Forms of protection - Norway

Overview

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Relevant EU legislation

Norway is not bound by the recast Qualification Directive. A similar national legal framework applies, the 15 March 2008 Act on the entry of foreign nationals into the kingdom of Norway and their stay in the realm (Immigration Act).

National legislation

Refugee status	Refugee status is granted on the basis of the Geneva Convention and Protocol of 1967. This is implemented in Section 28(a) of the Immigration Act. A foreign national, shall be recognised as a refugee, if he or she has a well-founded fear of being persecuted for reasons of ethnicity, origin, skin colour, religion, nationality, membership of a particular social group or for reasons of political opinion, and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of his or her country of origin; see Article 1 A of the Convention relating to the Status of Refugees of 28 July 1951 and the Protocol of 31 January 1967 (Section 28 of the Immigration Act).

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Subsidiary protection	Subsidiary protection is granted if there a real risk of being subjected to the death penalty, torture or other inhuman or degrading treatment or punishment upon return to the country of origin (Section 28(b) of the Immigration Act). If the person is in need of protection in the sense of Article 3 of ECHR; equivalent to subsidiary protection as defined in the recast Qualification Directive of 2011 - Article 15(a) and (b)). In Norway, beneficiaries of subsidiary protection will also be referred to as “refugees”. No distinction is made between the two in terms of rights.
Temporary protection	Temporary Collective protection may be granted in situation of mass influx of applicants, based on Article 34 of the Immigration Act, on “collective protection in a mass flight situation” (it may be considered an equivalent to temporary protection as defined in the Temporary Protection Directive of 2001). A decision to apply this form of protection is taken by the King-in-Council.

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National forms of protection	Residence permit on humanitarian grounds is granted to a foreign national due to strong humanitarian considerations or because he/she has a particular/strong connection with Norway. When determining whether there are strong humanitarian considerations, the following aspects are considered, under Section 38 of the Immigration Act, among other things, whether: • the foreign national is an unaccompanied minor without proper care if he/she were returned; • there are compelling health issues that make the foreigner need to stay in Norway; • there are social or humanitarian circumstances relating to the return; • the foreign national has been the victim of human trafficking. The humanitarian permit is limited when there is doubt regarding the identity of the applicant, or when other particular grounds so dictate under Section 38 of the Immigration Act. Residence permit for a foreign national whose protection against removal under Section 73 of the Immigration Act is the sole basis for residence (non-refoulement): granted to a foreign national who is protected against refoulment but fall under the exclusion clause. This permit gives the right to work but it does not form the basis for a permanent permit or citizenship or for family reunification. A residence permit in case of practical barriers to return that the foreign national does not himself or herself have control over under Section 8-7 of the Immigration Regulations. This type of permit is primarily issued by the appeals board. The residence permit on humanitarian grounds is considered by the Norwegian Directorate of Immigration (UDI) as an integrated part of the asylum procedure (so-called single procedure). First to be examined are however grounds for granting asylum (refugee status or an equivalent of subsidiary protection), whereupon UDI investigates whether an applicant could receive a residence permit on humanitarian grounds. One

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Competent authority and stakeholders

Refugee status	the authority competent to grant this status The Norwegian Directorate of Immigration (UDI)
Subsidiary protection	the authority competent to grant this status The Norwegian Directorate of Immigration (UDI)
Temporary protection	the authority competent to grant this status The Norwegian Directorate of Immigration (UDI)
National forms of protection	the authority competent to grant this status The Norwegian Directorate of Immigration (UDI)

Renewal and withdrawal of international protection and national forms of protection

Refugee status

Legal provisions relating to review, renewal and withdrawal of refugee status:

In accordance to the Immigration Act, refugee status can be reviewed and renewed under Section 61 and it can be withdrawn under Sections 37 and 63.

Length of the first and subsequent residence permits: The initial residence permit for refugees is granted for 5 years (in some cases shorter, e.g. identity-related concerns), and the subsequent permit lasts 1-2 years (upon application with no additional requirements met).

Review of the status: As of 2016, there is systematic review of all decisions to grant refugee status to trigger withdrawal. In the past, the UDI considered the cessation of international protection mainly in cases where the person could be expelled. In 2016, the UDI was instructed by the Ministry of Justice and Public Security to consider cessation of international protection and permits when protection is no longer considered necessary:

- if there have been substantial changes in the security, political and human rights situation in the country;

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- if there are concrete indications that the person is no longer in need of international protection.

The review for beneficiaries from a certain country of origin can therefore take place and it is linked to a general change in circumstances.

