments in regard to the handling of immigration issues in Norway, there are of course numerous other acts and secondary legislation which at some stage may enter into the picture during the various stages of the examination of a case, be in an application for asylum, labour immigration or otherwise, e.g. the police Act (1995), the Human Rights Act (1999), the Penal Code (1902 with changes 1997 and 2005); Acts and Regulations on Health issues, e.g. on Patients' Rights (1999 with changes in 2011) and the Introduction Act (2003 with changes 2011).

¹⁴ Section 1-2 of the Immigration Regulations

¹⁵ Website: <http://www.sua.no>

4. ORGANISATION OF POLICY

4.1 Asylum and Migration

This section outlines the procedures with regard to entry, admission, residence, integration, citizenship and access to the labour market for immigrants coming to Norway. The sections on entry procedures and admission conditions are divided into subsections on asylum and migration. The following sections are of general application, as the procedures in Norway are common for the different subgroups of immigrants.

4.1.1 Entry Procedures¹⁶

4.1.1.1 Asylum

Arrival

Asylum claims in Norway must be registered with the National Police Immigration Service (PU), which is located in the centre of Oslo. If asylum seekers approach other police districts or public offices, e.g. if they arrive in another part of Norway, they are generally referred to the PU offices in Oslo. PU will conduct an initial interview with each asylum seeker in order to establish their identity as well as the route by which they travelled to Norway. They will photograph and fingerprint applicants, and enter the information into the relevant computerised systems (Eurodac and the systems used by Norwegian immigration authorities).

Upon registration, all asylum seekers are transferred to a transit reception centre, currently located at Refstadin the east of Oslo. Most asylum seekers will stay there approximately one week, although this may vary. While there, they undergo a basic medical exam (including testing for tuberculosis), and they are given information about the asylum procedure and the next steps from the Norwegian Organisation for Asylum Seekers, NOAS. NOAS representatives show all asylum seekers an informational film, available in many different languages, which explains the meaning of asylum and different grounds for protection, as well as the general structure of the Norwegian asylum system and the rights of asylum seekers. NOAS employees then carry out private information sessions with each asylum seeker (with the use of an interpreter, by telephone when necessary) in order to provide more tailored advice and answer questions they may have. They may, for example, explain the Dublin Regulations where necessary, depending on the type of procedure that the individual applicant is in. The different procedures will be explained in the following.

Accelerated procedures

At the point of registration, asylum seekers' applications are divided into different procedures. Persons for whom PU officers find fingerprint matches in the Eurodac database, or who for other reasons should have their applicants processed in another country (e.g. if they are found to have a visa to another Schengen country) are placed in the Dublin Procedure. They may stay in transit reception centres or in specialised centres, awaiting transfer to another European country. The Dublin Unit within the Asylum Department in UDI liaises with its European counterparts to organise transfer to the appropriate country for examination of the claim. Asylum seekers may appeal decisions regarding

¹⁶ <http://www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Protection/Procedure-in-asylum-cases/>

removal under the Dublin Procedure, but may not necessarily be entitled to remain in Norway while the appeal is being processed.¹⁷

Asylum seekers from countries that Norway considers to be safe are placed in a 48-hour procedure.¹⁸ These applicants will have a short interview with UDI shortly after arrival and their application will be rejected within 48 hours if it is considered to be manifestly unfounded (if not, the person will be transferred to an ordinary procedure).

Persons from certain countries with very high refusal rates, and where UDI has a wide knowledge base about the human rights situation in the country so that further investigation is rarely necessary, may be placed in a three-week accelerated procedure.¹⁹ They have an interview comparable to asylum seekers in the standard procedure, but their applications will usually be processed within three weeks. If there are special circumstances preventing speedy status determination, they may be transferred to the ordinary procedure.

Additionally, there are accelerated procedures that may be used for asylum seekers with criminal records, or whose identity is in doubt.

Procedure for unaccompanied minor asylum seekers

Asylum seekers who say that they are younger than 18 years old and unaccompanied by a parent or a legal guardian are placed in a special procedure for unaccompanied minors. A provisional guardian is appointed to each unaccompanied minor.²⁰ The provisional guardian will, for example, assist at the asylum interview. Unaccompanied minors are also entitled to free assistance from a lawyer throughout the asylum process.

In cases of doubt with regard to the age of the asylum seeker, UDI will seek to do an age assessment, which involves a dental examination and hand x-ray, in addition to an observation and a medical statement from the Children's Clinic at Ullevål University Hospital in Oslo. This age assessment is voluntary.²¹ The final decision about age is made by UDI based on all available information.

Unaccompanied minor asylum seekers are housed in separate reception centres, or in separate units within general reception centres. The Norwegian Directorate for Children, Youth and Family Affairs (Bufdir) oversees centres accommodating unaccompanied minors under the age of 15, while UDI oversees the centres for those aged 15-18.

