



The Organisation of Asylum and Migration Policies

Factsheet: Norway

1. Introduction

This factsheet provides an overview of how asylum and migration policies and their implementation are organised in *Norway*. This includes the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection, as well as the granting of citizenship and the return of those foreign citizens who are without a valid permit. It is based on information provided in the Norway National Report of the EMN Study *The Organisation of Asylum and Migration Policies in EU Member States*¹, as of *April 2012*. Key additional sources were the Norwegian legislation and information from relevant agencies as well as their websites.

2. Overview of organisation of political, legislative and institutional framework

2.1 The political system and institutional context

The Norwegian Storting (Parliament) enacts laws, adopts the central Government's budget and oversees the actions of the Government. Through these instruments the Storting approves the broad principles of immigration policy. The Government drafts and carries out immigration and asylum legislation and policies in accordance with such legislation, namely the Immigration Act (2008) and the Regulations based on this Act.

The principal ministry in charge of migration and asylum issues is the Ministry of Justice and Public Security, and within it, the Department of Immigration. This Ministry is responsible for coordinating legislation on immigration, asylum seekers and refugees. The Ministry of Labour is responsible for labour immigration legislation and policy, including immigration under the EEA agreement. The three principal subordinate implementing agencies are the Directorate of Immigration (UDI) (first instance decision-making), the Immigration Appeals Board (UNE) (second instance decision-making), the National Police Directorate and the National Police Immigration Service (NPIS) (registration of asylum seekers, identity-investigations, administration of holding centre and executing forced return). The Ministry of Children, Equality and Social Inclusion is responsible for the Citizenship Act and for legislation concerning integration. The most important among the latter is the Introduction Act of 2003, which is implemented by the Directorate of Integration and Diversity (IMDi). This Ministry is also responsible for the coordination of integration policies for refugees and immigrants. The Ministry of Foreign Affairs is responsible for foreign policy aspects of migration and refugee protection, as well as consular affairs involving visa and resident permit applications.

2.2 The legal framework

The new Immigration Act (Utlendingsloven) of 15 May 2008 no. 35 entered into force on 1 January 2010, as did its supplementary secondary legislation: Immigration Regulations of 15 October 2009 on the entry of foreign nationals into the Kingdom of Norway and their stay in the realm (Utlendingsforskriften). The immigration area is regulated by instructions and guidelines issued by the superior authority to subordinate and cooperating agencies and institutions. The Ministry cannot instruct the Immigration Appeals Board on the interpretation of legislation and regulations save in cases concerning fundamental national interests /foreign policy considerations.

3. Development of migration and international protection systems

The new Immigration Act entered into force in January 2010. In 2011, the Introduction Act was amended, whereby the required number of hours for language and social training for migrants was increased and a final test was made compulsory.

¹ Available on the EMN website

4. Organisation of policy

4.1 Overview of migration and international protection policy

Most citizens of third countries must apply for a residence permit from country of citizenship or residence. Individuals from countries with a visa waiver, who are skilled, or who are family members of Norwegian citizens or permanent residents may apply for permits within the realm. A permit is generally required in order to access the labour market for third country nationals, and a residence permit from UDI generally grants such access.

The categories of residence permits for immigration are for family, labour and study purposes. Residence permits are required for all, and the admission conditions differ for the different categories. UDI processes most immigration applications. Local police districts process almost all requests for renewal of permits.

Asylum claims must be registered with the National Police Immigration Service (NPIS) in Oslo, which undertakes an initial interview and registration, after which the applicant is transferred to a transit reception centre. UDI is in charge of asylum status determination, including Dublin transfers. There are separate accelerated procedures related to the Dublin Convention, safe countries, countries of origin with high refusal rates, and applicants with a criminal record or unknown identity. If no decision has been reached within 15 months, the applicant may be given a permit on humanitarian grounds. Asylum applicants are not entitled to work, but they can apply for a temporary permit if they have documented their identity, and may carry out voluntary work for up to 30 hours per week.

Where a negative asylum decision is made, the applicant may file an appeal and is entitled to free legal aid. Refusals and expulsion decisions may be appealed to The Immigration Appeals Board (UNE). A Voluntary Assisted Returns Program is available, and many returnees may be eligible to receive financial support for reintegration. It is the responsibility of NPIS to implement decisions of forced return. Detention whilst awaiting departure may be applied. Norway participate in Frontex' joint return flight programme.

The aim of the Introduction Act (2003) is to ensure a basic understanding of the Norwegian society and to prepare for participation in the labour market and/or further education. This includes compulsory language and introduction courses. Persons with international protection status and their family members must follow a 2-year full-time Introduction Programme. Requirements for citizenship include inter alia: residence in Norway, meeting the conditions for a permanent residence permit, having legally stayed in Norway for seven years during the previous ten years, 300 or 600 hours tuition in the Norwegian language or sufficient language skills, fulfilling a 'good conduct' requirement and being released from previous citizenship.

4.2 Links with other policies

Several other policy areas are linked to migration policy - of particular importance are the following areas: 1) Labour market: labour migration from third countries is partly subject to a quota system for skilled labour (currently 5 000 new such permits per year can be granted without a labour market assessment in each case). 2) Education: with exchange agreements with third country educational institutions. Third country graduates from a Norwegian educational institution may be granted a six month permit after graduation while looking for work corresponding to their training. 3) Development: linked to EU and UN activities e.g. related to diaspora engagement in development, simplified procedures for money transfers have been introduced. 4) Integration: a new Government White Paper is being prepared which will focus on participation and social cohesion.

5. Analysis of asylum and migration systems

Norway improved its immigration legislation with the new Immigration Act that entered into force on 1 January 2010. The main change was the extended refugee concept which does not only include asylum-seekers who meet the Criteria of Article 1A of the 1951 Convention, but all applicants covered by the non-refoulement provisions of any international convention to which Norway is a party, most importantly the European Convention for the Protection of Human Rights and Fundamental Freedoms. In other words: Those who are eligible for Subsidiary Protection Status under the EU Qualification Directive, will be granted refugee status under the new Norwegian Act. A practical result was a strengthened right to family reunification for those who fall under the new refugee concept: While, before, those who were eligible for subsidiary protection, had to be able to support their family economically, this is no longer the case when refugee status is granted.

The new Immigration regulations stipulate that where practice may be inconsistent with UNHCR's guidelines or recommendations with regard to protection, the case will, as a rule, be referred to the seven-person Grand Board for the Immigration Appeals Board.

The Norwegian immigration administration