Renewal of the status: A foreign national is entitled, upon application, to renew a temporary residence permit provided the basis for the first-time permit is still present. However, this does not apply if it is clear from the Immigration Act or regulations issued in accordance with the Act that the residence permit may not be renewed, or if circumstances apply that will give reason to refuse the foreign national admission to or residence in the realm under other provisions of the Act (Section 61 of the Immigration Act).

The renewal process is triggered by the beneficiary of international protection. He/she has to submit an application at the local police station, which is then processed either by the local police or by the UDI. The local police is however responsible only in 'situations where there is no doubt that the criteria for renewal are filled'. If the beneficiary of protection fails to take the necessary actions (submitting application for renewal one month before expiry of the permit), the protection lapses. There is no legal requirement for carrying out a personal interview. Generally, legal aid is provided only at appeal.

Withdrawal of the status: If UDI believes that the residence permit should be withdrawn, they will notify the individual in advance and ask them to provide their perspective regarding the case. The individual may receive legal assistance to write the reply, and the legal fees will be covered. The individual has the right to see the documents in their case and may request to access the documents. A personal interview is carried out only if needed. The UDI or the police may invite the applicant for an interview if they need more information about the case.

Free legal aid is provided both at first instance and appeal stage (funded by Country Governor and provided by attorneys).

A temporary or permanent residence permit may be revoked if the foreign national has knowingly provided incorrect information or failed to disclose matters of material significance to the administrative decision, or if this otherwise follows from general rules of administrative law (Section 63 of the Immigration Act).

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Grounds for withdrawal of the status: Refugee status and a residence permit may be revoked, according to Section 37 of the Immigration Act, if:

- the foreigner voluntarily re-availed himself/herself of protection of the country of nationality,
- the foreigner having lost his/her citizenship, voluntarily re-acquired it,
- the foreigner has acquired a new nationality and enjoys the protection of the country of his/her new nationality,
- the foreigner has voluntarily re-established himself or herself in the country, which he/she had left owing to fear of persecution,
- the situation in the country of which the foreigner is a citizen has changed, and that the foreigner no longer needs protection (same applies to countries of habitual residence for stateless persons), but only if the foreigner cannot revoke compelling reasons as to why he/she cannot accept protection of the country of citizenship (or habitual residence).
- the foreigner has committed a crime against peace, a war crime or a crime against humanity, as understood by international law,
- the foreigner has been guilty of acts contrary to the aims and principles of the United Nations.

The temporary residence (same as permanent residence permits, in general) can be also revoked, if:

- the foreigner has knowingly provided false information or has deliberately withheld important information that have been of importance for obtaining the permit, or where this otherwise follows from general rules of administrative law,
- the foreigner, who is not a citizen of a Schengen Area country, is expelled from a territory of such a country on the basis of an assessment that could have led to expulsion for reasons of fundamental national interests.

The decision on withdrawal of international protection is issued by the UDI. When the UDI considers whether to withdraw protection it is always considered whether the applicant fills the criteria for international protection now or may be given a new permit based on humanitarian grounds. If the individual is issued a new permit based on humanitarian grounds, the individual’s status changes resulting in new travel documents being issued.

UDI will also consider whether the applicant can be granted a new permit, for example, if the individual has a strong connection to Norway, there are strong considerations in the case, or if the individual needs to be protected against

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refoulement.

Consequences of the withdrawal of the status: If the permit is not renewed, the applicant must leave Norway. The withdrawal decision will state whether the applicant must leave Norway, and the deadline for leaving the country.

If the individual is not issued a new permit, he/she can choose to accept the decision or may appeal the decision (see Second instance determination). The appeal to the Immigration Appeals Board does not have an automatic suspensive effect.

The decision on withdrawal of international protection does not entail consequences for the dependents of a person whose protections has been withdrawn/revoked. The withdrawal process is conducted individually.

Subsidiary protection status

Legal provisions relating to review, renewal and withdrawal of subsidiary protection: The same provisions apply as for people granted refugee status.

Length of the first and subsequent residence permits: The same provisions apply as for people granted refugee status.

Review of the status: The same provisions apply as for people granted refugee status.

Renewal of the status: The same provisions apply as for people granted refugee status.

Withdrawal of the status: The same provisions apply as for people granted refugee status.

Grounds for the withdrawal of the status: The same grounds apply as for people granted refugee status. In addition, a subsidiary protection can be revoked, if the foreigner has received a final judgment for a particularly serious crime and therefore poses a danger to Norwegian society (Section 31(2) of the Immigration Act).

Consequences of the withdrawal of the status: The same provisions apply as for people granted refugee status.

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National forms of protection

Legal provisions relating to the review, renewal and withdrawal of national forms of protection: Section 38 and 73 of the Immigration Act provides information on the residence permit on humanitarian grounds.