¹⁷ <http://www.regjeringen.no/nb/dokumentarkiv/stoltenberg-ii/aid/rundskriv/2009/instruks-ai-7809-om-individuell-vurderin.html?id=560886>

¹⁸ Countries in the 48-hour procedure as of 2011: Albania, Argentina, Australia, Austria, Bosnia-Herzegovina, Belgium, Bulgaria, Barbados, Canada, Switzerland, Chile, Costa Rica, Cyprus (Greek part), Czech Republic, Germany, Denmark, Spain, Estonia, Finland, France, Faroe Islands, Great Britain, Greece, Croatia, Hungary, Ireland, Iceland, Israel, Italy, Japan, Liechtenstein, Lithuania, Luxembourg, Latvia, Macedonia, Monaco, Moldova, Malta, Montenegro, Mongolia, Netherlands, New Zealand, Poland, Portugal, Romania, Serbia, Slovakia, Slovenia, Sweden, Ukraine, USA, Holy See, South Africa.

¹⁹ At present the 3-week procedure applies to persons from Armenia, Georgia, Belarus, India, Nepal, Russian Federation (ethnic Russians only) and Kosovo (except ethnic minorities).

²⁰ <http://www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Protection/Asylum-seekers-and-refugees/Unaccompanied-minor-asylum-seekers/The-role-of-provisional-guardian/>

²¹ <http://www.udi.no/Sentrale-tema/beskyttelse/Asylsokere-og-flyktninger/Enslige-mindreareige-asyloskere/Aldersundersokelse/>

Normal procedure

All other asylum applicants are processed in the normal asylum procedure. Within about three weeks of registration, they will have their interview with UDI establishing their reasons for seeking asylum. While they wait for this interview, they stay in reception centres in the Oslo region. Once they have had their interview, they are transferred to other reception centres, usually in other parts of the country, awaiting the outcome of their applications. UDI is continually working to cut down the processing time for asylum applications, and has implemented “lean” processing methods for several countries of origin with high arrivals. Processing times vary, however, depending on the complexity of the case and other factors.

Detention

Detention is not routinely used, but asylum seekers may be detained upon arrival in cases where they refuse to say who they are or where there is reasonable doubt about their identity, in accordance with the Immigration Act section 106. Unless there are specific circumstances warranting further detention, the maximum period of detention is 12 weeks. Migrants are detained at a specific detention facility at Trandum, relatively close to Oslo Airport Gardermoen. Persons awaiting expulsion may also be detained there if it is believed that they may abscond, for example.

4.1.1.2 Migration

As already indicated under section 2 above, most citizens of countries that are not member countries of the EU or EFTA must apply for immigration permits to Norway from their country of citizenship or habitual residence. Applications must be submitted to the local Norwegian embassy or consulate, or to embassies of other Schengen Member States with which Norway has cooperative agreements. Applicants must await the outcome of their application in the home country. If their application is approved, they may travel to Norway, where they must register with the local police within one week.

Some categories of migrants may apply for immigration permits from within the realm. This applies to individuals from countries with a visa waiver who are skilled or who are family members of Norwegian citizens or permanent residents. In these cases, applications are to be submitted to the local police or to the Service Centres for Foreign Workers. Applicants may await the result of their application in Norway, even if processing time exceeds the 90 days that they ordinarily may remain in Norway on a visa waiver.

4.1.2 Admission Conditions**4.1.2.1 Asylum****Examination and decision-making**

UDI is in charge of asylum status determination, in accordance with the Immigration Act. Sections 28-30 of the Immigration Act outlines the requirements for international protection status, and these apply regardless of whether the case is in an accelerated or normal procedure (see above section 2.2).

Section 31 outlines the reasons for exclusion from international protection statuses. A specific sub-unit of the Asylum Department (F1) handles cases where the Exclusion Clauses are engaged (in accordance with the Refugee Convention article 1F). UDI decision makers also consider whether the individual

may qualify for a permit on humanitarian grounds, in accordance with section 38 of the Immigration Act.²²

Refugee status is determined based on analysis of the asylum interview in conjunction with country of origin information, such as reports by reputable human rights organisations (Human Rights Watch, Amnesty International). Decision makers may seek out additional information from Landinfo, the Country of Origin Information Centre. Where necessary, representatives at Norway's diplomatic missions may assist in gathering information. In particular, Norway has immigration liaison officers posted in several countries of origin that are tasked with verification and information gathering in asylum cases. Asylum applications are examined in order to establish credibility and to perform a risk analysis. Two separate decision makers review each application. If they disagree about the outcome, a third, more senior, supervisor may review it.

If the asylum seeker has established his or her identity at the time of arrival by submitting a passport deemed genuine, and if UDI has not reached an initial decision in the case within 15 months of the application date, the applicant may be given a permit on humanitarian grounds, subject to the conditions laid out in the Immigration Regulations section 8-2.

Appeal and legal assistance

In the event of a negative decision, all asylum seekers may file an appeal against the decision of UDI. They are entitled to free legal aid in order to do so. The number of hours of free legal aid depends on which procedure the asylum seekers are in (the different procedures are described above). UDI maintains a list of lawyers with experience in immigration and refugee law, and will assign lawyers to rejected asylum seekers from this list. Women claimants may request a female lawyer. If asylum seekers wish to use lawyers other than those on UDI's list, they must cover the costs themselves.

