

# First instance determination - Norway | DIP EUAA

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## Overview of first instance procedures

### Relevant EU legislation

Norway is not bound by the recast Asylum Procedures Directive (APD/APR), the recast Reception Conditions Directive and the Dublin III Regulation (AMMR). A similar national legal framework applies: [The entry of foreign nationals into the kingdom of Norway and their stay in the realm \(Immigration Act\)](#) of 15 May 2008.

### National legislation

The following national legislation applies to first instance procedures:

- The 15 March 2008 [Immigration Act](#) regulates the entry of foreign nationals into the kingdom of Norway and their stay in the realm. It was last amended by Act

15 December 2017 No. 108 in force from 15 December 2017 and 01.01.2018.

- The 1 January 2010 [Immigration Regulations](#) is related to foreign nationals' access to the realm and their residence.
- The 27 April 2016 [Instruction GI-06/2016](#) provides the instructions for new countries on the list of asylum seekers to be treated according to the rules of the 48-hour procedure.
- The 25 June 2018 [Instruction GI-08/2018](#) deals with matters that may affect fundamental national interests or foreign policy considerations pursuant to Chapter 14 of the Immigration Act, Section 35, and cases under the export control rules,
- The 4 February 2010 [UDI Guidelines 2010-158](#) regulates proceedings in asylum cases,
- The 8 October 2013 [UDI Guidelines 2013-011](#) is related to interview in applications for protection,
- The 31 August 2011 [UDI Guidelines 2011-040](#) deals with person control and verification of identity documents,
- The 24 April 2012 [UDI Guidelines 2012-009](#) focuses on identity,
- The 8 May 2018 [UDI Guidelines 2018-002](#) provides requirements for lawyers in the Norwegian Directorate of Immigration Laws,
- The 10 June 2010 [UDI Guidelines 2010-183](#) relates to age investigations of unaccompanied minor asylum seekers,
- The 1 January 2010 [UDI Guidelines 2010-044](#) deals with the registration in the Schengen Information System (SIS).

## **Competent authority and other stakeholders**

The Norwegian Directorate of Immigration (UDI) is the main authority responsible in matters related to first instance asylum procedure. However, there are other actors involved.

Establishing and registering the identity of an applicant for international protection is a priority task at the initial interview conducted by the National Police Immigration Service (NPIS). However, the initial registration of identity information may be

supplemented or modified on the basis of new information emerging while the application is being assessed, e.g. on the basis of searches at the applicant's place of residence or his/her mobile phone, as well as on the basis of language tests and age assessments (age assessment is conducted by the UDI with the medical examinations being carried out by the external entity).

Security screening is performed by UDI and the NPIS. When security issues are detected, the case is forwarded to a special team within UDI, which processes such findings and decides the next step for the case. Any profile suspected to represent a potential security threat must be immediately reported to the Police Security Service (PST) and Ministry of Justice and Public Security. The NPIS monitors also arrival centre in Råde, while the PST is present at some reception centres.

The Police also takes photos of the applicants and collects their fingerprint records for registers and doing the necessary register checks (Eurodac, AFIS, VIS, SIS).

The Police and UDI contribute to the detection of fraud documents presented by the applicants. Both bodies may submit general requests concerning documents which they suspect are falsified to the Norwegian ID Centre, which is an independent administrative body under the Norwegian Police. The ID Centre issues an opinion on the authenticity of documents which support establishing the identity of applicant.

As for the personal interview, legal counsel/legal representatives, interpreters (if needed) and trusted persons of applicants' choice (e.g. psychologist) are permitted to attend them. In case of unaccompanied minor, the personal interview is conducted in the presence of a guardian/legal representative (read more below under Personal interview).

## **Types of procedures and case processing**

- Regular procedure: Standard procedure for processing asylum applications, the case is examined by UDI.
- Admissibility procedure: it is applied when asylum or another form of protection granted in another country; if a parent has been granted protection in another

country, it is assumed that a minor will be granted it too (inadmissibility procedure for the family is applied; should the receiving country refuse the transfer, Dublin procedure is applied).

- The Dublin III Regulation is applicable. Rules of the Nordic Passport Union Agreements apply, and the applicant can be accepted by another Nordic state (in practice, no cases recorded so far). Safe third country and European safe third country concept apply (the applicant arrived in Norway from a state or area where he/she was not persecuted).
- Accelerated procedure: it is applied when there are manifestly unfounded applications due to the fact that the human rights situation in the country of origin is regarded as sufficiently good, cases where there are doubts about the applicant's identity, risk of absconding for unaccompanied minors, the applicants with criminal record or who pose threat or create disturbances at reception centres or in the local community.
- Border procedure: The border procedure is not applicable in Norway.
- Subsequent applications: As a subsequent application is considered an application submitted by a foreigner after a final decision to reject the application. Where an applicant invokes protection-related grounds at the time of enforcing return decision and it is not apparent that the circumstances invoked have already been taken into consideration, the police shall refer the question of suspensive effect to the authority that has issued the decision.

## **Time limit for a decision and length of the procedure**

There is no time limit set in the Norwegian legislation for the UDI to make a decision on the application at first instance in a regular procedure. However, according to the existing service standards set by the Ministry of Justice and Public Security, a certain percentage of cases should be processed within a specific time limit. New case management was introduced in November 2020, according to which, in 70% of the cases, applicants receive their first decision within 21 days of lodging an application.

There are only time limits for the turnaround of decisions in the 48-hour accelerated procedure or in case of accelerated procedure for applicants with criminal record, or

who pose threat, or create disturbances - a conclusion on the case is to be reached within 48 (chronological) hours or 5 days from the registration of the application, respectively.

## **Quality assurance of first instance procedures**

There is a yearly quality review both on individual decisions and on specific thematic issues. There are also funds available to review thematic issues by external experts.

After examination and assessment of the application the case officer (normally the same caseworker who conducted the interview) prepares a draft decision, which is checked by an experienced case worker and/or the case worker's supervisor.

Moreover, there is an annual quality check performed for every case officer working in the Asylum Department (check of randomly selected two cases - decisions and/or interviews - that are read through and reviewed by the employee's supervisor) as well as an annual general quality measurement which is coordinated by the Regulations Unit at the Analysis and Development Department. The latter is comprehensive for all the departments of the Directorate of Immigration, and is based on revision method and random sampling of cases under a certain portfolio (e.g. "single women from X country", or "unaccompanied minors"), which is chosen for scrutiny by each Department - Asylum Department, Immigration and Citizenship Department as well as Reception Department (scrutiny is done by senior officers with good knowledge of the portfolio, which are nominated each year).

## **Interinstitutional cooperation**

Information is not currently available.

## **Regular asylum procedure at first instance**

## **Legal basis**

The 15 March 2008 [Immigration Act](#) regulates the entry of foreign nationals into the kingdom of Norway and their stay in the realm. It was last amended by Act 15 December 2017 No. 108 in force from 15 December 2017 and 01.01.2018.

## **Competent authority and stakeholders**

The Norwegian Directorate of Immigration (UDI) is the national authority involved in matters related to the regular first instance asylum procedure.

## **Personal interview**

Asylum seekers in the regular procedure have a mandatory interview with the UDI a short time after their arrival.

## **Assessment of an application**

The Asylum Department processes the application for international protection and makes the necessary inquiries on identity, the documentary evidence and do an overall assessment on the credibility of the asylum claim and then carry out a risk assessment.

