Dublin Procedure - Norway

Overview

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Relevant EU legislation

Norway is a non-EU Member State which is a signatory to the Dublin III Regulation and has transposed its provisions through the Immigration Act on Foreigners' Access to the Kingdom and their Stay Here (the Immigration Act) I Lov om utlendingers adgang til riket og deres opphold her (utlendingsloven) and the Immigration Regulation | 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), as well as instructions issued by the Ministry of Justice and Public Security and internal guidelines issued by the Directorate of Immigration (UDI).

National legislation

Norway transposes the Dublin III Regulation by:

- Act 15 May 2008 No 35 (Section 32 of the Immigration Act), 17 December 2013.
- Regulation 15 October 2009 No 1286 (Section 7-4 of the Immigration Regulation), 1 January 2014.

Internal guidelines on the Dublin procedure include:

UDI 2014-042 Unaccompanied minor asylum seekers in the Dublin procedure | UDI 2014-042 Enslig mindreårig asylsøker i Dublin-prosedyre, 2 November 2014.
UDI 2014-001 Processing of cases covered by the Dublin Regulation | UDI 2014-001 Behandling av saker omfattet av Dublinforordningen, 1 January 2014.

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Competent authority and stakeholders

Entity responsible for the Dublin procedure (the application of the criteria and mechanisms for determining the Member State responsible): The Dublin Unit of the Norwegian Directorate of Immigration (UDI).

Place in the institutional framework: The Dublin unit is part of the Norwegian Directorate of Immigration.

Competencies of the entity:

No	Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handling the form to be completed during registration)
No	Organising Dublin transfers
Yes	Notifying the transfer decision
No	Accompanying/escorting applicants during a Dublin transfer
Yes	Sending and replying to take charge and take back requests to/from other Member States
No	Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)
Yes	Sending and replying to information requests to/from other Member States

Stakeholders involved in the procedure:

Handing over the common leaflet on the Dublin procedure	National Police Immigration Service | Politiets utlendingsenhet

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Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handing the form to be completed during registration)	National Police Immigration Service | Politiets utlendingsenhet
Referral of cases to the Dublin unit	National Police Immigration Service | Politiets utlendingsenhet
Sending and replying to a take charge or take back request	Dublin Unit, Directorate of Immigration | Dublin-enheten, Utlendingsdirektoratet
Sending and replying to information requests to/from another Member State	Dublin Unit, Directorate of Immigration | Dublin-enheten, Utlendingsdirektoratet
Notification of the transfer decision	Dublin Unit, Directorate of Immigration | Dublin-enheten, Utlendingsdirektoratet
Free legal assistance during the appeal of a transfer decision	A legal representative is appointed to the applicant free of charge at the expense of the Directorate of Immigration | Dublin-enheten, Utlendingsdirektoratet
Representation of the asylum authority in an appeal against a transfer decision	Directorate of Immigration | Dublin-enheten, Utlendingsdirektoratet

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Organising the transfer to the responsible Member State	National Police Immigration Service | Politiets utlendingsenhet
Providing information on the transfer modalities to the applicant	National Police Immigration Service | Politiets utlendingsenhet
Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)	National Police Immigration Service | Politiets utlendingsenhet
Court/authority responsible for deciding on an appeal against a transfer decision	Immigration Appeal Board | Utlendingsnemnda

Provision of information on the Dublin procedure

The National Police Immigration Service | Politiets utlendingsenhet (NPIS) is responsible for information provision on the Dublin procedure. The police must provide information in writing in a language that the applicant understands or may reasonably understand, or orally if needed. The police provides the common information leaflet to the applicant (UDI 2014-001 Processing of cases covered by the Dublin Regulation). In addition, basic information on the Dublin procedure is published on the UDI's website, available in several languages (Arabic, English, French, Russian and Tigrinya) (UDI: Information for those who are in the Dublin procedure).

In addition to the national authority, other stakeholders are involved in information provision on the Dublin procedure. Caritas Norway has been contracted by the UDI to provide information to applicants at the arrival and

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transit reception centres to where applicants are referred after registering their application (Guide for newly arrived asylum seekers - Caritas) Caritas provides general information on the international protection procedure, including the Dublin procedure.