Although the Immigration Appeals Board, UNE, is the formal appeal body with regard to decisions made by UDI, the appeal is first submitted to UDI. At this point, UDI reviews its own decision, and may overturn it, especially if new and relevant information is submitted. This may, for example, include medical reports pointing to injuries from torture or documentation of severe illness, which had not previously been made available to the decision maker.

In the vast majority of cases, however, UDI submits the file to the Immigration Appeals Board, which processes appeals. There are several methods of decision making within UNE. Decisions may be reached at appeals board hearings with the appellant present, at appeals board hearings without the appellant, by a board leader or by the legal secretariat. A board leader decides the processing method for each case. There is no possibility to appeal the decision regarding processing method. In cases that concern issues of principle, a Grand Board may be convened, consisting of three board leaders and four lay board members. Decisions reached by a Grand Board are precedent setting for UDI and UNE.

A decision reached in UNE is final, but failed asylum seekers may at any time submit a letter to UNE requesting it to reverse its final decision. The Board does so in a limited number of cases, for instance if humanitarian circumstances have changed significantly.

²² The Norwegian status on humanitarian grounds does not correspond to subsidiary protection statuses as defined in the EU, but is a broader provision, which may for instance take into account the attachment of the individual to Norway.

Most claimants are entitled to remain in Norway awaiting the decision in their appeal from UNE. If UDI considers an application manifestly unfounded, however, expulsions may be carried out before the processing of the appeal, in accordance with section 90 of the Immigration Act.

Normally, UDI and UNE examine asylum applications independently of any direct political involvement. The Minister of Justice and public security may, however, instruct these institutions in the processing of individual cases that concern fundamental national or foreign policy interests (as per the Immigration Act section 76). The Ministry may equally instruct its subordinate agencies (UDI and UNE) on their prioritisation of case handling.

4.1.2.2 Migration

Admission conditions for migrants other than asylum seekers differ for different categories of migrants. They are relatively complex, and will only be briefly outlined here.²³

Family migrants

The Area for Family Reunification in the Department for Managed Migration of UDI processes applications for family reunification. It is subdivided into five units, which each have a regional focus. Two of these regional units are also in charge of family reunification claims with skilled workers and with students, respectively. Claims with a skilled worker sponsor are usually processed faster than other family reunification claims.

Where the family members are entitled to apply from within the realm (see above), and where there are no doubts that requirements are met, the local police station will process the claim. The specific requirements for admission through family reunification are outlined in Chapter 6 of the Immigration Act.

If a family reunification claim is rejected by UDI, the claimant may file an appeal to UNE.

In order to sponsor someone for family reunification, the family member living in Norway must as a rule have one of the following legal statuses:

- Norwegian citizenship
- Citizenship of a Nordic country
- Permanent residence
- A residence permit forming the basis for permanent residence in Norway

Individuals who are in Norway on a temporary residence permit (students etc) may sponsor family members to accompany them in Norway for the duration of their stay.

As a rule, the sponsor must demonstrate the ability to support incoming family members financially. This involves demonstrating both past and present income, and that the sponsor is not dependent on social welfare. The income requirement is currently that the sponsor must receive an annual salary or income equivalent to salary grade eight in the pay scale for Norwegian state employees (or approximately 30,000 EUR before taxes). This income level must as a rule be demonstrated for both the year in which the application is submitted and for the previous year (with exceptions made from the past income requirement for persons who were full-time students). Adequate income must be

²³ Applicants, or persons wishing to learn about admissions conditions in further detail, will find in-depth and current information on requirements for various types of visas on the website of UDI, www.udi.no. The website is available in English.

demonstrated through the reception of a salary or from own business – own funds are not sufficient. Further, the sponsor must demonstrate that he or she possesses adequate housing.

The income requirement does not apply to those with international protection status who sponsor their pre-existing family members, nor does it apply when the family member sponsored for reunification is a child under the age of 15. Further, it does not apply when the sponsor is a child.

Foreign citizens (including refugees) who have set up a family after coming to Norway (family formation/family establishment) must also demonstrate that they have worked or studied in Norway for four years before sponsoring family members.

The following family members may be sponsored for family reunification in Norway:

- A spouse or registered partner
- A cohabitant (if the couple has lived together for at least two years)
- A fiancé (who will get a six-month “fiancé permit”, and can then apply from within Norway as a spouse)
- Children (if both parents live in Norway, the parent with sole custody lives in Norway, or the parent who does not live in Norway has agreed that the child move here)
- Parents and siblings under the age of 18 of resettled refugees
- Parents of Norwegian citizen children

Additionally, certain other family members may apply:

- A single parent of an adult Norwegian resident, who is over the age of 60 and has no other family members in the home country
- Persons aged 18 to 21 who are unmarried and who have either spent significant amounts of time in Norway while younger, or who are dependent on the care of their family
- Foster children under the age of 18
- Siblings under the age of 18 who have no living parents in the country of residence

The Directorate of Immigration may make exceptions from the requirements outlined in this section if there are strong humanitarian considerations, and may in such cases grant family reunification permits even though the requirements are not met.

Labour migrants

Third country nationals who intend to work in Norway or who want to run their own business in Norway must, as already indicated, hold a residence permit. The residence permit entitles the holder to work in Norway. According to the Immigration Act and Immigration Regulations, the term ‘residence permit’ replaced the former ‘residence permit and work permit’.