In the procedure for granting protection, case workers assess whether an applicant meets the requirements for asylum (granting refugee status, subsidiary protection) but also for national forms of protection.

The requirements for granting international protection are decided on in a single procedure, whereby the Norwegian Directorate of Immigration first examines the requirements for granting refugee status and only then, if these are not met, the

requirements for granting subsidiary protection status and later grounds for national forms of protection (e.g. strong humanitarian considerations or because he or she has a special connection with Norway).

As an outcome of the asylum procedure, an applicant can be issued one of the following types of decisions: positive which means that a protection status is granted or negative which means that all the possible status has been rejected.

In 2019, the Ministry of Justice and Public Security instructed UDI to prioritise the following types of cases: Applications deemed to be rejected; Manifestly unfounded applications under the accelerated procedures; Applications concerning people with criminal record who are deemed to not be in need for protection.

## **Scope and outcomes of a decision**

UDI examines whether the applicant can be granted international protection. If the applicant does not fulfil the eligibility criteria for refugee status, the authority assesses whether he/she is eligible for subsidiary protection status.

As an outcome of the asylum procedure, an applicant can be issued either a positive or negative decision. The positive decision implies that protection status is granted:

- Recognition of refugee status (Section 28(a) of the Immigration Act);
- Granting subsidiary protection status (Section 28(b) of the Immigration Act);
- Protection based on strong humanitarian considerations or a particular connection with the realm (Section 38 of the Immigration Act).

The negative decision implies the refusal of the protection status:

- Refusal to grant refugee status and refusal to grant subsidiary protection status;
- Decision declaring the application inadmissible (Section 32 of the Immigration Act);

- Decision declaring the application manifestly unfounded (only if an accelerated procedure applies);
- Decision on exclusion (Section 31 of the Immigration Act).

The negative decision includes a return order, instructions on how to appeal the decision and the appointment of a lawyer (unless there is already one appointed).

There is no time limit set in the Norwegian legislation for the UDI to make a decision on the application at first instance in a regular procedure. However, according to the existing service standards set by the Ministry of Justice and Public Security, a certain percentage of cases should be processed within a specific time limit. New case management was introduced in November 2020, according to which, in 70% of the cases, applicants receive their first decision within 21 days of lodging an application.

Applicants can access on UDI's website a user-friendly tool that enables them to check an estimate processing time of his/her application by indicating the country of origin and then to which group does he/she belong to.

## **Withdrawal of an application**

### **Competent authority to withdraw an application**

The Norwegian Directorate of Immigration (UDI) is the competent authority to withdraw an application.

### **Implicit withdrawal**

An application is considered as implicitly withdrawn when the applicant absconds (e.g. the person might be considered as absconded, if the residence address of applicant is unknown). If the applicant absconds, the UDI will either, in cases where there is no obvious risk of persecution or inhuman or degrading treatment (it is highly probable that the person is not in need of asylum), issue a negative decision

or otherwise close the case. Importantly, the Dublin procedure continues even if the person disappears.

## **Explicit withdrawal**

To explicitly withdraw the application the applicant has to sign the standard form in order to document it. If the applicant does not have valid residence in Norway on other grounds, the applicant will generally be obliged to leave Norway.

A formal decision to discontinue the examination will be issued on a standard form. The applicant can withdraw his/her application at all the immigration sections of the police, through a lawyer or by contacting UDI. The applicant is then informed about the legal consequences of withdrawing the application. In most cases, this means informing the applicant that he/she no longer has a legal residence in Norway and is obliged to leave the country; and that he/she no longer has the right to stay in a reception centre. The application can be re-opened once a person reappears.

## **Personal interview**

### **Competent authority: Interviewers**

The Norwegian Directorate of Immigration (UDI) is responsible for conducting the interviews.

All caseworkers are required to have education at a master level, either in law or social sciences, but this is not a legal prerequisite. There is no requirement of holding Norwegian citizenship, but case workers must have a good command in Norwegian. It is also advantageous for a candidate to be proficient in other languages and have multicultural communication skills.

New caseworkers follow a two-tier training programme in interview techniques that includes:

- Five days training programme on personal interview, including observation of an interview, three days F2F training, and conducting an interview with mentoring from an experienced colleague;
- Two days F2F training on interviewing children, and an additional e-learning (should be completed within the first three months of employment).

In addition, one experienced caseworker in every unit, has a special responsibility to follow up quality in the personal interview by providing regular guidance and feedback.

As for experienced caseworkers, they undergo training in relevant topics depending on the needs in the organisation. The training is not compulsory for all caseworkers. Examples of trainings offered: “Interviewing vulnerable persons”, “How to explore credibility concerns”, “Intercultural communication” and “Memory in the interview situation”.

A flexible system of specialisation is also applied for case workers, especially in case of applications lodged by victims of human trafficking but also to a certain extent to exclusion cases and geographical areas/countries of origin of applicants.

There is also a separate sector which deals with applications lodged by UAMs and families.

Currently, UDI has 136 caseworkers who are qualified to conduct the personal interview.

Normally, the caseworkers who interview the applicant will also decide on the application/draft a decision.

The timeframe between the application and interview differs according to the type of procedure. As of January 2024, the personal interview was conducted within an average of 225 days. For applications where additional information is needed, or where the interview for other reasons may be more complex, the time between the initial registration and the personal interview is longer, for some applications up to 2 years.

All applicants seeking protection are required by order to appear in person and provide information that may be of importance to the decision (Section 83(1) and Section 93(4) of the Immigration Act).

Applicants who lodged an application in another EU country (have to undergo the Dublin procedure) are not interviewed by the UDI (they have to undergo the arrival registration before the National Police Immigration Service (NPIS), during which additional questions relevant for Dublin are asked.

## **Special procedural guarantees during the interview**

According to the law, minors are given the opportunity to be interviewed, if they so wish (there is no indicative minimum age). In practice, most accompanied children interviewed are above the age of five. In the past, only in few cases, very young children or children with mental disorders were not interviewed as it was difficult to talk to the child.

Unaccompanied minors (UAMs) are interviewed in presence of their guardian. UAMs have an adjusted asylum interview and will always have a representative present during the asylum hearing (Section 17-4 of the Immigration Regulations). The interview conditions, such as the interview guideline, setting, interpreter selection, and timeline, are similar to the adult experience. However, interviews with UAMs employ dialogical communication methodology (DCM), which includes tools for being sensitive to and supportive of the minor during the interview.

Victims of trafficking or other forms of violence and applicants with disabilities and/or other health issues are considered applicants with special needs/vulnerabilities.

The personal interview is adapted for vulnerable applicants, and the UDI has guidelines in place for persons with special procedural needs in order to adapt the procedure 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 interpreter, or the terminology used. The UDI will also choose an interviewer with experience in the area of vulnerability.

