

# Applicants with special needs - Norway | DIP EUAA

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## Overview

### Relevant EU legislation

Norway is not bound by the recast Asylum Procedures Directive and Reception Conditions Directive. A similar national legal framework applies, Act on the Entry of Foreign Nationals into the Kingdom of Norway and their Stay in the Realm (Immigration Act) | [Lov om utlendingers adgang til riket og deres opphold her \(utlendingsloven\)](#) and further amendments and its associated Immigration Regulations ( [Utlendingsforskriften](#)).

### National legislation

15 March 2008: Act on the Entry of Foreign Nationals into the Kingdom of Norway and their Stay in the Realm (Immigration Act) | [Lov om utlendingers adgang til riket og deres opphold her \(utlendingsloven\)](#),

23 October 2009: Immigration Regulations | [Utlendingsforskriften](#).

## **Competent authority and other stakeholders**

National Police Immigration Service | [Politiets utlendingsenhet](#) (NPIS)

Norwegian Directorate of Immigration | [Utlendingsdirektoratet](#) (UDI)

Immigration Appeals Board | [Utlendingsnemnda](#) (UNE)

Directorate for Diversity and Integration | [Integrerings- og mangfaldsdirektoratet](#) (IMDI)

## **Training initiatives**

Specially commissioned case officers manage all cases dealing with unaccompanied minors. All interviewers and decision-makers are generally case officers with a master's degree and additional basic training on conducting interviews and handling claims by vulnerable applicants. There are also experts on relevant topics in several units of the UDI, such as experts on unaccompanied children, human trafficking, domestic violence and forced marriage, FGM/C and LGBTIQ. The experts provide additional guidance to colleagues when needed.

## **Special needs in reception**

### **Identification of special needs**

Various institutions are responsible for the identification of asylum seekers with special needs. The identification mechanism, therefore, involves different actors accountable for different phases of the asylum procedures, with an emphasis on the initial phase.

The police officer in charge of the initial registration can identify applicants with special needs during the registration of the asylum application. Applicants with special needs or vulnerabilities can also be identified by a case worker conducting the interview or assessing a case, staff at the reception centre, guardians, lawyers, help organisations or by UNE.

## **Referral of applicants with special needs**

The police can inform the UDI ahead of the asylum interview, and the personal interview is then facilitated and adequate housing is secured. According to the guidelines, medical staff and staff working in the reception centre, including reception authorities and Caritas, help to identify applicants who need tailored arrangements due to special needs. They inform the interviewer or those in charge of the reception facilities. The reception centre has structured and targeted measures in place that contribute to a proper follow-up of applicants with special needs, including a voluntary conversation about their physical or mental health.

## **Reception and care of applicants with special needs and vulnerabilities**

The [General Standards for Operation of Asylum Reception](#) outlines the requirements for vulnerable applicants inside reception centres and identifies the profile of applicants who are thought to be vulnerable. It provides for a non-exhaustive list of persons who could require special treatment in the asylum procedure, such as special procedural safeguards or reception conditions. This list of categories is intended as a tool to facilitate individual identification. In most cases, special needs are identified only at a later stage, after being interviewed.

The UDI considers the following groups to be vulnerable:

- unaccompanied minors;
- children accompanied by an adult relative;
- LGBTIQ applicants;
- victims of human trafficking;
- victims of domestic violence or forced marriage;
- victims of female genital mutilation/cutting (FGM/C);
- applicants who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence;
- applicants with physical or psychological impairments;
- pregnant women;
- single parents with accompanying minor children; and
- elderly applicants.

## **Reception facilities and other housing arrangements**

**Housing arrangements:** For applicants with special needs, the UDI has 10 reception centres or departments in connection with ordinary reception centres, providing approximately 210 places for applicants who need help to manage their daily life due to physical or mental health issues. These customised care units are staffed 24 hours with stricter competence requirements compared to ordinary reception centres. Staying in a specially adapted unit is voluntary.

**Location:** Information is currently not available.

**Specific needs and safety:** Information is currently not available.

## **Detention of vulnerable persons and applicants with special reception needs**

Under national law, there are no exceptions to the detention of vulnerable persons. However, as a matter of practice, vulnerable persons are detained only in

exceptional circumstances if no alternatives to detention are available.

## **Reception of unaccompanied minors**

Unaccompanied minor asylum seekers between the ages of 15 and 18 receive an offer of accommodation in separate centres or units adapted to their needs.

The UDI is responsible for providing proper care to minors between the ages of 15-18 until they are either settled into a municipality or leave Norway. For unaccompanied minors under the age of 15, the [Office for Children, Youth and Family Affairs](#) is responsible for their day-to-day care in special care centres for children.