The Immigration Act lists five main categories of labour migrants:

- i. Highly qualified specialists and key personnel (defined as persons offered an annual salary above a certain level (in 2011: NOK 500 000 or approximately 65 000 Euro). They are entitled to family reunion and are offered opportunities for permanent residence).
- ii. Skilled workers (those with education level corresponding at least to vocational training at the level of Norwegian upper secondary education, or with corresponding vocational education. They are entitled to family reunion and offered opportunities for permanent residence).

- iii. Recently graduated from Norwegian universities (those from outside the EEA will be given work permit for six months whilst applying for relevant work under categories i. or ii.
- iv. Seasonal employees (will get a permit for up to six months, with no right to family reunion or permanent residence).
- v. Unskilled (a temporary permit for persons from selected regions or countries, e.g. granted to Russians from the Barents region to work in counties near the Russian border).

The Immigration Act includes provisions that are intended to ease the labour recruitment process. Three groups of workers may commence work before the permit is issued: employees of international companies operating in Norway, highly qualified specialists and key personnel (group i.), and skilled workers (group ii.). Job seekers at skilled level, or higher, can be given residence permit to Norway for up to six months while applying for work. Families of students are given the opportunity to engage in full-time work.

A residence permit for specialists or skilled persons from outside the EEA may lead to a permit for permanent residence in Norway (after three years of residence). It is a condition that their competence is relevant for the type of job being offered. Within an annual maximum and on the condition that the vacancy has been previously announced in the EEA-area, new permits for these categories of workers may be granted without any labour market needs test. The annual maximum for new permits has been fixed at 5 000 since 2002, a level that so far has not been exceeded.

With the implementation of the EU directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of their Member States, nationals from non-Nordic EEA countries no longer need a residence permit. However, they are, as already mentioned, required to register with the police when their stay in Norway exceeds three months. Non-Nordic EEA and EFTA nationals may apply for permanent residence after five.

With the enlargement of the EU and the EEA from May 2004, transitional rules on the access of nationals of the new EEA member states in Central and Eastern Europe to the Norwegian labour market came into force. The transitional rules for these countries were lifted in May 2009. Government has proposed a bill before the Storting to end the transitional rules for workers from Bulgaria and Romania.

During the first nine months of 2011, the total number of permits issued to non-EEA citizens for the purpose of work (skilled, seasonal and other workers), has increased by 13 per cent compared to the same period in 2010. The distribution across sectors of these permits was very similar to that in 2010.

Student migration

A foreign national who has been admitted to an approved educational institution, for example a university, must have a residence permit to study in Norway. To obtain this, the applicant must be able to prove that she/he is in a position to finance her/his studies and stay, and must have a place to live. International students are granted a permit to work part-time (max. 20 hours a week and full-time in the ordinary holiday periods). Since 2007 this permit is granted together with their first residence permit for education. A concrete offer of employment was no longer required. In addition, family members of students are allowed to work full time, while the students themselves may only work part time.

The general rule is that international students must leave Norway after completing their studies if they do not fulfil the criteria for another type of work or residence permit. The possibility for graduates to

apply for a work permit, as a skilled person has existed since 2001. To facilitate the transition to work it has since 2010 been possible for graduates to apply for a six months' residence permit while applying for jobs that correspond to the qualifications obtained.

Foreign nationals who are qualified skilled workers, but who need additional training or practical experience in order to obtain the necessary recognition of their qualifications in Norway, may be granted a permit for a total period of up to two years. A person in this category may also apply for a permit for a total period of one year to study the Norwegian language, and this may precede the two-year qualification period.

On specific conditions, au pairs and trainees may be granted a work permit for maximum two years. Changes in the present regulations are being considered to prevent au pairs from being exploited as cheap domestic labour.

During 2010, only 176 international students from countries outside EEA changed their status. 68 per cent of these became labour migrants with a permanent or temporary permit. The rest were granted a permit based on new family ties.

4.1.3 Legal Residence

The Department for Managed Migration in UDI processes most immigration applications, with the exception of asylum claims. This Department is divided into four areas, in turn divided into smaller units:

- Area for citizenship, permanent residence and travel documents
- Area for visas, work permits and study permits
- Area for family reunification permits
- Area for expulsion cases

In some cases, other institutions are involved in the processing of permits. Norwegian diplomatic missions abroad process the majority of visa applications, and only a minority of such applications are forwarded to UDI for processing (UDI handles appeals against rejections of visa applications processed by diplomatic missions). Local police districts, which receive different types of applications and generally forward them to UDI for processing, may also grant permits where there are no doubts that conditions are met. Finally, skilled workers and specialists from outside the EEA (from countries without entry visa requirements) may apply for fast-tracked work permits at designated Service Centres for Foreign Workers in Oslo, Stavanger and Kirkenes (these centres also cater to workers from the EEA who only need to register to be allowed to work in Norway).

With regard to the renewal of residence permits in Norway, local police districts process almost all requests for renewals, from all categories of applicants (including accepted asylum seekers). In some cases, particularly where there were doubts about the identity of the applicant when the first permit was issued, a restricted permit may be issued. Renewal may be conditional upon the provision of identity documents. In such cases, the police will forward the application for renewal to UDI for processing.

