Access to procedures and non-refoulement - Norway

Overview

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Relevant EU legislation

Norway is not bound by the recast Asylum Procedures Directive. A similar national legal framework applies under the Act on Foreigners' Access to the Kingdom and their Stay Here (the Immigration Act) | Lov om utlendingers adgang til riket og deres opphold her (utlendingsloven) and Regulations on Foreigners' Access to the Kingdom and their Stay Here (the Immigration Regulations) | Forskrift om utlendingers adgang til riket og deres opphold her (utlendingsforskriften).

National legislation

15 May 2008: Act on Foreigners' Access to the Kingdom and their Stay Here (the Immigration Act) | Lov om utlendingers adgang til riket og deres opphold her (utlendingsloven)

15 May 2008: Regulations on Foreigners' Access to the Kingdom and their Stay Here (the Immigration Regulations) | Forskrift om utlendingers adgang til riket og deres opphold her (utlendingsforskriften).

Competent authority and stakeholders

Area	Competent national authority	Assistance to competent authority (if applicable)
Screening at the external border	National Police Immigration Service | Politiets utlendingsenhet (NPIS)	n/a

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Area	Competent national authority	Assistance to competent authority (if applicable)
Biometric data	National Police Immigration Service | Politiets utlendingsenhet (NPIS)	n/a
Making an application	**At the border:** Any authority at border posts, airport or seaport. **On the territory:** National Police Immigration Service | Politiets utlendingsenhet (NPIS) **In detention:** National Police Immigration Service | Politiets utlendingsenhet (NPIS)	n/a
Registering an application	National Police Immigration Service | Politiets utlendingsenhet (NPIS)	n/a
Lodging an application	National Police Immigration Service | Politiets utlendingsenhet (NPIS)	n/a
Information provision on the asylum procedure, including the Dublin procedure and subsequent steps	National Police Immigration Service | Politiets utlendingsenhet (NPIS)	Caritas Norway

Access to the territory

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Official external border-crossing points

Norway has 26 external air border crossing points:

1. Gardermoen
2. Fagernes
3. Geilo
4. Sandefjord
5. Skien
6. Notodden
7. Kristiansand
8. Sola
9. Haugesund
10. Leirvik
11. Bergen indre
12. Ålesund
13. Molde
14. Moss Lufthavn Rygge
15. Kristiansund
16. Ørland
17. Røros
18. Stjørdal
19. Bodø
20. Narvik
21. Sortland
22. Bardufoss
23. Tromsø
24. Alta
25. Lakselv
26. Kirkenes

Norway has 76 external sea border-crossing points

Norway has 1 external land border-crossing points: Storskog

Emergency measures in cases of mass arrivals

Norway can introduce emergency measures that allow police officers to turn away asylum seekers directly at the border with another Nordic country pursuant

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to Section 32(5) and (6) of the Immigration Act. Subject to governmental approval, Norway may cease to temporarily abide by the Dublin III Regulation pursuant to these provisions in the event of an extraordinarily high number of arriving asylum seekers. (NOAS: Seeking Asylum in Norway: Access to Territory, Safe Third Country and Non-Penalisation).

There are no emergency measures currently in place in Norway and the aforementioned emergency measure has never been activated.

Protection from refoulement

The principle of protection from *refoulement* is enshrined in Section 73 of the Immigration Act.

A foreign national cannot be sent to an area where they would be in a situation as mentioned in Section 28, first paragraph (a), unless:

- the foreign national is excluded from protection under Section 31; or
- the foreign national is on reasonable grounds deemed to be a danger to national security or has received an unappealable judgment for a particularly serious crime and for that reason represents a danger to Norwegian society.

A foreign national may not be sent to an area where they would be in a situation as mentioned in Section 28, first paragraph (b). The protection under this provision also applies in situations as mentioned in the first paragraph (a) and (b).

The protection also applies to *refoulement* to an area where the person would not be secure against subsequent refoulement to such an area.