Length of the first and subsequent residence permits: The residence permit on humanitarian grounds lasts 5 years; also, residence permit for unaccompanied minors aged 16 or older due to lack of proper care upon return may be granted until the age of 18. They are able to access the labour market and are provided with a place to stay in a municipality. They are able to request a travel permit from the UDI.

If there is doubt about the applicant's identity, or when other particular grounds so dictate, the residence permit will be granted for one year at a time.

Review of the status: Information is currently not available.

Renewal of the status: A residence permit may be granted to a foreign national whose sole basis for residence is protection against removal under Section 73 of the Immigration Act (non-refoulement). The initial permit is valid for up to seven months, but in exceptional cases, it may be granted for a period of up to one year.

There are no other particular requirements for renewing a residence permit for strong humanitarian considerations. There is no legal requirement for carrying out a personal interview. Generally, legal aid is provided only at appeal.

In case of residence permits which are limited due to doubt about the applicant's identity, the applicant must pay an application fee. The applicant must also submit the identity documents that the UDI has requested that the applicant must submit in the decision they received when they were granted their first residence permit.

In case of residence permits which are limited due to reasons other than the applicant's identity, there are no particular requirements for renewing the residence permit. There is no application fee.

Withdrawal of the status: If UDI believes that the residence permit should be withdrawn, they will notify the individual in advance and ask them to provide their perspective regarding the case. The individual may receive legal assistance

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to write the reply, and the legal fees will be covered. The individual has the right to see the documents in their case and may request to access the documents.

A personal interview is carried out only if needed. The UDI or the police may invite the applicant for an interview if they need more information about the case. Free legal aid is provided both at first instance and appeal stage (funded by Country Governor and provided by attorneys).

Grounds for the withdrawal of the status: The temporary residence can be revoked, if:

- the foreigner has knowingly provided false information or has deliberately withheld important information that have been of importance for obtaining the permit, or where this otherwise follows from general rules of administrative law,
- the foreigner, who is not a citizen of a Schengen Area country, is expelled from a territory of such a country on the basis of an assessment that could have led to expulsion for reasons of fundamental national interests (Section 63 of the Immigration Act).

Consequences of the withdrawal of the status: Information is currently not available.

Content of protection

Overview

The 15 March 2008 Immigration Act on the entry of foreign nationals into the kingdom of Norway and their stay in the realm (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 relating to foreign nationals' access to the realm and their residence, and the 27 January 2021 Integration Act are the relevant national legal provisions on the content of protection.

Provision of information on the content of protection

Information is currently not available.

Residence permits

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Refugees:

The Norwegian Directorate of Immigration (UDI) is the main authority responsible for processing and delivering residence permits to refugees and persons granted subsidiary protection.

The initial residence permit is granted for a period of 5 years for both refugees and beneficiaries of subsidiary protection. They have the right to renew their permit, if the same circumstances apply. The subsequent permit

could be a temporary permit (5 years validity) if the beneficiary just requests a renewal. The permit can also be permanent, if it is requested.

Beneficiaries of subsidiary protection:

Same as for people granted refugee status.

Travel documents

Refugees:

The decision from the Norwegian Directorate of Immigration (UDI) will determine whether the beneficiary is entitled to travel documents. They will normally be issued with a Geneva Travel Document.

After a person is granted international protection, the national passport that was originally surrendered to the authorities is still seized by the authorities. Is it possible for beneficiaries to have their passport back upon request. Passport return is possible if they wish to withdraw from their status.

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Freedom of movement

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Upon being issued a residence card, beneficiaries can travel in and out of Norway for as long as their residence permit is valid. They must bring their travel document and residence card when they travel.

- Beneficiaries can visit other Schengen countries for up to 90 days.
- Beneficiaries cannot travel to their home country. They risk being stopped at the border and denied entry. If the UDI is notified that they have used their travel document to their home country, they will revoke the travel document. If they visit their home country, this could be taken by the Norwegian authorities as an indication that they no longer need protection in Norway. The UDI may consider whether to revoke their refugee status and the rights that the status confers.
- If in the future they are going to apply for a permanent residence permit, they can normally not have stayed outside Norway for more than a total of seven months in the past three years.

Access to employment and employment-related education

Refugees and beneficiaries of subsidiary protection:

Beneficiaries have the right to work. There are no restrictions and once they are granted protection they have free access to the labour market.

Access to education

Refugees and beneficiaries of subsidiary protection:

Beneficiaries have free access to the general system of education as in the same manner as nationals. Additional support is provided to those who decide to study. They receive financial support (monthly allowance) to assist them (for instance with rent allowance). The general scheme in Norway offers low-income families 20 free core hours a week in pre-school for children aged 2.