All persons who immigrate to Norway are initially granted a temporary or conditional residence permit. Persons with a temporary permit forming the basis of a permanent residence permit may apply for permanent residence once they fulfil the following conditions²⁴:

- Applicants must have stayed in Norway for a continuous period of three years while holding a permit forming the basis of a permanent residence permit (these permits need not have been on the same grounds, i.e. it could be one year on a specialist worker permit and two years on family reunification permit)
- The requirement of continuity means that they may not have been outside of Norway for more than seven months in total, and that they may not have gaps exceeding 3 months between permits
- Applicants must apply on time (while the previous permit is still valid)
- Applicants must fulfil a good conduct requirement (not having been sentenced for criminal offences that can result in expulsion)
- Applicants must have completed 300 hours of Norwegian language and society classes (if they got their first permit after 1 September 2005 and are aged between 16 and 55). They may be exempted from this requirement by their local municipality, which is in charge of providing classes, if they can otherwise document Norwegian or Saami proficiency. As of January, 1, 2012 this requirement is raised to 600 hours (see section 4.1.4 below).

4.1.4 Integration

Integration policy is the responsibility of the Ministry of Children, Equality and Social Inclusion, and the Directorate of Integration and Diversity (IMDi) carries out the policy according to instructions. The aim of the 2003 Introduction Act as amended, is to provide basic understanding of the Norwegian society, as well as to prepare the individual for participation in the labour market and/or further education. The Directorate of Integration and Diversity (IMDi) is responsible for overseeing the implementation of this Act.

The Introduction Act regulates the provision of language and introductory courses for various groups of immigrants to Norway. Firstly, it stipulates that persons with international protection status and their family members have a right and a duty to enrol in a 2-year full-time Introduction Programme which, in addition to language classes, also provides basic vocational training. Participants receive financial support while enrolled in this programme and women participate on an equal footing with men. The rights and obligations of individuals under the act only apply to immigrants between the ages of 18 and 55 who need to acquire basic qualifications. Participation in the program is both a right and an obligation for the persons in the target group. The effects of the Introduction Program are monitored.

Secondly, it stipulates that non-refugee migrants (such as persons who are reunified with Norwegian citizen family members) must attend classes in Norwegian language and society. For many migrants, these courses are provided free of charge. Previously, 250 hours of Norwegian and 50 hours of social studies were required as part of this programme (compulsory to complete within 3 years in order to get permanent residence).

In 2011, the Introduction Act was amended and the required number of hours was increased to 550 hours of Norwegian language and 50 hours of social studies (entry into force Jan 1, 2012).

²⁴ <http://www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Permanent-Residence-Permit/What-are-the-requirements-for-a-settlement-permit/>

Specifically, the Introduction Programme is compulsory for the following groups (as per section 1 of the Introduction Act):

- Persons with refugee status according to section 28 of the Immigration Act
- Resettled refugees (section 35 of the Immigration Act)
- Persons with permits on humanitarian grounds (section 38 paragraph 1) or a permit following a mass influx situation (section 34)
- Family members of the above categories
- Persons with permits to stay in Norway on independent grounds after having been abused by a family member they were previously reunited with (in accordance with section 53).

Further, in accordance with the Introduction Act section 17, Norwegian language and society classes are compulsory and free of charge for:

- Persons with a permit forming the basis for permanent residence
- Persons with a collective protection permit following a mass influx (section 34)

who are aged between 16 and 55, with the exception of skilled workers and their family members, for whom these classes are not free of charge (in accordance with section 17 of the Introduction Act). Workers with a right to work in Norway under the EEA rules and their family members (including third-country national family members) are not required to take these classes.

Municipalities are responsible for the provision of language and society classes, and they receive state funding from IMDi in order to do so. Municipalities must provide an offer of enrolment within three months of application. In order to apply, migrants must supply their residence permits and evidence of having been tested for Tuberculosis.

4.1.5 Citizenship

UDI's Department of Managed Migration processes applications for citizenship in accordance with the Nationality Act. Persons with a valid residence permit in Norway may apply for citizenship, provided they fulfil the criteria outlined below. Applications are handed in to the local police district, which forwards it to UDI.

The general requirements for Norwegian citizenship are as follows:²⁵

- Applicants must be above the age of 12 (this does not apply to stateless persons or children for whom citizenship is applied for concurrently with their mother or father, or children with a Norwegian mother or father)
- Applicants must have documented or clarified their identity, generally with a valid passport.
- Applicants must reside in Norway and intend to continue to live there
- Applicants must meet the conditions for a permanent residence permit (outlined above in section 4.1.3)
- Applicants must have stayed in Norway for a total of seven years during the last ten years on permits of at least one year's duration each
- Applicants must have completed 300 hours of tuition in the Norwegian language or have documented sufficient skills in Norwegian or Saami (see sections 4.1.3 and 4.1.4; requirement

²⁵ <http://www.udi.no/Norwegian-Directorate-of-Immigration/Central-topics/Citizenship-/Requirements-to-obtain-Norwegian-citizenship-by-application/>

raised to 600 hours January, 1, 2012) The requirement can also be satisfied if the applicant documents that he or she has sufficient knowledge of Norwegian or Sami.