## Possibility to omit the personal interview

<p><b>Positive decision</b></p>	<p>Yes, but an extended initial registration by the immigration police would be required. In accordance with the revised instruction <a href="#">GI-02/2023</a>, the UDI may refrain from conduct an asylum interview when it is a clear grant case, e.g. so that over 90 % of the applicants from the country in question are granted protection in accordance with UDI's practice.</p>
<p><b>Previous meeting - essential information</b></p>	<p>Yes - by the law (an extended initial registration must be however made). In accordance with the revised instruction <a href="#">GI-02/2023</a>, the UDI may refrain from conduct an asylum interview when the applicant has a valid residence permit in Norway, there has been a thorough registration with the police, there is no doubt about identity or information that may indicate that the case should be investigated more closely after the issue Section 31 or Chapter 14 of the Act, the asylum application is clearly considered unfounded, provided that the applicant has been given an opinion on the reason for the application for protection and what he or she fears when returning to his/her home country.</p>
<p><b>Issues raised are not relevant or of minimal relevance</b></p>	<p>Yes - by the law (an extended initial registration must be however made).</p>
<p><b>Safe country of origin</b></p>	<p>No</p>
<p><b>Safe third countries</b></p>	<p>Yes - by the law (an extended initial registration must be however made).</p>

<b>Inconsistent, contradictory, improbable, insufficient representations</b>	No
<b>Subsequent application</b>	Yes but, in general, there is the possibility for the review by UDI/UNE, depending on the stage of the procedure.
<b>Application to merely delay/frustrate enforcement</b>	Yes/No (depending on the case)
<b>Not reasonably practical to conduct it</b>	No
<b>Applicant unfit or unable to be interviewed</b>	No

## Organisational aspects

The National Police Immigration Service (NPIS) is responsible for the initial registration of the application. They also conduct an interview with the applicant, obtaining information about the applicant's identity, traveling route (mainly to settle if the applicant also has lodged an asylum application in another EU country) and reasons for applying for protection. The NPIS also has the possibility to conduct a second interview if additional information is needed.

If the applicant resides in a reception center, the invitation to the personal interview is sent to the reception center who passes the information on to the applicant. The reception center must immediately inform the applicant in writing or orally that the

person in question has been called in for an interview.

If the applicant lives in private accommodation, a letter with information about the interview is sent by mail to the address provided by the applicant. The applicant is considered notified of the interview when a message from Protection 6 is sent to the reception center or to the applicant's private address (Section 12(3) of the Administration Act).

There is a separate unit within the Asylum Department which is tasked with booking the interviews. The unit has a database with information about all applicants, interpreters, representatives for UAM and other involved third parties. The interpreter and other relevant third parties receive information about the interview either by phone, SMS or e-mail.

### **Information provision (before the personal interview)**

Before the interview, the applicant receives individual guidance and information about the interview from Caritas Norway. Caritas provides information about the purpose and importance of the interview, the confidentiality of information, the roles of different actors in the process, on the procedure after the interview and overall rights and obligations. Caritas also provides information both through videos (translated into several languages), pamphlets and information sheets (translated into several languages).

In addition, information on what happens during the interview as well as how to get to the place where interview is available on the UDI [website](#).

### **Modalities of carrying out the interview**

Some people take part in their asylum interview while staying at the National Arrival Centre, others are interviewed after their stay at the centre has ended. The personal interview is conducted in offices that are set up to meet all the necessary requirements. During the interview, the door to the office must be closed, and all the rooms are isolated to make sure that the privacy principle is satisfied.

The interview room is equipped with a desk and three chairs (for the interviewer, interpreter and applicant). The chairs are placed in a triangle where the interviewer and the applicant face each other, and the interpreter sits on the short end of the desk. The fourth chair is placed in the corner of the room for any additional person, e.g. the guardian. For security reasons, interviewer's chair is located close to the door. There is also a panic button in every room (used by the interviewer in case of emergency).

There are also specially dedicated rooms for interviewing children.

The interviewer uses a computer with access to the DUF database in order to access relevant information and to write down information provided by the applicant.

Approximately 50% of all interviews are conducted remotely, using Microsoft Teams. The interviewer and the interpreter participate in the interview from different offices on UDIs premises. The applicant participates from the reception centre using an office that is set up for the purpose. UDI have internal guidelines describing quality criteria for the conducting of remote interviews and describing types of interviews that should not be conducted remotely, e.g. interviews with vulnerable applicants, complex claims including issues related to potential credibility concerns or matters related to security or exclusions.

### **Choice of gender of the interviewer/interpreter**

According to the law, women should be asked whether they prefer a female interviewer and/or interpreter. The applicant's preference, and other special needs, is taken into account when possible.

### **Objecting to the interviewer/interpreter**

Applicants are always asked whether they have any objections during the interview (objections must be justified and well-founded e.g., conflict of interest, linguistic issues, non-neutrality of interpreter). Case officer should be informed whether the applicant and the interpreter are previously acquainted.

### **Language and interpretation**

The interview is conducted in Norwegian and the applicant's mother-tongue/preferred language, with an interpreter present. During the interview information about languages is confirmed and additional questions are asked if necessary.

As a general rule, an interpretation is used also in interviews where the applicant and the interviewer speak a common language, since the interviewer cannot be expected to act as a professional interpreter. The quality of the interpretation is checked regularly by sending the audio recording from the interview to a professional external company.

The National Registry for Interpreters is administered by the Directorate of Integration and Diversity (IMDi). All interpreters in the database are classified into seven categories according to their documented qualifications. The top three categories are reserved for interpreters with accreditation by authorisation and/or university-level interpreter training. The minimum requirement for entry in the register is twofold: documented bilingual skills through a vocabulary test and a completion of a basic introductory course on interpreter ethics and techniques. Interpreters undergo training in the context of personal interview. It is also mandatory for interpreters working for UDI (and the Immigration Appeals Board - UNE) to present a police certificate. Qualified interpreters are always prioritised. For some languages, neither interpreter training nor tests are available. Interpreters in such languages have to undergo a specially developed quality assurance programme. In all interviews involving interpretation by unqualified interpreters, an audio recording must be made.

### **Persons present during the interview**

As a general rule, the applicant is interviewed without the presence of family members or other persons/observers. If the applicant has a lawyer at the time of interview (in practice, most applicants do not have a legal counsel at the time of the interview; if the applicant meets specific criteria, UDI arranges counsel for her/him), the lawyer may attend the interview, if the applicant and/or the lawyer wishes so. UAMs are always interviewed in presence of their guardian. Children under 18 are interviewed in presence of their parents or a legal guardian who participate in

observer's capacity. Persons present during the interview in an observer capacity include:

- UDI caseworkers who need to observe the interview, e.g. due to training, quality assurance;
- Trusted person, if the applicant due to physical or mental illness, need an accompanying person present who can safeguard the applicant's needs during the interview (provides emotional/medical support);
- Accompanying children, if for various reasons they cannot use the childcare facilities;
- Family members that can be allowed for medical reasons.

If there is an accompanying person or an observer present, the interviewer has to inform the applicant of the person's name, position and tasks. The interviewer should also inform the person attending that he/she cannot respond on behalf of the applicant and that he/she should not interrupt during the interview.

### **Structure/steps of the interview**

UDI has established specific guidelines for interviews of applicants for international protection. Structured interviews, based on UDI guidelines, are used to gather high-quality and focused information during the interview. The interview includes the following 6 phases:

- Plan and Prepare: The interviewer makes necessary physical, mental, and case preparations. He/she reviews the applicant's file, including all personal documents, information from the initial registration interview and other evidence submitted. The interviewer has access to internal COI reports and country-specific policy guidelines. S/he may also request COI-related information on an ad-hoc basis (at each stage of the procedure). A thorough case preparation should result in a clear understanding of the need for information in the specific case, an interview plan tailor-made to the individual applicant, and an understanding of what are relevant topics, key questions, and possible missing information. It is recommended that a case worker prepares a list of the topics that need to be explored, instead of drafting a list of questions.