Access to procedures for recognition of qualifications and validation of skills

Information is currently not available.

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Social security and social assistance

Refugees:

Refugees will have access to social assistance at the same level as for nationals.

Beneficiaries of subsidiary protection:

Beneficiaries of subsidiary protection will have access to social assistance at the same level as for nationals.

Healthcare

Refugees and beneficiaries of subsidiary protection:

Refugees have access to the mainstream services and the emergency health care. No specific support to those with special needs is provided in general. Currently this special support is integrated in the general health care system.

Access to accommodation

Refugees:

The beneficiary will be settled in a municipality. The Directorate of Integration and Diversity (IMDi) is responsible for finding the beneficiary with a place to live.

Refugees have the right to receive economic support from the municipalities of the area where they got the status. Beneficiaries can freely move around the country but if they do, they are not entitled to receive financial support from other municipalities.

Settlement of refugees in municipalities is seen in the context of the local labour market, results from the Introduction Programme in each municipality and the municipality's competence and capacity to ensure good integration. As of January 2020, responsibility for the settlement of refugees is with regional government authorities.

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Access to integration measures

Refugees:

Refugees receive two kinds of integration support:

- Local community support. For 5 years beneficiaries have access to Integration Programmes provided by the local community (funded by the State). They are only entitled to receive support from the community (local council) of the area in which he/she received protection. This applies to all refugees between the ages of 18 and 55.
- State integration programme. Refugees can also receive direct support in form of salary during the time they participate in the programme. Wider range of programmes from three months to four years are offered to refugees.

The aim of the Introduction Programme is to provide each participant with fundamental skills in the Norwegian language and to prepare him/her for employment or further education (e.g. vocational training combined with language training and primary education, modulated training, or ordinary secondary education) as well as participation in the Norwegian society. The scope and contents of the Introduction Programme are differentiated, and participants are offered a content and duration that is adapted to their background and individual programme goals.

A new Integration Act was adopted in Norway and entered into force in January 2021. The changes put more emphasis on training participants in the Introduction Programme (mostly refugees) on the skills required by Norwegian employers or needed to qualify for further education.

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The new legislation made the mapping of skills and career guidance mandatory before beginning the Introduction Programme and changed the provision of language support from required hours to a required level. The previous standard 2-year programme was replaced by a wider range of programmes from 3 months to 3 years.

Municipalities are responsible for making plans for qualifications of migrants and for offering career guidance.

Also, universities set up cooperation projects to offer bridging classes for engineers, nurses and teachers, who are beneficiaries of international protection.

Beneficiaries of subsidiary protection:

Same as for people granted refugee status.

Family reunification for beneficiaries of international protection

Refugees:

Beneficiaries are entitled to family reunification. Eligible family members:

- spouses;
- cohabitants;
- children;
- parents and siblings are eligible to join a minor refugee.

Other types of family members may apply include:

- parents of children in Norway;
- individuals planning to marry someone in Norway (fiancé/fiancée);
- foster children;
- full siblings.
- UAMs recognised as refugees can sponsor relatives (parents and siblings) for purposes of family reunion (Section 43 of the Immigration Act).

If the applicant is married to, cohabits with, or has a child with a person who has been granted protection in Norway, the applicant can receive family reunification to Norway without any requirements/stipulations as to this person’s income.

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However, this (income waiver) only applies if the applicant applies within the deadlines (unless the applicant has been prevented from submitting an application at an earlier time because of factors beyond the applicant's control).

In order to be exempted from the income requirement, there are two deadlines that the applicant must pay attention to:

- It is a condition that: the application is registered electronically in the and the fee is paid (10 500 NOK, approx. EUR 1 100); within six months after the sponsor was granted a residence permit
- The applicant meets at a Norwegian foreign service mission or an application centre and hand in all the documents within one year after the sponsor was granted a residence permit.

The application is not formally submitted until the family member has been to the embassy and handed in passport and other necessary documentation.

If the applicant does not apply within these deadlines, the family member must have a good and steady income if your application is to be granted.

DNA testing is obligatory in certain cases.

A family member of a beneficiary, when the family member fulfils the relevant requirements for reunification, is granted a temporary residence permit for a period between one and five years. When this permit is nearing its end, the family member can apply for a renewal of the residence permit or apply for a permanent residence permit, if the relevant requirements are fulfilled. There are usually no limitations on the number of renewals a person can be granted.

If a family member applies for international protection after arrival, applications for international protection will be processed and handled according to common procedure.

Beneficiaries of subsidiary protection:

Same as for refugees.

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