## **Reception facilities and other housing arrangements**

**Housing arrangements:** Unaccompanied minor asylum seekers between the ages of 15-18 receive an offer of accommodation in separate centres or units adapted to their needs. There is a total of 19 reception centres, or departments in connection with ordinary reception centres, which have approximately 500 places.

Unaccompanied minor asylum seekers under the age of 15 are sent to [separate care centres](#) which are under the responsibility of the Directorate for Children, Youth and Family Affairs (*Bufetat*).

### **Location**

The 19 reception centres for unaccompanied minor asylum seekers are in Nordland, Møre og Romsdal, Finnmark, Rogaland, Agder, Vestland, Troms, Telemark and Trøndelag. There is also a transit centre for unaccompanied minors between the age of 15-18 in Østfold.

**Specific needs and safety:** information currently not available.

**Regulations and measures to ensure a safe living environment:** information currently not available.

## Age assessments

If there are doubts about the applicant's minority, a more in-depth examination may be carried out (Act on the Entry of Foreign Nationals into the Kingdom of Norway and their Stay in the Realm (Immigration Act) | [Lov om utlendingers adgang til riket og deres opphold her \(utlendingsloven\)](#), Section 88).

## Access to education

A time limit is not specified in the [Immigration Act](#) for accessing the education system.

Children between 6-15 years old have the right and obligation to attend elementary school even if they (or their parents) are denied protection/asylum. The right to attend school applies as long as it is likely that the child will stay in Norway for more than 3 months.

Young people between 16-18 years who are applying for a residence permit in Norway are entitled to attend both compulsory school (up to lower secondary) and upper secondary education. The applicant can choose from several general studies and vocational programmes.

If the child is 4-5 years old, they can be placed in a kindergarten. If the child is 2-3 years old, they may be given a placement in a kindergarten from August in the year the child reaches 2 years of age, if the municipality offers free core hours (*gratis kjernetid*). Children less than 2 years old may also be given a placement in a kindergarten if there are special considerations such as, for example, health or social concerns. The reception centre can apply for a place in kindergarten on behalf of the parents.

## **Access to healthcare**

Children with a final, negative decision receive full health care in line with other children in Norway.

More information about healthcare for asylum seekers can be found on the UDIs [website](#) and the 'New in Norway' [website](#)

## **Transition to adulthood**

There are no national strategies or policies that support the transition of unaccompanied minors into adulthood.

Unaccompanied minors are treated as adults when they turn 18 years. If they have not received a decision for their application when they turn 18, they can still have access to the school health services until age 20 or until they receive a rejection on their application for protection.

Unaccompanied minors will be moved to a reception facility with adults and families when they turn 18 years.

There is no amendment in the Norwegian [Immigration Act](#) nor in the Immigration Regulations to assess aftercare for unaccompanied minors. Once they are 18, they no longer have access to a representative nor a legal guardian.

## **Detention of unaccompanied minors**

Unaccompanied children may be detained under exceptional circumstances and only as a measure of last resort if no other alternative measures to detention are available, such as reporting to the police or residency requirements when there is a risk of absconding. Children must always be separated from other detainees ( [Immigration Act](#), Section 106c).

## **Special procedural guarantees**

### **First instance determination for applicants with special needs**

The concept of vulnerability is neither explicit in legislation nor in the Immigration Regulations but is implicit in the principles of non-discrimination and equal treatment. Nonetheless, certain groups and persons are given special attention with reference to the state obligations derived from specific international conventions, creating a hierarchy of vulnerabilities. Applicants with vulnerabilities are taken out of fast-track procedures. Many applicants with vulnerabilities have their case proceeded in a fast track provided that the vulnerability itself does not constitute a ground for non-refoulement.

Applicants with special procedural needs include unaccompanied minors, LGBTIQ persons, victims of human trafficking, victims of domestic violence or forced marriage, victims of female genital mutilation/cutting (FGM/C), applicants who have been subjected to torture, rape or other serious forms of psychological, physical or sexual violence, applicants with physical or psychological impairments, pregnant women, single parents with accompanying minor children, accompanied children by adults applicants, and elderly applicants.

The personal interview is adapted for vulnerable applicants, and the UDI has guidelines on how to adapt the procedure for persons with special needs to ensure equal procedural rights. More detailed interview guides and action cards on certain issues contribute to the quality of the personal interview and ensure that the specific procedural guarantees are implemented in practice. For example, when a person with special procedural needs is identified before or during the interview, it is common for special measures to be implemented regarding the choice of the interpreter or the terminology used. In some cases, the UDI carries out the interview at the reception centre where the vulnerable person is accommodated. The UDI will also choose an interviewer with experience in the area of vulnerability.

If an asylum seeker does not meet the criteria for refugee status, vulnerability factors are considered as part of the assessment of whether 'strong humanitarian considerations' justify a residence permit. Vulnerabilities related to health, age and human trafficking are assessed, as well as compound factors that would make a return unjustifiable from a humanitarian perspective.