There are specific interview templates/guides that interviewer may use both when preparing and conducting the interview, e.g. guidance for interviewing applicants originating from specific countries of origin, and for specific profiles of applicants, e.g. potential victims of human trafficking, applicants forced into marriage and LGBT-applicants.

- Engage and explain: The interviewer welcomes the applicant and presents himself/herself; dialogue is introduced as a communication pattern. The case manager introduces the dialogue as a communication pattern and tries to form an impression of the applicant's need for any facilitation during the interview. The interviewer provides the applicant with information on the interviewer's and the interpreter's responsibilities and tasks, the duty of confidentiality, the purpose of the interview, the applicant's rights and obligations, the framework of the interview and the report to be written during the interview. The interviewer also asks if the applicant if he or she has illnesses or other needs that would require facilitation during the interview.
- Initial procedures: The interviewer provides the applicant with information on the interviewer's and the interpreter's responsibilities and tasks, the duty of confidentiality, the purpose of the interview, the applicant's rights and obligations, the framework of the interview and the report to be written during the interview. The interviewer also asks if the applicant if he or she has illnesses or other needs that would require facilitation during the interview.
- Free narration: In most interviews the interviewer starts off by encouraging the applicant to provide an uninterrupted personal account of the reasons for the application. The aim of the free narrative is to elicit as much reliable and accurate information as possible from the applicant. During the free narrative the interviewer should listen actively, make a note of what topics to explore further and write down relevant information. The interviewer may interrupt the free narrative if the applicant provides information about irrelevant matters. The interviewer introduces relevant topics concretely and clearly, without being leading. By introducing relevant topics, the interviewer helps ensure that both the applicant and the interpreter have a good understanding of the purpose of the interview at all times

- Explore and clarify: After the applicant's free narrative, the interviewer will explore relevant topics using the following structured (funnel-)approach; introducing the topic and asking for a free narrative, asking open-ended, productive questions, asking more focused questions, if necessary, summing-up before moving to the next topic. In this phase interviewer will also try to clarify all misunderstandings and potential credibility concerns.
- Closing: During the closing phase, the interviewer makes sure that all information that is relevant to the claim has been explored by summing up all relevant topics and making sure that all relevant information is documented. The interviewer will also provide information to the applicant about what will happen after the interview, including the possibility to appeal a possible negative decision. Further information on the possibility to submit further evidence is also provided and applicant is asked if he/she understood the interpreter.
- Evaluation: The conduct of the interview and the asylum interview report is regularly quality assured by an experienced case manager who reads the interview and decision (2nd hand); an interview specialist coordinator/adviser, unit manager or other experienced case managers attend the interview; annual quality measurements and reviews of the asylum interview report are carried out.

To identify vulnerability during the interview, all applicants receive information and questions to promote self-identification. At the beginning of an interview, the applicant is asked if he/she has any specific needs that should be considered during the interview. The applicant is also asked if he/she has 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 he/she is informed about the right to medical help. Specific [guidance](#) for applicants with physical or mental illness is available. In addition, the applicant is informed that persons that are in a difficult situation in Norway can get help. The applicant is asked directly if he/she needs emergency assistance or if he/she wants more information about the available help services.

There are specific procedures for cases where an interviewer identifies potential indicators of [human trafficking](#), [forced marriage](#) or [female genital mutilation](#) (FGM) and soon to be published on torture. In such cases the interviewer will be adjusted and questioning strategies according to the needs of the applicant and offer additional information, inter alia about the possibility of follow-up assistance and legal assistance. There is also a possibility of conducting the interview by a case worker with an adequate expertise on the topic or a case officer with training on handling difficult interviews as well as to extend time needed for conducting the interview or/and make more frequent breaks.

NPIS is responsible for the initial registration of UAMs. 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 UAMs both during the initial registration and at the personal Interview. The representative is present when the UAM is interviewed and is to ensure that the best interest of the child is facilitated throughout the entire procedure.

The personal interview with UAM 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 the needs in these interviews (different types of chairs, different seating orders, toys, etc.).

### **Audio/Video recording and written report**

All interviews are audio-recorded through a Dictaphone (the recording is stored in a digital file format in DUF and available to applicants, their representatives, designated case workers as well as managers in the UDI and the Appeal’s Board).

In addition, an interview report is written. The interviewer writes down all information relevant to the application for protection. Most interviewers write down both their questions and answers given by the applicant verbatim, but it is also possible to write a brief report and refer back to the audio recording.

The information from the interview is written down in a specific template available in DUF system. There are prefilled templates for the minutes of the interview as well as [internal guidance](#) on how to write the report available for case workers.

The asylum interview report is usually not read back to the applicant after the interview. However, the interview report should always be read aloud to the applicant if:

- There is doubt about the quality of interpretation;
- There are reasons to believe that the interview report contains ambiguities or deficiencies;
- There are reasons to believe that the applicants can be excluded;

For some reason, there is no audio recording of the interview.

In those cases, the interpreter (if any) is asked to read back the minutes to the applicant. The applicant has then, the opportunity to add and correct any information contained in the minutes, if necessary.

The applicant (and legal representative) is also provided with a copy of the report at the end of the interview.

### **Postponing the personal interview**

It is possible for the applicant to request the postponement of the interview only in justified medical grounds and in case the guardian of an unaccompanied child is not available.

### **Failure to appear**

If an applicant does not show up for the interview, the interviewer has to consider if the applicant has a valid reason for not attending, e.g. that the applicant has been

too ill to meet or that he/she has not been notified about the interview in line with the procedures.

If the applicant is ill, he/she must submit a medical certificate certifying that the illness is preventing the conduct of the interview. The same applies where the applicant did present himself/herself for the interview but needs to leave because he/she is unfit to attend the interview.

If a change of residence is the reason why he or she has not received the summons, this will in principle not be a valid reason for not attending the interview.

If the applicant has been properly summoned and did not present a valid reason for not attending the interview, the decision on application for protection will be issued on the basis of the available information gathered.

If an applicant is absent from the interview with a valid reason, the person concerned will be scheduled for an interview on another day.

## **Other aspects**

The NPIS has the possibility to conduct a second interview if additional information is needed.

## **Special asylum procedures at first instance**

### **Admissibility procedure**

The 01 January 2010 [Immigration Regulations](#) deal with the admissibility procedure.

### **Competent authority and other stakeholders**

The Norwegian Directorate of Immigration (UDI) is the national authority responsible for admissibility.

## **Procedural aspects**

Admissibility is applied on the ground of:

- Asylum or another form of protection granted in another country; if a parent has been granted protection in another country, it is assumed that a minor will be granted it too (inadmissibility procedure for the family is applied; should the receiving country refuse the transfer, Dublin procedure is applied).
- Dublin III Regulation is applicable;
- Rules of the Nordic Passport Union Agreements apply, and the applicant can be accepted by another Nordic state (in practice, no cases recorded so far);
- Safe third country and European safe third country concept apply (the applicant arrived in Norway from a state or area where he/she was not persecuted).

The power to refuse to examine an application on its merits on any of these grounds does not apply, if precluded by the Section 73 of the Immigration Act (*non-refoulement* principle).

If an applicant submits a new application after a first application was found inadmissible, his/her application would as a general rule be summarily dismissed. The applicant will have a right to appeal this decision.