The NGO Norwegian Organisation for Asylum Seekers (NOAS) has published an information leaflet on the Dublin procedure, which is available in 14 languages on its website (Albanian, Amharic, Arabic, Dari, English, Farsi, Chechen, Igbo, Pashto, Russian, Serbian, Somali, Sorani and Tigrinya) (NOAS: Information leaflet on the Dublin procedure).

Right to legal counselling in the Dublin procedure

Free legal assistance is only provided at the appeals stage, with the exception of unaccompanied minors who are entitled to free legal assistance from a lawyer throughout the asylum procedure, including the Dublin procedure (Section 93 Immigration Act). In the appeal procedure, a legal representative is appointed to the applicant free of charge at the expense of the Directorate of Immigration | Dublin-enheten, Utlendingsdirektoratet (Your application is subject to the Dublin Regulation - UDI)

Personal interview to determine the Member State responsible

Organisation of the interview: The Dublin interview is part of the registration interview, and the applicant will be asked Dublin-related questions to help determine if the applicant has ties to another Member State (UDI 2014-001 Behandling av saker omfattet av Dublinforordningen). The Dublin interview is not recorded.

Persons present during the interview: The National Police Immigration Service (NPIS), specifically trained for the purpose, conduct the Dublin interview. An interpreter is always present and in cases with unaccompanied minors, a legal guardian is always present.

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Notification of the transfer decision

The Dublin Unit of the Directorate of Immigration | Dublin-enheten, Utlendingsdirektoratet is responsible for notifying the applicant about the transfer decision. A decision on the inadmissibility of an application in accordance with the Dublin procedure and on a transfer to another Member State is communicated to the applicant through a legal representative/lawyer, who is appointed directly after the decision is issued (UDI 2014-001 Behandling av saker omfattet av Dublinforordningen).

Remedies

Competent authority/court	The Immigration Appeals Board (UNE) | Utlendingsnemnda
Deadline for review/appeal	3 weeks (NOAS: Which country will process your asylum application).
Deadline for decision on the review/appeal	The waiting time for most appeals processed under the Dublin rules (Dublin cases) is three months. If a Dublin case has been rejected by the UDI, the applicant can request to stay in Norway until the appeal has been processed by UNE. The applicant must request this within 48 hours after the UDI has refused. UNE takes up to ten days to decide whether the applicant is allowed to stay in Norway. The UNE website is updated monthly on the waiting time for applicants under the Dublin procedure.

Transfer arrangements

The National Police Immigration Service | Politiets utlendingsenhet is responsible for carrying out transfers in accordance with a transfer decision. The Police must transfer the applicant to the responsible Member State as soon as possible, and at the latest 6 months after the Member State has accepted responsibility. (UDI 2014-001 Behandling av saker omfattet av Dublinforordningen).

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When implementing a decision on transfer a risk assessment is made which forms the basis for deciding whether the person should be subject to a supervised or escorted transfer, as outlined in Section 90 of the Immigration Act, (Utlendingsloven – utlendl).

The use of coercive measures is assessed when the application for asylum is lodged or after the transfer decision is made, due to risk of absconding, see Sections 99, 105 and 106 in the Immigration Act,(Utlendingsloven – utlendl).

In case of immediate health issues, a medical evaluation is conducted. A 'fit to fly' certificate will be issued if the applicant is deemed medically fit for travel.

Guarantees for minors

Assessment of the best interests of the child: The UDI has guidance on the assessment of the best interests of the child specifically for the purposes of the Dublin procedure, outlined in Point 7.2 of UDI 2014-042 Unaccompanied minor asylum seekers in the Dublin procedure | UDI 2014-042 Enslig mindreårig asylsøker i Dublin-prosedyre. Point 4.1.2 of the Processing of cases covered by the Dublin Regulation | UDI 2014-001 Behandling av saker omfattet av Dublinforordningen also refers to relevant legalisation in upholding the best interests of the child, in line with the Dublin III Regulation.

Legal guardian: The County Governor appoints the legal guardian for the unaccompanied minor (*Representantordningen*). The County Governor has responsibility for general training and guidance to the legal guardians. There are no specific tasks listed in national legislation on the role of a legal guardian in supporting a minor in the Dublin procedure.

Detection of potential family reunification cases: There are no specific rules for the early detection of potential family reunification cases.

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