The protection applies in respect of all forms of decision under the Immigration Act.

Protection from *refoulement* at external air borders

Information is not currently available.

Protection from *refoulement* at external land borders

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Norway has one external land border at Storskog.

Protection from *refoulement* at external sea borders

Information is not currently available.

Protection from refoulement in case of emergency measures related to mass arrivals

Information is not currently available.

Border procedure

Norway does not apply the EU border procedure but has a 48-hour accelerated procedure.

Procedural aspects

Making and registering an application for international protection take place at separate instances, involving a series of steps. The lodging of an application overlaps with the registration of the application for international protection.

Making an application

Responsible authority

An applicant can state the wish to apply for international protection with the police by telling the border police, by going to a police station or by going to the National Arrival Centre in Råde (UDI: Applying for protection (asylum) in Norway).

The National Police Immigration Service | Politiets utlendingsenhet (NPIS) is responsible for receiving requests for international protection. If the applicant makes an application to an authority other than the competent authority, the applicant will be directed to the police.

Possibility to apply from outside the territory

It is not possible to make an application from outside the territory. The applicant must be in Norway or at the Norwegian border (UDI: Applying for protection (asylum) in Norway).

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No humanitarian admission programmes or visa procedures specific to asylum are in place.

Formal requirements for making an application

The physical presence of an applicant is required for making an application for international protection. If an applicant would like someone to act on their behalf, they must first grant the person power of attorney to function as their legal representative by filing in a power of attorney form (UDI: Power of attorney / Authorisation). The parents of a minor child may apply for protection on behalf of their child who must be present.

Registering an application

Responsible authority and place

The National Police Immigration Service | Politiets utlendingsenhet (NPIS) is responsible for registering an application for international protection. The application is registered in a separate step from the making of an application. The application is registered at the National Arrival Centre in Råde and the police will help the applicant with transportation to the centre. The police must conduct an initial registration interview within 48 hours of the applicant's arrival at the National Arrival Centre. Other time requirements may result from special routines and cooperation agreements between the police and the UDI (UDI: 2010-081 Police arrival registration in asylum cases).

Practical steps to register the application

The applicant will speak with the police to provide personal information and explain why they are seeking international protection. The applicant is required to provide a passport or ID documents to the police. The police will take the applicant's fingerprints and a photograph. The applicant will be tested for tuberculosis and other health examinations may be conducted (UDI: Applying for protection (asylum) in Norway).

The police must carry out a security check and a vulnerability assessment of the applicant during the registration of the application (UDI: 2010-081 Police arrival registration in asylum cases).

The application is registered and lodged by the police using a registration form that includes information on the identity of the applicant, the travel route, family

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members and other information. The registration form is completed by the police based on a short interview conducted with the applicant, and an interpreter is summoned if required (Sections 17-21 of the Immigration Regulations and UDI: 2010-081 Police arrival registration in asylum cases).

Applicants seeking protection must be registered individually. Accompanying children who apply at the same time as one or both parents can be registered in one of the parents' files (Sections 17-21 of the Immigration Regulations).

The person who registers the application must provide the applicant with information on the rights under Section 82 of the Immigration Act, including that the applicant has the right to appeal and legal aid, as well as the right to get in touch with the country's representation, a representative of UNHCR and a Norwegian refugee organisation (Sections 17-21 and 82 of the Immigration Regulations).

In order to ensure a speedy process, the police may in some cases carry out an 'extended registration' as a substitute for the personal interview. Extended registration means that the police, in addition to collecting standard information about the applicant, conducts a brief interview to collect information needed to determine protection needs of the applicant (UDI: 2010-081 Police arrival registration in asylum cases).

Data collection

Personal and biometric data, including the applicant's fingerprints and photo, are collected during the registration. The police will take a photograph and fingerprints of all fingers of every applicant aged 14 years or older. The police will take a photograph only of an applicant for international protection under the age of 14 (Section 101 of the Immigration Act, UDI: Provide your fingerprints and facial photograph (biometrics)).