UDI does not normally conduct a specific interview on admissibility in cases that are deemed inadmissible. The decision is made mainly on the basis of documentation of identity and refugee status or stay in a safe third country (travel document), as well as information from the arrival registration form. It is always the UDI and not the police that decides on admissibility.

## **Decision and time limits to decide**

There is no standard time limit set in general to take decision.

## **Appeal**

The decision can be appealed to the Immigration Appeal Board. Standard time limit of three weeks applies. In all the above-mentioned cases, except for Dublin cases,

the decision to refuse to examine an application on its merits may be implemented immediately.

The appeal covers a full examination of both facts and law.

There is no time limit set in law to decide on the appeal.

If it is not clear that the application should be rendered inadmissible, the applicant is given a time limit for requesting suspensive effect, and the decision may not be implemented until the time limit has expired or the UDI has made a decision on the request.

If an application was rendered inadmissible based on Dublin-related grounds and the applicant requested suspensive effect, the administrative decision may not be implemented until the UNE has decided on the request or considered the appeal against the decision.

### **Impact on reception conditions**

Material conditions are provided for the entire asylum procedure and furthermore until they are resettled in a municipality, leave the country voluntarily or are returned by the police, including Dublin returns.

Applicants under Dublin procedure receive the same level of allowances as all applicants when they are staying in transit centres, where they are being served all meals. Applicants under Dublin procedure, however, independently of whether they stay in so called ordinary centres, where residents have to buy and prepare their own food and ordinary asylum seekers get full allowances, the applicants under Dublin procedure, keep the transit allowances.

### **Accelerated procedure**

### **Legal basis and grounds**

The accelerated procedure is defined in the [UDI 2009-039 - Fast processing of asylum cases in the event of identity disputes](#) and [UDI 2021-009V Country in the 48-hour procedure](#).

## **Competent authority and other stakeholders**

The Norwegian Directorate of Immigration (UDI) is the national authority responsible for accelerated procedures.

## **Procedural aspects**

There are several types of accelerated procedure in Norway:

- 48-hour procedure: applications that Norway presumes to be manifestly unfounded are handled in “the 48-hour procedure”) based on a where Norway considers security and compliance with human rights to be on a satisfactory level;
- Accelerated procedure for applicants with criminal record, or who pose threat, or create disturbances;
- Accelerated procedure for cases where there are doubts about the applicant’s identity;
- Accelerated procedure for certain groups of unaccompanied minors: UAM’s, who based on past experience, may disappear from the reception centres, or who do not comply with the obligation to inform the UDI about the grounds for their asylum claim, applicants in need of acute assistance due to human trafficking, forced marriage or health-related issues, or applicants who reappear after having disappeared.

A decision to accelerate applications is taken during initial screening after registration/lodging either by the NPIS or the UDI.

Unaccompanied minors are exempted from the possible application of 48-hour procedure.

The interview is always conducted in the 48-hour procedure. This is also the case for the accelerated procedure for certain groups of unaccompanied minors and for the

applicants with identity issues. In case of applicants with criminal record, who pose threat, or create disturbances, there is an expanded registration of the application, and there will only be a personal interview if there are further doubts on the outcome of the case.

### **Decision and time limits to decide**

When the decision is taken under the accelerated procedure ("48-hour procedure"), the UDI must make a decision either within 48 hours, or within 5 working days (for applicants with criminal record, or who pose threat, or create disturbances) from the registration of the application.

For unaccompanied minors, the accelerated procedure means that the NPIS and the UDI endeavor to conduct the arrival registration with the police, the arrival interview with UDI and hand root examination all on the same day, before the UAM is transferred to the reception centre.

### **Appeal**

The decision can be appealed to the Immigration Appeal Board. When it is considered that the applicant clearly does not require protection, only 1 week time limit applies.

For decisions issued under the 48-hours procedure the time limit for appeal is three hours. For applicants whose identity is in doubt, with criminal records, or UAMs the standard time limit of 3 weeks applies. The UDI has to process the appeal within one week.

The appeal covers a full examination of both facts and law. There is no time limit set in law to decide on the appeal.

### **Impact on reception conditions**

Applicants in the 48-hour procedure are accommodated at Trandum Detention Centre. They do not receive any in-cash benefits but may receive in-kind benefits such as hygiene articles.

Applicants in the other accelerated procedures are placed in ordinary transit reception centres.

## **Border procedure**

The border procedure is not applicable in Norway.

## **Competent authority and other stakeholders**

Not applicable.

## **Procedural aspects**

If an application for asylum is submitted at the border, applicants are taken to either to the NPIS headquarters in Oslo or to the arrival centre in Råde for formal registration; the full registration carried out directly in Råde usually takes place in case of families with children and elderly people). Where the applicant goes after registration depends on whether a positive identification has been made, and whether the application is considered manifestly unfounded or not. Foreign nationals may be placed in a detention centre when considered necessary.

This procedure has the characteristics of “border procedure” in the sense of Article 43 of the Asylum Procedures Directive. Applicants arriving at Storskog, who have been granted asylum or another form of protection in Russia, or where it is established that the foreign national was not persecuted in Russia (or another State or area), will not have his/her application examined on the merits. Yet, it will be proceeded with due respect to the principle of non-refoulement. The time limit to appeal against the decision on inadmissibility and to request suspension of the removal decision is three hours maximum. Normally, the UDI does not grant suspensive effect of the removal decision, and the applicants are not appointed a lawyer. There is also no time limit for voluntary departure.

## **Decision and time limits to decide**

Not applicable.

## **Appeal**

Not applicable.

## **Impact on reception conditions**

Not applicable.

## **Subsequent application procedure**

### **Legal basis and grounds**

The subsequent application ("new application") is defined under Norwegian legislation in Section 3.5 of [UDI 2014-025 Notification and priority proceedings in asylum cases](#). There are few subsequent applications in Norway. In most cases where the applicant submits new information after a final rejection, the case will be handled by the authority (UDI or UNE) who issued the final negative decision as a review case.

### **Competent authority and other stakeholders**

The Norwegian Directorate of Immigration is the competent authority involved in matters related to subsequent application procedure.

### **Procedural aspects**

As a subsequent application is considered an application submitted by a foreigner after a final decision to reject the application. Where an applicant invokes protection-related grounds at the time of enforcing return decision and it is not apparent that the circumstances invoked have already been taken into consideration, the police shall refer the question of suspensive effect to the authority that has issued the decision.

The Norwegian legislation uses the term "new application" rather than "subsequent application".

Subsequent applications are considered within the admissibility or regular procedure.

As a general rule, a subsequent application is considered as inadmissible (by making reference to the grounds for refusal of the initial/first asylum application) as the applicant may still submit a petition to reverse the final decision.

Subsequent applications that might not be rejected are the following:

- Some applications rejected under the Dublin procedure (e.g. applicant absconded),
- Applications submitted by foreigners who have been in the home country after receiving the final decision to reject the application,
- Some cases of applicants subject to human trafficking (foreigner submitted a testimony to the police or the court in his/her case of human trafficking),
- Applications for which the Immigration Appeals Board (UNE) requested the UDI to process the subsequent application.

Materials from previous proceedings as well as new information provided by the applicant are considered within the preliminary examination of subsequent applications.

The case worker assesses whether the registration form produced by the police is sufficient to make a decision in the case or whether the applicant should be interviewed by UDI.

### **Decision and time limits to decide**

The UDI must assess as quickly as possible whether the case should be rejected or dealt with on merits.