- Applicants must fulfil a good conduct requirement (persons who have been sentenced to a penalty or a special criminal sanction is not entitled to Norwegian nationality until a certain period of time (waiting period) has elapsed)
- Applicants must have been released from their original citizenship unless it automatically expires when they become Norwegian or a release cannot be obtained

There are some notable exceptions to the rules outlined above, in particular with regard to the seven-year residence requirement. Persons who came to Norway as minors must demonstrate residence for five of the last seven years. Persons married to a Norwegian citizen must demonstrate residence for three of the last ten years. The period of residence in the realm and the period of marriage to a Norwegian national with a shared residence must add up to a total of at least seven years. The period of residence and the period of marriage to a Norwegian national may be concurrent. Stateless persons must demonstrate three years of residence.

Persons who apply for Norwegian citizenship must be released from their original citizenship. An exemption may be granted from the requirement regarding release if release is deemed to be legally or practically impossible or for other reasons seems to be unreasonable.

UDI currently (2011) processes applications for citizenship in approximately 13 months. The application fee is currently 3,500 kr (approx. €450).

4.1.6 Access to the Labour Market

A permit is generally required in order to access the Norwegian labour market. Generally speaking, a residence permit from UDI will grant access to the Norwegian labour market. Once a residence permit is obtained, the person concerned must register with the Norwegian Tax Administration in order to obtain a tax deduction card and a personal identification number or D-number, as outlined in section 2 above. It is a goal of Norwegian immigration policy that immigrants be well-integrated into the labour market. The procedures for different groups are outlined briefly below. Then, support services for labour market insertion as well as efforts against illegal employment will be briefly outlined.

4.1.6.1 Asylum

Asylum Seekers

Asylum seekers are not generally entitled to work in Norway. They may apply to UDI for a temporary work permit, valid while their application for protection is being processed. Generally speaking, to obtain this permit they are required to document their identity with a passport or national identity card from their home country. The only exceptions are made for persons from countries which do not issue passports (i.e. Somalia). The main rationale for this restrictive practice with regard to work permits is to encourage more asylum seekers to provide documentation of their identity. In 2011, a regulatory change allowed asylum seekers to participate in unpaid volunteer work for up to 30 hours per week.

Persons receiving protection status or status on humanitarian grounds

Once asylum seekers are granted a residence permit in Norway, they also gain access to the labour market. There is no waiting period.

4.1.6.2 Migration

Family members

Family members are generally granted access to the labour market with their residence permits. There is no waiting period. Labour market participation among persons who came as family migrants is lower than for other groups.²⁶

Students

All persons with a study permit in Norway are automatically entitled to work a maximum of 20 hours per week, and full-time during school vacations. There are no other restrictions with regard to employers etc. Upon application for renewal of the study permit, documentation of sufficient progression in one's studies is required in order to retain the entitlement to work.

Skilled workers and specialists

Skilled workers and specialists generally require a work permit to access the Norwegian labour market. Persons from countries with visa waivers may apply from within Norway directly at a police district or the Service Centres for Foreign Workers in Oslo, Stavanger and Kirkenes. Others must apply from their country of citizenship or habitual residence. Their applications are generally fast-tracked.

Individuals with a job offer in Norway where they will earn more than NOK500,000 per year (approx. 65,000 €), may receive a special permit as a specialist. They may begin working before their work permit is processed.

Some categories which do not require a work permit

Certain categories of short term workers do not require a work permit in Norway:

- Business travellers
- Technical experts who are installing, repairing or maintaining technical equipment (stay shorter than 3 months)
- Professional athletes and their support teams
- Public service employees of other countries (according to agreements between the countries' authorities)
- Journalists or other personnel from foreign media
- Tour guides travelling with foreign parties
- Personnel from foreign aircraft, trains, buses or trucks
- Necessary crew on foreign ships decommissioned in Norway
- Researchers or lecturers staying shorter than three months
- Religious preachers staying shorter than three months

Categories denied access to the labour market

Some specific categories of persons may receive a residence permit which does not grant them access to the labour market.

A person who is protected from return by the *non-refoulement* principle, in accordance with section 73 of the Immigration Act, but excluded from refugee status (either according to section 31 of the Immigration Act, or because he or she is considered a danger to national security) may receive a temporary residence permit, but not permission to work (in accordance with section 74 of the Immigration Act). The residence permit would lapse once the conditions triggering *non-refoulement*

²⁶ See report by Statistics Norway at http://www.ssb.no/vis/magasinet/slik_lever_vi/art-2010-05-07-01.html

resolve. The most well-known example of such a case would be Mullah Krekar, the founder of the Kurdish Ansar-Al-Islam organisation (which is on the UN list of entities linked to terrorist activities).²⁷ He cannot be removed from Norway as long as he faces the death penalty in Iraq. He is not entitled to work in Norway.

Further, parents who are in Norway on short term visits (up to 9 months) to their Norwegian resident children, in accordance with section 47 of the Immigration Act, do not have access to the labour market.