The data are stored in a case management system called the Data System for Immigration and Refugee Cases | Datasystemet for Utlendingsforvaltningen (DUF) which is managed by the Norwegian Directorate of Immigration (UDI). The UDI, the Immigration Appeals Board and the police have access to the data. (Nasjonalt ID-senter: Biometrics and identity: Challenges and new opportunities for immigration management).

DUF is not directly regulated in the Immigration Act and Immigration Regulations but is regulated by the Personal Data Act, which seeks to ensure data protection,

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and the General Data Protection Regulation (GDPR) (Norwegian Government: Hearing note - the police's access to information from the immigration authorities' registers). The police must register personal data in line with the rules described in UDI 2021-007 Registration of identity information and population-registered personal information (UDI: 2010-081 Police arrival registration in asylum cases).

The applicant is informed about the processing of their personal data by the immigration authorities (UDI: 2010-081 Police arrival registration in asylum cases).

More information on how the UDI processes personal data can be found here.

Documentation

Upon completion of the registration, the applicant will receive an asylum seeker card, which shows that they have applied for international protection. The document entitles the applicant to reception conditions and services provided to asylum seekers. (UDI: What happens after I have applied for protection (asylum)? and UDI: Asylum seeker card).

Passport and other documents

Obligation to surrender original documents

Requirement to submit original documents

A passport or other travel document in the possession of the foreign national must be handed in together with the application (Section 93 of the Immigration Act). The applicant is required to give identity documents to the police during registration or at a later date at the nearest police station (NOAS: Information to asylum seekers in Norway).

Consequence of refusal to surrender documents

If an applicant does not surrender the passport voluntarily to the authorities, the police can confiscate identity documents. As per Section 104 of the Immigration Act, if there are doubts about the foreign national's identity or there are specific grounds for suspecting that the foreign national is concealing or withholding information about his/her identity, travel documents which may serve to clarify or

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prove identity may be seized. Decisions concerning seizure shall be taken by the chief of police or a person authorised by the police.

Return of original documents to the applicant

If an applicant wants the passport or original documents returned, they must send a written inquiry to the police by post. The applicant must state which documents they want returned and why (Politiet: Frequently asked questions: The Department of Immigration: Oslo District Police). The original documents are returned to the applicant after the procedure is completed.

Other documents

The applicant has an obligation to present the required documentation and to assist in obtaining necessary information (Section 93 of the Immigration Act).

When there are doubts about the foreign national's identity or there are specific grounds for suspecting that the foreign national is concealing or withholding information about his/her identity, documents, tickets or other material items which may serve to clarify or prove identity may be seized. Decisions concerning seizure are taken by the chief of police or a person authorised by the police (Section 104 of the Immigration Act).

The national administration uses a paperless procedure for the submission of documents. However, upon the lodging of an application, the applicant can send important information and copies of documents to the UDI (NOAS: Information to asylum seekers in Norway). The applicant can upload documents electronically if the police or the UDI have requested this (UDI: Send documents to UDI and Politiet: Frequently asked questions: The Department of Immigration: Oslo District Police). More information on submitting documents electronically can be found here.

Guarantees for applicants

Confidentiality principle

The duty of confidentiality means it is a criminal offence for UDI staff to tell other people about information provided by an applicant. Everyone who is working on an applicant's case, including the interpreter, lawyer and representative/guardian

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(if an applicant is an unaccompanied minor asylum seeker), is subject to a duty of confidentiality (UDI: Duty of confidentiality).

The applicant must be informed about the interpreter's role and that the interpreter has a duty of confidentiality according to Section 13 et seq. of the Public Administration Act and Section 15 of the Interpreter Act. It must also be stated that a breach of the duty of confidentiality may result in criminal liability according to Section 209 of the Criminal Code (Sections 17-21 of the Immigration Regulations).