### **Appeal**

The decision can be appealed to the Immigration Appeal Board. Standard time limit of three weeks applies.

The appeal covers a full examination of both facts and law. There is no time limit set in law to decide on the appeal.

The submission of a subsequent application does not entail the suspension of the return process. In fact, UDI is under an obligation to prioritise "inadmissibility of applications" where the removal of the applicant is imminent. In particularly urgent cases, UDI may issue a decision on inadmissibility verbally. Usually, the individual would be removed before the appeal is dealt with by the UNE.

Applicants may submit an application for suspensive effect. In general, such requests are however rejected by UDI. The majority of negative decisions issued by the UDI are also upheld by UNE.

### **Impact on reception conditions**

In the event of an applicant submitting a subsequent application, no reduction or withdrawal of material reception conditions occurs.

### **Last-minute application pending removal**

Last minute applications concern specific nationalities.

### **Last-minute applications lodged by first time applicants pending a removal**

In case of applicants stemming from a country that is on the list of countries where there is no need for protection, a fast-track procedure is established.

For last minute asylum applications, specified workflows or procedures exist in the Circular Notice RS 2014-019.

From police perspective, good established contact between the Directorate for Immigration and the police helps in certain where there is likelihood that a last-minute application will appear, so that the UDI.

Return authorities have access to asylum decisions in a read-only mode. Asylum authorities, in the same way, have access to read the return decisions.

## **Last-minute applications lodged as subsequent applications pending a removal**

Same as first time applicants.

## **Safe country concept**

### **Safe country of origin**

Norway is not bound by the Asylum Procedures Directive (recast), but a similar national legal framework applies. The concept of safe country of origin is defined in the Norwegian Directorate of Immigration (UDI) instructions [UDI 2021-009V](#), which stipulates that third-country nationals from countries that the UDI assumes to comply with international human rights at an acceptable level are candidates to have their case processed in the 48-hour procedure. The concept is applied in practice.

The UDI is the authority identifying safe countries of origin, meanwhile the Ministry of Justice and Public Security is the one adopting them.

The criteria of designation of a safe country of origin are the following:

- The number of manifestly-unfounded asylum applications submitted by citizens of the respective country;
- Authorities of the country can provide adequate protection to the citizen;
- Human rights situation in the country is at a satisfactory level;
- Judiciary system functions in a satisfactory way; and
- Access to relevant country of origin information to assess asylum applications.

When assessing whether a country of origin is safe, the information is obtained from the Norwegian Country of Origin Information Centre (Landinfo), which is an independent body within the Norwegian Immigration Authorities.

Norway does not have a list of safe countries of origin as such. However, a 48-hour accelerated procedure applies to citizens of some countries, which was last updated on 24 February 2022:

1. EU/EFTA countries
2. Albania
3. Argentina
4. Armenia
5. Australia
6. Bosnia and Herzegovina
7. Botswana (except for LGBTQI+ applicants)
8. Barbados
9. Canada
10. Chile
11. Costa Rica
12. Faroe Islands
13. Ghana (except for girls under 18 years old, LGBTQI+ applicants and applicants who faced forced marriage)
14. Georgia
15. India (except for single women)
16. Israel
17. Japan
18. Monaco
19. Moldova
20. Montenegro
21. Mongolia
22. Namibia (except for LGBTQI+ applicants)
23. New Zealand
24. North Macedonia
25. Serbia
26. Tanzania (except for girls under 18 years old, LGBTQI+ applicants, applicants who faced forced marriage and albino people)
27. United Kingdom
28. United States of America

29. Vatican City
30. Kosovo (except for minorities)
31. South Africa

## **Safe third country**

Norway is not bound by the Asylum Procedures Directive (recast), but the concept of safe third country is defined in the Norwegian law and applied on a case-by-case basis via an admissibility procedure.

The Norwegian Directorate of Immigration (UDI) is the national authority determining a list of safe third countries. However, this list has not been adopted.

The applicant must have stayed in the third country and not be persecuted there. If the applicant has a strong affiliation with Norway, the application must be examined on its merits.

There has been a development in the interpretation of the provision on Safe Third Country (Section 32(1d)) following an instruction by the Ministry of Justice and Public Security in February 2022: [GI-02/2022 - Instruks om tolkningen av utlendingsloven § 32 første ledd bokstav d - nekte realitetsbehandling under henvisning til trygt tredjeland og returadgang til trygt tredjeland](#). The instruction formulates the following conditions for returning asylum seekers to a third country:

- The assessment should be concrete and individual;
- The ground condition for returning a person to a third country is that the person does not risk being exposed to treatment that is in breach of the Norwegian Constitution or our obligations under international law, or to be sent to a country where the person will risk that kind of treatment;
- Asylum seekers can only be returned if they are ensured sufficiently effective protection in the third country;
- It is not a condition that the asylum seeker has had a residence permit in the third country. Whether the asylum seeker will be accepted to enter the third country, shall not be a part of the assessment after Section 32(1d).

## **First country of asylum**

The concept of first country of asylum is defined in the Norwegian law and applied in practice via an admissibility procedure. It is applied when the applicant has been granted asylum or another form of protection in another country.

## **European safe third country**

The concept has been applied in exceptional cases when the safe third country is a European country and after the case has been assessed in accordance with the Dublin III Regulation.

The application must nonetheless be examined on its merits if the foreign national can make a strong case that Norway should examine it via an admissibility procedure.

## **Assessment of an application at first instance**

### **Legal provisions relevant for an assessment**

The 15 March 2008 [Immigration Act](#) regulates the entry of foreign nationals into the kingdom of Norway and their stay in the realm.

The 1 January 1970 Act relating to the method of processing in administrative cases ([Public Administration Act](#)) is another legal provision relevant for the assessment of an application at first instance. The original translation included L01.08.2003 No. 86 in force from 01.10.2003 and earlier amendment acts.

### **Competent authority for the assessment**

Normally, the same case worker participates in all parts of the procedure, including the personal interview and the assessment of the application. On some occasions, two different case workers are assigned to the case, one for the personal interview and one for the assessment of application.

Asylum applications are assessed in the following teams:

- 'Protection 1' - responsible for asylum applications that may be assessed within 21 days, conducting "48-hour" procedures, differentiation of cases as well as cooperation with the police;
- 'Protection 2' - responsible for assessing asylum applications from UAMs, and other applications that are older than 21 days,
- 'Protection 3' - responsible for assessing asylum applications that are older than 21 days.

Every case worker in the UDI has access to a logged in version of the UDI Regulation website ([udiregelverk.no/en](http://udiregelverk.no/en)), the website is also publicly accessible. It contains relevant national and international asylum and immigration-related regulations, relevant judgements from national and international courts, travel restriction lists etc. The website also contains up-to-date instructions from the Ministries and internal guidelines such as country guidance.

Also, the DUF IT system is structured in a way that it auto generates standardised text and text-blocks, dependent on checkpoints in the system and the type of decision. The system is able to generate proposals for a decision (through an integrated rule engine which makes the necessary suggestions), whereas the case-workers only need to make minor alterations. The case workers are guided through the decision process by the system, but they have a lot of liberty when making the decision (can remove text and/or supplement with their own wording or phrases at their discretion).

Also, robotics has been recently introduced to further automate case handling during the decision-making process. However, the automation does not yet concern the decision itself. Currently, a robot is involved in technical completion of negative decisions in asylum cases (i.e. to send and register information about a decision in

the system and to inform the Police, legal representatives and the applicant). Robotics is also used to register positive decisions in cases involving collective protection. In resettlement cases robotics is used for the initial registration of cases, as well as for registration of travel schedules and arrivals.