4.1.6.3 Support services for labour market participation

Support for refugees

Persons with international protection status in Norway and their family members who need to acquire basic qualifications must participate in the 2-year Introduction Programme, as mentioned above. This programme includes both language training as well as vocational training. Participants may also undertake short-term placements in the workplace in order to practice their language skills and gain experience from the Norwegian labour market. The goal of the programme is the successful insertion of the participants into the Norwegian society and labour market. Participants get individual follow-up and tailored support.

Other projects

NAV, the Norwegian Labour and Welfare Administration, has set up special offices, called NAV Intro, with services tailored at helping immigrants into the labour market in Oslo, Trondheim, Bergen and Kristiansand.

The “New Opportunity” (“Ny sjanse”) Program, is a pilot project currently in place in a number of Norwegian municipalities. Its goal is to assist immigrants aged between 18 and 55 who have not previously been able to enter the Norwegian labour market to do so. A variety of methods are being tested. In 2011, certain groups received particular attention: immigrants from countries with particularly low labour market participation (Pakistan, Morocco, Somalia, Turkey, Afghanistan, Iraq); stay-at-home immigrant mothers who are not dependent on social welfare; unemployed youth 18-25 who depend on social welfare; long-term unemployed migrants who depend on social welfare.

4.1.6.4 Monitoring of irregular employment

The Labour Inspection Authority is responsible for ensuring compliance with Norwegian labour and immigration legislation in the workplace (examining conditions of remuneration, working conditions and health and safety conditions). They report to the Norwegian Directorate of Immigration (UDI) and, in some instances, directly to the Police, if they identify violations of the Immigration Act and/or penal law. Some major cases are under investigation by the police. Only the police has competency to investigate identification documents and must be notified in case of suspicion of irregular employment.

The Immigration Authorities extensively report employers under suspicion of exploitation of labourers to the police, the aim being the prevention of social dumping.

²⁷ See United States Department of State, *Country Reports on Terrorism 2010 - Norway*, 18 August 2011, available at: <http://www.unhcr.org/refworld/docid/4e52481c15.html> [accessed 22 December 2011]

4.1.7 Return

Expulsion decisions and appeal

Decision makers in UDI, either in the Asylum Department or the Expulsion unit in the Department for Managed Migration, make the administrative decisions ordering individuals to leave Norway. There is a possibility to appeal the decision to UNE.

Most persons will be granted the right to remain in Norway while the appeal is in process (“*utsatt iverksettelse*” or “suspensive effect” of the expulsion decision). They must request such “suspensive effect” along with their appeal, usually within a 3-week deadline (shorter for manifestly unfounded claims). As a general rule, some persons will not be entitled to remain in Norway during this time. This includes those who a) do not file the appeal on time, b) were found to have made a manifestly unfounded asylum claim, c) are in the Dublin Procedure, or d) should be removed sooner on account of fundamental national or foreign political interests.

All persons other than those mentioned above may normally remain in Norway while UNE processes their appeal. UNE’s decision is final, and the expulsion decision may be implemented once UNE affirms it.

Voluntary Return

We distinguish between forced and voluntary return from Norway. The International Organisation for Migration runs a Voluntary Assisted Returns Program (VARP) in Norway. They can assist individuals with returning to all countries and territories other than Somalia and Gaza. In order to participate in this programme, individuals must apply. As of 2011, this may be done online at www.voluntaryreturn.com. UDI processes applications for participation in the voluntary return programme.

In order to be eligible to participate in the VARP programme, one must be in Norway irregularly, or be an asylum seeker who

- Wants to return home voluntarily
- Has had his or her claim or application to stay in Norway rejected.

Participants should apply shortly after their protection application is rejected.

Many returnees may be eligible to receive Financial Support to Return (FSR), which is graded according to when the returnee applies to participate the return programme (before or after appeal, before or after final rejection). UDI determines eligibility for FSR.

There are special voluntary returns programmes for individuals from Afghanistan and Iraq. These programmes have extended provisions on training, financial and in-kind support, and the support provided returnees under these programmes is somewhat more generous than the general FSR provisions. IOM administers return under these country-specific agreements as well.

Forced Return

It is the responsibility of the National Police Immigration Service, PU, to escort all persons without legal residence in Norway out of the country. They will implement expulsion decisions where the persons concerned do not leave voluntarily. If PU officers believe there is a risk of absconding, they may seek to have individuals concerned detained and a special immigrant detention centre, at Trandum, awaiting departure. Under normal circumstances, the period of detention may not exceed 12

weeks (except if the foreigner fails to cooperate with regard to return or if there are delays in obtaining travel documents).

Norway cooperates actively with Frontex with regard to joint return flights. Between January and September 2011, Norway took part in 15 such joint flights. In order to facilitate return Norway is actively negotiating bilateral readmission agreements with third countries.

4.2 Links with other policy areas

In Norway several other policy areas are linked to migration policy. Four areas are of particular importance: Labour market, education, development and integration.