## **Access to information**

The National Reception Centre Råde has screens that display information, which is customised for both children and persons with hearing impairments. Applicants must receive information in a language they can understand and interpretation for persons with hearing or visual impairments. The information programme is adjusted to the needs of applicants and tailored to different groups, including a separate module about health services and local support services. No specific practice is in place for information services (by telephone or e-mail) for disabled persons. If additional help is needed, it is possible to give a power of attorney to someone that can ensure follow-up with the UDI.

## **Personal interview**

To identify vulnerabilities during the interview, case officers inform applicants about self-identification. At the beginning of an interview, the applicant is asked if there are any specific needs that should be considered during the interview, if they have physical health problems (such as infectious diseases, disabilities, pains/injuries to the body) or mental health problems (such as anxiety, sleep problems or depression), and they are informed about the right to medical help. Specific [guidance](#) for applicants with physical or mental impairment is available. In addition, the applicant is informed that people in a difficult situation can receive help. For example, if they have been or may be exposed to serious abuse, violence or threats, they may have a safe place to live, receive help from a healthcare provider or police protection. The applicant is asked directly if they need emergency assistance or

want more information about available services.

There are specific procedures when an interviewer identifies potential indicators of [human trafficking](#), [forced marriage](#) or [female genital mutilation/cutting](#) (FGM) and torture. The interviewer will adjust the interview and questioning strategies according to the needs of the applicant and offer additional information, for example about the possibility of follow-up assistance and legal assistance. There is also a possibility of conducting the interview by a case officer with sufficient expertise on the topic or a case officer with training on handling difficult interviews, as well as extending the time needed to conduct the interview or more frequent breaks.

## **Legal assistance**

The Norwegian [Immigration Act](#) mandates free counselling throughout the whole asylum procedure.

[JURK](#), [NOAS](#), and [SEIF](#) provides legal advice to vulnerable women.

## **Guarantees for unaccompanied minors**

The asylum process is almost the same for an unaccompanied minor asylum seeker and for an adult. However, as a child, the applicant has additional rights:

The unaccompanied minor has the right to a [representative](#), who acts on behalf of the minor and looks after their rights, both legally and financially (Section 98 [Immigration Act](#));

The unaccompanied minor is appointed a [lawyer](#) (Section 92 [Immigration Act](#)).

The representative of the unaccompanied minor is present during the registration with the NPIS and during the asylum interview with UDI. An interpreter is also present.

## **Making, registering and lodging an asylum application**

All unaccompanied minors without a legal stay are registered as applicants for international protection, and at the time of the registration of the application, they are appointed a temporary representative (guardian) on the basis of a call-list compiled by the County Governor of Oslo and Akershus. The representative then lodges the application on behalf of the minor. The minor must be present when the application is being lodged by the legal representative.

## **Information provision**

The website [Asylbarn.no](http://Asylbarn.no) is specifically dedicated to children to inform them about the asylum procedure in a language they understand. The website includes input from children who have already been through the asylum process.

## **Best interests of the child in the Dublin procedure**

There is no specific procedure to assess the best interests of the child within the Dublin procedure. The best interests of the child are taken into consideration during the whole procedure, in accordance with internal guidelines which are closely linked with Article 6(3) of the Dublin III Regulation. This assessment is part of the procedure regardless of whether the child is unaccompanied or if the child is part of a family with an accompanied adult.

## **Personal interview**

NPIS is responsible for the initial registration of unaccompanied minors. There is an on-call representative (guardian) service at the immigration police offices. The police will usually register the stated age and initiate an age-test, if necessary.

The presence of the legal representative/guardian is mandatory for unaccompanied minors both during the initial registration and at the personal Interview. The representative is present when the minor is interviewed to ensure that the best interests of the child are facilitated throughout the entire procedure.

The personal interview with an unaccompanied minor is conducted by a special unit for children. The interviewers use the Dialogical Communication Method (DCM) developed by two Norwegian researchers (similar to the structured interview method described above). The method is developed especially for communicating with children on difficult topics.

In some interviews with younger children, the interview is conducted in a room especially designed to accommodate their needs (different types of chairs, different seating orders, toys, etc.).

## **Legal representation during the asylum procedure**

Unaccompanied minors are appointed a legal representative immediately after an asylum application is registered.

## **Legal assistance and counselling**

Unaccompanied minors are entitled to free legal assistance throughout the asylum process. Pursuant to Section 92 of the [Immigration Act](#), the UDI provides legal assistance by appointing one of its lawyers for cases involving unaccompanied minors. The costs of legal assistance and representation of unaccompanied minor asylum-seekers are covered by the County Governor (*Fylkesmannen*).

Unaccompanied minors under the Dublin procedure receive legal assistance before the decision is issued.