If the body dealing with a case under the Immigration Act deems it necessary to shed light on the case, the authority may, notwithstanding the obligation of confidentiality, require authorities to disclose information about the foreign national, for example, the police or the child and welfare authorities (Section 84 of the Immigration Act and Section 84 of the Immigration Regulations).

Notwithstanding the rules of confidentiality, UNHCR may be given access to case documents. To the extent necessary for the purpose of obtaining information, access may also be given to a refugee or a human rights organisation (Section 98 of the Immigration Act).

To the extent Norway is obligated to participate in cooperation under the Schengen Agreement and the Dublin Agreement, authorities may notwithstanding the obligation of confidentiality forward information about individuals to the authorities of countries participating in the agreements (Section 98 of the Immigration Act).

Information provision

The applicant receives information on the making, registering and lodging of an application by the police during the making of the application. The information is provided both orally and in written (UDI: 2010-081 Police arrival registration in asylum cases). The UDI is responsible for providing information on access to the asylum procedure. The National Reception Centre Råde has screens displaying information, which is customised for both children and persons with hearing impairments. Currently, no specific practice is in place for information services (by telephone or e-mail) for disabled persons (EUAA, Persons with disabilities in asylum and reception).

The UDI has contracted Caritas Norway to run the information and guidance services to newly arrived applicants at the National Arrivals Centre in Råde.

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Caritas provides information about the asylum process and the rights and obligations of an asylum seeker (UNHCR Norway: What happens when you apply for asylum).

Links to information provided in the national context:

Authority/agency: Norwegian Directorate of Immigration **Title:** Applying for protection (asylum) in Norway **Type:** Website **Hyperlink:** https://www.udi.no/en/want-to-apply/protection-asylum/protection-asylum-in-norway/
Authority/Agency: Asylbarn **Title:** For minors in the asylum procedure **Type:** Website **Hyperlink:** https://asylbarn.no/
Authority/Agency: Norwegian Organisation for Asylum Seekers **Title:** Information brochure about the asylum process **Type:** Brochure **Hyperlink:** https://www.noas.no/informasjonsbrosjyrer-om-asylprosessen/
Authority/Agency: UNHCR Norway **Title:** How to apply for asylum in Norway **Type:** Website **Hyperlink:** https://help.unhcr.org/norway/how-to-apply-for-asylum-in-norway/how-to-apply-for-asylum /

Interpretation

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During registration, if necessary, an interpreter may be summoned, including for persons with hearing or visual impairments. START allows applicants to register their information in over 20 languages, including an audio option that reads information about their rights and duties aloud in the respective language. This allows applicants to receive information without the need for an interpreter. Nevertheless, if an interpreter is required, the applicant can register the request in START (Sections 17-21 third paragraph of the Immigration Regulations and UDI: 2010-081 Police arrival registration in asylum cases).

When information about rights and obligations is provided on paper, the police must use an interpreter to read through the rights and obligations if the applicant is unable to communicate in a common language with the person carrying out the registration (UDI: 2010-081 Police arrival registration in asylum cases).

When conducting an extended registration, the police must use an interpreter unless the applicant and case officer speak the same language (UDI: 2010-081 Police arrival registration in asylum cases).

The national administration takes into account guidance from the EUAA.

Legal assistance and representation

Norway does not provide free legal assistance for the purposes of making, registering and lodging an application for international protection. An applicant may engage the assistance of a lawyer at their own expense for the first instance procedure.

The Norwegian Immigration Act mandates free counselling throughout the asylum procedure, which is provided by Caritas Norway, a humanitarian organisation contracted by the ministry to assist asylum seekers in Norway by providing information and guidance.

When the police carry out an extended registration, the police must ensure that the applicant is offered individual guidance from an independent organisation in advance (Sections 17-21 first paragraph of the Immigration Regulations). It is sufficient that the guidance takes places by handing out written material or that the applicant communicates with the organisation by telephone (UDI: 2010-081 Police arrival registration in asylum cases).

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