## Grounds

Grounds for protection are outlined in Section 28 of the [Immigration Act](#). A foreign national who is in the realm or at the Norwegian border shall, upon application, be recognised as a refugee if:

a) Has a well-founded fear of persecution because of ethnicity, descent, colour, religion, nationality, membership of a particular social group or because of political opinion, and is unable or, because of such fear, is unwilling to invoke the protection of his or her home country, cf. Article 1 A of the Refugee Convention of 28 July 1951 and Protocol of 31 January 1967, or

b) Without falling under (a) is nevertheless in real danger of being subjected to the death penalty, torture or other inhuman or degrading treatment or punishment upon return to the home country.

In order for actions to be considered to constitute persecution pursuant to section 28 first paragraph (a), they must either:

a) Constitute, individually or on the basis of repetition, a serious violation of fundamental human rights, in particular rights from which no derogation may be made pursuant to Article 15(2) of the European Convention on Human Rights of 4 November 1950, or

b) Constitute several different measures, including violations of human rights, which together are so serious that they affect a person in a way that is comparable to the situation described in letter a.

Persecution can take the form of, among other things:

- c) Physical or psychological violence, including sexual violence;
- d) Legislation and administrative, police and judicial measures, whether they are discriminatory in themselves or practised in a discriminatory manner;
- e) Prosecution and enforcement of sentences that are disproportionate or discriminatory;
- f) The absence of the possibility of judicial review when this results in penalties that are disproportionate or discriminatory;
- g) Criminal prosecution for refusing military service in a conflict where such service would include crimes or acts as mentioned in Section 31 first paragraph, or
- h) Actions that are specifically directed against gender or against children.

Stalker can be:

- a) State;
- b) Organisations or groupings that control the state apparatus or such a large part of the state's territory that the foreign national cannot be directed to seek protection in other parts of the country, cf. section 28 fifth paragraph, or
- c) Non-state actors if the actors mentioned in subparagraphs (a) and (b), including international organisations, are unable or unwilling to take reasonable measures to prevent the persecution, including through an effective system for detecting, prosecuting and punishing acts of persecution.

Section 38 of the Immigration Act grants residence permit even if the other conditions in the Act are not met, if there are strong humanitarian considerations or the foreign national has a special connection to the realm. In order to determine whether there are strong humanitarian considerations, an overall assessment of the case must be made. Among other things, emphasis can be placed on whether:

- a) The foreign national is an unaccompanied minor without proper care upon return;

- b) There are compelling health-related conditions that make the foreign national need to reside in the realm;
- c) There are social or humanitarian circumstances in the return situation that provide grounds for granting a residence permit; or
- d) The foreign national has been a victim of human trafficking.

## **Guidelines for case officers**

The following guidance when assessing applications is made available to case workers:

- Procedural - instructions and guidance circulars that cover all stages of the asylum process (e.g. registration of a case in the system, Dublin procedures, 48-hours accelerated procedure). All the official guidelines are available [here](#). In addition, there are specific internal to UDI staff web portals dedicated to procedural guidance for case workers (e.g. “The Interview Page”, “The Asylum procedure page”, “The Children page”);
- Thematic - instructions and guidance circulars e.g. on FGM, victims of human trafficking, applicants exposed to forced or child marriages, religious converts. All the official guidelines are available [here](#).
- Guidance per country of origin - policies/country guidance for assessing/examining applications from various countries of origin e.g. Afghanistan, Syria, Iraq, Somalia, Turkey, Eritrea, Ethiopia, Nigeria, Pakistan.

The guidance is available to case workers on the portals administered by UDI: “[Udiregelverk](#)” (publicly accessible) and “*Regelverksportalen*” (restricted access). Information on changes at operation level is also communicated to caseworkers by senior officers.

There is a yearly quality review both on individual decisions and on specific thematic issues. There are also funds available to review thematic issues by external experts.

## **Credibility assessment**

Case workers carry out an assessment of facts and circumstances when aspects of the applicant's statements are not supported by documentary or other evidence.

### **Assessment of facts and circumstances when aspects of the applicant's statements are not supported by documentary or other evidence**

The main rule is that all kind of evidence can be submitted - the procedure is flexible and there is no list of required evidence.

## **Time limit for submitting evidence during credibility**

The applicant can produce additional evidence at any time during the proceedings. The late submission of evidence has no impact on the credibility of the evidence in question. The main rule is that all kind of evidence can be submitted - the procedure is flexible and there is no list of required evidence.

## **COI research**

Case workers can consult reports produced by the independent body - Landinfo (the Norwegian Country of Origin Information Centre) - (see COI Unit sections below) as well as ask specific questions in the form of COI queries. Case workers can also review all the existing COI products available in the COI database (*Landdatabasen*), which contains both the Landinfo's own reports and source material from other sources as well as Landinfo's public [website](#), which contains all reports produced by Landinfo.

## Decision and outcomes

As an outcome of the asylum procedure, an applicant can be issued one of the following types of decision:

- Positive which means that a protection status is granted (refugee, subsidiary protection (Section 28 of the Immigration Act) or protection based on strong humanitarian considerations or a particular connection with the realm (Section 38 of the Immigration Act);
- Negative which means that all the possible status has been rejected. The negative decision includes a return order.

After examination and assessment of the application the case officer (normally the same caseworker who conducted the interview) prepares a draft decision, which is checked by an experienced case worker and/or the case worker's supervisor.

Moreover, there is an annual quality check performed for every case officer working in the Asylum Department (check of randomly selected two cases - decisions and/or interviews - that are read through and reviewed by the employee's supervisor) as well as an annual general quality measurement which is coordinated by the Regulations Unit at the Analysis and Development Department. The latter is comprehensive for all the departments of the Directorate of Immigration, and is based on revision method and random sampling of cases under a certain portfolio (e.g. "single women from X country", or "unaccompanied minors"), which is chosen for scrutiny by each Department - Asylum Department, Immigration and Citizenship Department as well as Reception Department (scrutiny is done by senior officers with good knowledge of the portfolio, which are nominated each year).

Forms used for the decisions:

- Negative decision: states the reasons in fact and in law for rejection. The negative decision includes instructions on how to appeal the decision and the appointment of a lawyer (unless there is already one appointed). The decision is issued only in Norwegian and UDI does not translate the decision.

Translations must be ensured by the police and the appointed lawyer. Negative decisions are signed by 2 case workers (in exceptional cases, only one case worker can sign the decision). The applicant's representative (and through him/her, the applicant) gets electronic access to the file (it is necessary to have an ID username) and to the information the decision is based on.

- Positive decision: indicates the form of international protection granted and the legal provision the decision is based on. Positive decisions are signed by 2 persons.

All case workers are entitled to sign decisions in asylum proceedings.

Negative decisions are sent to an appointed lawyer who will inform the applicant. The decision is considered delivered when the representative is notified. If the decision is positive, UDI sends the decision to the Police, who will inform the applicant in writing.

## **COI units**

### **Background information**

The Norwegian Country of Origin Information Centre, Landinfo, is an independent body within the Norwegian Immigration Authorities.