4.2.1. Labour market policies

Since the division of the Ministry of Labour and Social Inclusion in 2009, labour immigration policies and general migration policies have been handled by separate ministries (the Ministry of Labour and the Ministry of Justice and Public Security). Prior to the division, the Ministry of Labour and Social Inclusion published a White Paper (no.18. 2007-2008) discussing the challenges and possibilities of labour migration. The conclusion was that Norway would depend on labour migration to fulfil the needs for labour in various sectors of society in the coming years.

The number of labour migrants coming to Norway has surged since 2005, primarily from the EU countries surrounding the Baltic Sea. At the start of 2011, there were for example 60,000 Polish immigrants residing in Norway (Statistics Norway). The rise in labour related arrivals were due to the opening up for migration within the European Economic Area (EEA) from the new Member States, as well as the high demand for labour within Norway.

Labour migration from outside the EEA is subject to a quota system, currently set to 5000 persons new permits per year. The Directorate of Immigration administers the quota. The limit has yet to be reached.

The Norwegian Government puts emphasis on the connection between labour migration and integration. Securing integration of the immigrants will benefit all parties involved. One concern in this regard is to avoid social dumping.

4.2.2. Education Policies

Norway has traditionally not encouraged foreign students to remain in the country after having finished their studies. Since 2001, rules have been somewhat relaxed, and since 2010 students may be granted a six month permit while looking for relevant skilled work after graduation. If successful, they may apply for a residence permit and become a labour migrant.

The Norwegian Centre for International Cooperation in Education (SIU) is a public Norwegian agency that promotes international cooperation in education and research. This includes attracting international students to Norway and facilitating more Norwegian students to study abroad. Individual colleges and universities make bilateral exchange agreements with similar institutions in third countries. Within Europe, Norway operates in the common exchange systems, ERASMUS and others.

Until 2001, students coming to Norway were generally not allowed to change status to labour migrant after graduation, except for a short training period, if necessary. The rules for student

migration and the implementation of these rules were strongly influenced by arguments from the field of development policies. Public grants for maintenance and free public education made it possible for many students from developing countries to study in Norway. The goal was to help develop their home countries by providing education that would be useful upon their return.

4.2.3 Development policies

The connection between the fields of migration and development was focussed in several reports and White Papers in 2006-2009. Both the elaboration of EU's Global Approach to Migration and the UN High-Level Meeting on Migration and Development in 2006, resulting in the Global Forum on Migration and Development (GFMD), formed the backdrop for efforts by several Norwegian ministries to formulate updated and better coordinated policies. As a preparation to the second UN High-Level meeting in 2013, initiatives have been taken by Norwegian Authorities to revitalize this process. Norway contributes financially to and takes part in in the GFMD conferences and is currently represented on the Board. Of various initiatives undertaken by Norwegian authorities under the heading Migration and Development, we would like to mention the following

In 2008, Norway started "Pilot project Pakistan", a project that links up with various discussions that have taken place during subsequent GFMD meetings on the connections between diaspora engagement and development and the role of various actors herein. The overall goal of Pilot Project Pakistan was to assist Norwegian-Pakistani organizations that support development in their country of origin, but that do not generally satisfy the requirements set out in the state funded normal development funding schemes.

Connecting to the international discussion of facilitating cheaper transfer of money for migrants, a new service for comparing prices of remittance transfers has been established. The service is called «Sending money home - remittance price comparison»²⁸ and helps migrants compare different products. Finansportalen is a web service provided by the *Norwegian Consumer Council* where the purpose is to empower consumers and provide them with the opportunity to take well-founded decisions on the market for financial services. The remittance database "Sending money home" has been certified by the World Bank.²⁹

Norway has participated as a co-partner with the EU in efforts to coordinate migration and development policies "on the ground" through a platform for cooperation with Ethiopia in 2009 and 2010.

Norwegian research institutions is conducting relevant research, mainly related to circular migration, to remittances and irregular migration and mainly under the research program Welfare, Labour and Migration administered by the Norwegian Research Council.

4.2.4. Integration Policies

The Government is in the process of preparing a new White Paper to Stortinget (Parliament) on integration and inclusion of immigrants and their children in Norway. The paper will be based on documentation and proposal in three Green Papers where one *Multitude and Mastering (NOU 2010:7)* was published in 2010, whereastwo Green Papers on integration were published in 2011. In the report "Welfare and Migration – the Future of the Norwegian Model", the expert committee looked into the consequences of migration to Norway for the welfare state. They highlighted the

²⁸<http://www.finansportalen.no/Sende+penger+hjem/Sending+money+home>

²⁹ <http://remittanceprices.worldbank.org/National-Databases>

challenges caused by low labour market participation within certain segments of some immigrant groups, but also analysed positive effects of recent labour migration.

The second Green Paper entitled "Better Integration", emphasized the positive indicators and the impact of time on integration. Of the 600,000 immigrants and children with immigrant parents, the latter group were more integrated on all indicators than their parents. At the same time, the authors pointed to the risk of certain migrant groups falling outside the labour market and occupying the very bottom layer of Norwegian society.

In recent years the link between migration and integration has been stressed in the public debate. This link is also prominent in the regulation of family migration. Most types of family migration are made pending on the level of income of the person already in Norway (not applicable to refugees). To further integration of migrants in Norway, courses in Norwegian language and society have been made compulsory for several categories of migrants.

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