Landinfo was established in 2005, and a Government White Paper was drawn up prior to its establishment (available in Norwegian language St.meld. nr. 21). Chapter 5.3 of the White Paper defines the unit's role and mandate, as following:

*The government wishes to establish a common country of origin information unit, which will replace the current arrangement with country advisors within both UDI and UNE. The establishment of such a unit should essentially ensure the same considerations as the present arrangement with country advisors within UDI and UNE do. Country of information work includes gathering, evaluation and interpretation of information about different countries, and furthermore, communication of general assessments and analysis. However, it is those who make*

*decisions (case workers/senior staff in UDI and case workers/Appeals Board Chair/Appeals Board) and not the country advisors, who in each individual case draw conclusions as to whether it is safe to return to a country or region. Such a common country of origin information unit should be placed within UDI but be independent in its relation to both the Department [of Justice], UDI and UNE. By 'independence', it is here implied that neither the Department [of Justice] nor the management of UDI and UNE can instruct, or overrule the professional assessments made by the country advisers.*

## **Structure and capacity**

Although the unit administratively sits under the Norwegian Directorate of Immigration (UDI), any research and analyses generated by the unit cannot be instructed by the Directorate or by the Immigration Appeals Board (UNE). Landinfo does not participate in the actual decision-making process and Landinfo's experts do not express any opinion on whether it is safe for an individual person to return to a specific country or area. Similarly, the unit does not offer advice as to what the outcome of a specific case should be, nor does it interfere in how the information it provides is interpreted against applicable legislation.

In 2024, 27 persons worked in the unit. Landinfo is organised into four regional desks: Africa, Asia, Middle East and Europe/Central Asia/Latin America. Each desk is staffed by country analysts and one researcher.

Landinfo is responsible for providing COI to actors within the Immigration Authorities (first and second instances as well as to the police). Core clients use the information when making decisions in residency and asylum cases. The unit provides COI through reports, query responses, e-mail communication, oral trainings, seminars, COI materials in database, podcasts, tutorials, collection of information through fact finding missions (average 14 yearly). The unit also provides oral COI (as expert witnesses) in appeals board (second instance) and in national courts.

A majority of the unit's employees are country analysts, holding extensive and varied qualifications from work and residency in the countries of their expertise, and from related work in governmental agencies, academic institutions, or human rights organisations. Country analysts hold higher university degrees. Researchers, database administrator and administrative staff hold similar academic or professional backgrounds.

Regular trainings are carried out in a variety of topics, such as methodology (quality assurance, source and information analysis, oral and written presentations, etc.), technical/IT skills and regular security and preparedness training (related to fact-finding missions).

Country advisors are typically specialised in the countries/regions they work on, and some also have additional professional expertise (such as linguistic or thematic skills). Internal tasks/specialisations may also vary between analysts, documentalists/researchers, and administrative staff.

## **COI products**

Landinfo produces the following products:

- Reports: Landinfo produces country reports or thematic papers on a wide range of topics of varying complexity. Many of the reports draw on findings and interviews conducted on fact-finding missions, as well as on information available from other written and oral sources. Approximately 40 reports are produced yearly.
- Query responses: Responses are brief and concise written accounts, which answer single or specific questions on limited topics/themes. The responses are written in reply to individual queries that Landinfo receives from the Directorate or the Appeals Board. Approximately 40 query responses are produced yearly.
- E-mail answers to COI queries: An average of 800 e-mail responses produced yearly.

- Additionally, Landinfo offers the following services to its users in the Immigration Authorities;
1. Basic, intermediary and senior level training on individual countries or regions: The Centre offers regular training sessions to both new and experienced staff within the Directorate and Appeals Board.
  2. In-depth seminars and lectures on particular topics: Landinfo experts provide tailored seminars or briefings on issues of particular relevance, both for the Immigration Authorities, the Police and the Ministry of Justice.
  3. Fact-finding mission briefing sessions: Findings from fact-finding missions are communicated through seminars or presentations for small or large groups, also attended by officials from the police, the Ministry of Justice and from other public institutions. On some occasions, findings are also provided to NGOs and lawyers.
  4. Individual consultations with case workers and others within the immigration authorities: Country analysts give individual oral consultations on specific matters relating to relevant countries of origin or topics.
  5. Participation in Appeals Board hearings: Landinfo's country analysts appear and present country of origin information in Appeals Board hearings.
  6. Participation in national court proceedings: Country analysts appear as expert witnesses in the Norwegian Courts of Justice.
  7. Lectures and seminars by external experts: Relevant national and international experts are regularly invited to hold seminars and workshops for our users.
  8. Distribution of information through our in-house database: The Country of Origin Database, Landdatabasen, is developed and administered by Landinfo for users within the Immigration Authorities (first and second instances as well as to the National Police Immigration Service and the Ministry of Justice). The database is tailored to meet the specific needs of the Immigration Authorities, and includes publications from a wide range of sources, news clips and other relevant background information on countries and regions. Landinfo's publications are included in the database. As per 2020, Landinfo has also started publishing tutorials and podcast in the base. Access to the database is restricted.

9. Podcasts and tutorials: As of 2020, Landinfo has also started producing tutorials and podcasts on current topics, available via the internal database (restricted) and [www.landinfo.no](http://www.landinfo.no).
10. Fact-finding missions: Landinfo's country analysts conduct fact-finding missions to countries and regions of interest. The main objective of these missions is to collect specific information not easily accessed or unavailable otherwise. In cases of conflicting statements from crucial sources, fact-finding missions are conducted to verify information. The fact-finding missions allow the unit to develop its network of sources and to maintain contact with individuals or organisations that operate in the relevant countries. A wide range of sources is consulted during the missions. Whenever possible, topics are discussed with both local and international nongovernmental organisations, state officials, representatives of the UN and other multilateral organisations operating in the area, as well as local professionals (academics, specialists, journalists).

Some products/reports cover regions or regional topics. In addition, many topics are covered for a number of countries (including topics such as marriage traditions, availability of ID-documents, situation for minors).

Landinfo collects information from and consults a wide range of sources in its work. Amongst these are UN organisations, multilateral organisations, other countries' immigration authorities, research institutions, nongovernmental organisations, news services, and Norwegian embassies. A significant part of the material presented by Landinfo is accessed through publicly available sources. The country of origin information collected through primary and secondary sources during fact-finding missions, constitutes an equally important tier in the unit's work. Reports contain full lists of references. All reports are available at [www.landinfo.no](http://www.landinfo.no), including reports translated into English.

The sources used are primarily in English, French, German, Russian and Arabic. The COI product is produced in Norwegian. However, an average of 10 reports/year are produced in English.

Country Guidance/Policy briefings and similar products are produced by first and second instance institutions (UDI and UNE).

Landinfo has established a system for peer review, as well as an Editorial Board. The peer review focuses on content and is performed from two perspectives:

- expert perspective: in most cases by an analyst from the same regional desk
- user's perspective: in most cases by a different staff member.

Peer review includes assessment of source selection. In some cases, external experts (from research institutions or other relevant specialist institutions) are contracted to conduct an additional review.

The Editorial Board reviews written products to ensure uniformity and consistency (one system for all), a high quality of language, consistent referencing and a good layout and presentation. Its task is to ensure user-friendly, applicable, and recognisable products (identity). All reports are reviewed by the Editorial Board prior to publication.

### **Other aspects of COI units**

Landinfo is not engaged in the production of Country Guidance. However, it does review COI content in draft Country Guidance notes and provides comments/corrections on relevant COI sections.